

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

Volume 17 Number 48  
Council Chambers, Pablo, MT

Held: May 16, 2017  
Approved: May 23, 2017

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

**MEMBERS ABSENT:** Patty Stevens (Personal Time Off); 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 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Leonard Gray.

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

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for May 9, 2017, with corrections. Seconded by Shelly Fyant. Carried, unanimous (8 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 Shelly Fyant. Carried, unanimous (8 present).

**Mary Stasso** thanked council for the assistance they provided to her.

**Jen Ruggless**, Walgreen's Store Manager, requested a donation for Red Nose Day on May 25. The purpose of the charity is to end childhood poverty. On May 25 supporters wear red noses. Polson designated the month of May as Red Nose Month and Jen asked that the Tribes consider making that designation as well. The donations help support the Boys & Girls Club.

**MOTION** by Carole Lankford to donate \$300 to Red Nose Day.

Seconded by Dennis Clairmont. Carried, unanimous (8 present).

**John Neiss**, Facilities Maintenance, requested approval of a contract with Straight Arrow Painting in the amount of \$17,073 for the Polson Senior Center project; a modification to the contractor agreement with C&C Cabinets & Construction to increase compensation by an additional \$1,475 for remodel of the Ronan Fitness Center; and accept the estimate from Ace Drilling to dig a well at the Arlee Pow Wow Grounds.

**MOTION** by Leonard Gray to approve the contract with Straight Arrow Painting in the amount of \$17,073 for the Polson Senior Center project. Seconded by Troy Felsman. Carried, unanimous (8 present).

**MOTION** by Troy Felsman to approve the modification to the contractor agreement with C&C Cabinets & Construction to increase compensation by an additional \$1,475 for remodel of the Ronan Fitness Center project. Seconded by Anita Matt. Carried, unanimous (8 present).

**MOTION** by Troy Felsman to accept the estimate from Ace Drilling to dig a well at the Arlee Pow Wow Grounds. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

**Council** asked in what circumstances is Housing responsible for wells. **John Neiss** told council that the expenditure for the well was included in this year's budget. **Janet Camel**, Economic Development, informed council that when people qualify for services through Housing or Indian Health Service then Housing does it. Community systems are covered under Indian Health Service. Janet suggested that John contact Bret Burke at Housing to see if the Arlee grounds would be eligible for a well since it is a community system.

**Ron Swaney**, **Jim Durglo**, **Darrell Clairmont**, and **Bob McCrea**, Tribal Forestry; and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to waive policy and go with the recommendation of the department head and allow them to place the individual at the appropriate step level with the qualifications. Seconded by Leonard Gray. Carried, 5 for (Carole Lankford, Leonard Gray, Anita Matt, Shelly Fyant, and Dennis Clairmont); 3 opposed (Troy Felsman, Len TwoTeeth and Vernon Finley).

*Troy Felsman, for the record, "Although I realize the employee is well qualified, however we have policies in place for a reason. In the sense of*

*consistency we adhere to those policies and to be fair to the other employees in the organization.”*

**Len TwoTeeth**, for the record, *“I support the request but this is a policy question. We have a pay freeze and this isn’t fair to the other employees. I do commend you guys for coming in, however.”*

**Leonard Gray**, for the record, *“I support it because we need to hang on to the employees we have trained. Also, it’s a matter of fundamental fairness to compensate employees for like duties at the same level.”*

**Vernon Finley**, for the record, *“I would rather see this approached in a systematic wide approach than individual cases.”*

**Ron Swaney**, **Jim Durglo**, **Darrell Clairmont**, and **Bob McCrea**, Tribal Forestry; and **Melanie Piedalue**, Personnel Department; informed council that the type 2 initial attack crew needs to be up and running by June 1. The positions could not be advertised until the funding was received. It was not part of last year’s budget so the funding was received late. The Regional Office will do a readiness review on June 10. The Division of Fire wants to exclude the hiring of individuals that have been terminated from the Division of Fire more than twice. The Division of Fire wants authority to hire nonmembers, in accordance with the preference policy and not be required to readvertise, if there are not enough qualified tribal members that apply. **No action taken.**

**Ron Swaney** will forward a letter from the Fish & Wildlife Service Timber Office commending the tribal staff. **Council** requested that a copy of the letter be sent to Rob McDonald.

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

**Jim Durglo**, Tribal Forestry; and **Art Caye**, Tribal Member; followed up on a previous request for Art to haul logs in lengths greater than 8 feet. **Leonard Gray** respects Art’s ambition but he cannot support the request. There are 95 commercial woodcutters and he cannot support one logger hauling out logs greater than 8 feet. A motion and second were made to approve the request when the original request was brought forward on May 9, 2017, but then a subsidiary motion was passed to place the request on the five day rule. Council voted on the original motion. Motion carried, 7 for; 1 opposed (Leonard Gray).

