

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

Volume 17 Number 53
Council Chambers, Pablo, MT

Held: June 1, 2017
Approved: June 13, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Carole Lankford; Dennis Clairmont; Patty Stevens; Leonard Gray; Shelly Fyant; 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 9:03 a.m. Quorum established. **Ron Trahan** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for May 25, 2017 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 25, 2017, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

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

MOTION by Leonard Gray to approve the agenda, with changes. Seconded by Patty Stevens. Carried, unanimous (9 present).

Dale Nelson, Disaster Emergency Services; **Greg Gould**, Salish Kootenai College; **Jason Krause**, **Devon Cooper** and **Steve Golubic**, National Center for Biomedical Research and Training, Louisiana State University; informed council that SKC created a new emergency services program that encompasses emergency management. The program is funded from Homeland Security grants. The training will be offered to emergency responders and law enforcement.

David Spear, Two Eagle River School, handed out a copy of the Bitterroot Magazine. He gave an update on two students. One student will enroll in

college in the field of journalism, and one will have an internship in New York this summer.

Rodney Bird and **David Spear**, Two Eagle River School; and **Martin Charlo**, Contracts and Grants; requested approval of a resolution authorizing the submission of a Montana Healthcare Foundation Grant.

Ron Trahan joined the meeting.

MOTION by Shelly Fyant to approve by resolution submission of a grant application to the Montana Healthcare Foundation. Seconded by Troy Felsman. Carried, 9 for; 0 opposed; 1 abstention (Ron Trahan).

RESOLUTION 17-139

RESOLUTION APPROVING THE SUBMISSION OF GRANT APPLICATION TO THE MONTANA HEALTHCARE FOUNDATION BY TWO EAGLE RIVER SCHOOL

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

WHEREAS, the Two Eagle River School was established as an alternative school for Native American students, provides Native languages and a culturally relevant curriculum in a safe healthy environment of the Flathead Indian Reservation; and

WHEREAS, the Two Eagle River School, as part of its effort to provide education to Reservation youth, will use this grant to assist the suicide prevention effort by CSKT; and

WHEREAS, the Two Eagle River School is soliciting funding in the amount of \$50,000 to assist with the development of a trauma informed school for students throughout the Flathead Reservation; **NOW, THEREFORE,**

BE IT RESOLVED, the Two Eagle River School is authorized to submit Two Eagle River School proposal documents with its updates and revisions to further carryout the purposes of the funds request, and to integrate and implement its most recent Tribal youth suicide prevent and develop a trauma informed school.

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the submission of the Two Eagle River School proposal documents and authorizes the Tribal Chair and his designated

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representative to negotiate and sign all documents and execute this contract on behalf of the Tribes.

Tyson Whitworth requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

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

Jim Durglo and **Steve McDonald**, Tribal Forestry, discussed a request to issue a forest inventory data collection permit to the United States Forest Service Rocky Mountain Research Station. The data has been collected since the 1930s. **Shelly Fyant** requested a copy of the last data report. **Dennis Clairmont** requested a copy of a report reflecting the trends.

MOTION by Patty Stevens to grant a forest inventory data collection permit to the United States Forest Service Rocky Mountain Research Station. Seconded by Anita Matt. Carried, unanimous (10 present).

Chairman Finley discussed Mike Finley needing a report on the potential of the carbon credit. He was waiting on a report from Jim to provide that data. **Jim Durglo** worked with that Colville group in the past and provided data to do an initial assessment. It was brought forward to council whether to proceed with finite carbon and blue source. Chairman Finley asked if council wanted a presentation by Mike Finley and asked if council wanted to allow Jim to share the inventory data to provide an accurate presentation to the tribal council. **Shelly