**Leonard Gray**, for the record, *“This is the second logger this year that’s been granted authority to haul log length firewood. To my knowledge there are at least 5 tribally-owned small loggers that could make the same request. This is a disadvantage to the chainsaw/pickup truck firewood cutter.”*

***Troy Felsman**, for the record, "To my knowledge most commercial loggers are not involved with firewood, so I don't see an issue with this situation."*

**Marlene McDanal**, Natural Resources Department, requested approval to submit a grant for hazardous waste funding. **Chairman Finley** wanted to know why she is just now applying since the deadline to submit the application is May 18. Marlene explained that it is a last-minute grant and was just put out about three weeks ago. Marlene hired someone to write the grant for her so it will be submitted by the deadline.

**MOTION** by Carole Lankford to approve by resolution submission of the Hazardous Waste grant application to the Environmental Protection Agency. Seconded by Shelly Fyant. Carried, 7 for; 0 opposed; 1 not voting (Leonard Gray out of the room).

### **RESOLUTION 17-133**

#### **RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR THE FY 2017 HAZARDOUS WASTE MANAGEMENT GRANT PROGRAM GRANT OPPORTUNITY FOR TRIBES**

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

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes have established a Natural Resource Department, which is held with the responsibility to protect the Confederated Salish, Pend d'Oreille, and Kootenai Tribes Reservation environment, fish & wildlife and human health; and

**WHEREAS**, the U.S. Environmental Protection Agency has recently promulgated a Competitive Funding opportunity for cooperative agreements; **NOW, THEREFORE**,

**BE IT RESOLVED**, that the United States Environmental Protection Agency make available monies in the amount of \$99,000 for the development and implementation of hazardous waste program and for building capacity to address hazardous waste management in Indian country;

**BE IT FURTHER RESOLVED**, that the Chairman of the Tribal Council and his designated representative are authorized to negotiate and execute this grant on behalf of the Tribes.

**Anita Matt** asked about the status of the cleanup at the Dixon Post & Pole

Yard. **Marlene McDanal** advised that a competitive grant proposal was submitted to EPA and she is still waiting to find out if it will be awarded. She has been successfully awarded for the Revais, Elmo and Joseph cleanup projects, so she is hoping to get awarded for this project as well.

**Shelly Fyant** was on the 5000 Road and there is a camper that's obliterated right where you can't pass on the road due to the snow. The camper is by the water and Shelly will send pictures to Marlene and the council.

**Len TwoTeeth** requested that Marlene provide council a before and after picture of all the dump cleanup projects and the number of projects. It is a service that the Tribes provide to the communities. Len also wants her to provide a report to the elders on the dump cleanup she is doing.

**Brian Upton**, Legal Department, gave an update on the potential for a film documentary on the Bison Range. June 8 the filmmakers are available to meet with council to discuss. He updated council on his meeting with the Missoula County Commissioners following Ryan Zinke's discussion the same day of the restoration support letter they offered. The Commissioners offered to do something to support tribal management of the Bison Range.

**Rhonda Swaney** and **Lana Page**, Legal Department, requested approval of a resolution authorizing the Native American Rights Funds to represent the CSKT in an ongoing court action against the State of Alaska in an Indian Child Welfare Act case. Lana also recommended making changes to the Law & Order Code.

**MOTION** by Troy Felsman to approve the resolution authorizing the Native American Rights Funds to represent the CSKT in an ongoing court action against the State of Alaska in the Indian Child Welfare Act case. Seconded by Shelly Fyant. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 17-134**

**A RESOLUTION AUTHORIZING THE NATIVE AMERICAN RIGHTS FUND TO REPRESENT THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN AN ON-GOING COURT ACTION AGAINST THE STATE OF ALASKA IN A INDIAN CHILD WELFARE ACT CHILD IN NEED OF AID CASES**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES ("TRIBES"):**

**WHEREAS**, the Tribes recognize Indian children as the Tribes' most important resources, and declare it to the policy of the Tribes to treat Indian children in accordance with their paramount importance;

**WHEREAS**, the Tribes, as primary governing body of the Flathead Nation, retains the authority to enact ordinances that pertain to the Indian Child Welfare Act (“ICWA”);

**WHEREAS**, the Tribes wish to secure and Native American Right Fund (“NARF”) wish to provide their professional legal expertise and services;

**WHEREAS**, NARF has agreed to provide their professional services according to the terms and conditions of the Legal Representation Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, the Tribes approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

**Rhonda Swaney, Ryan Rusche and Jordan Thompson**, Legal Department, gave a legislative update and discussed bills for supplemental TERS funding, AIS and Public Law 280.

Council **recessed** the regular meeting at 12:00 p.m. to conduct an EKI shareholder representative meeting.

**Carole Lankford** left the meeting on personal time off for the remainder of the day.

Council **reconvened** into the regular meeting at 3:05 p.m.

**Ryan Rusche**, Legal Department; and **Vern Clairmont**, Financial Management; met with council in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to adjourn the meeting. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Council **adjourned** at 3:37 p.m., and is scheduled to meet again on Thursday, May 18, 2017, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary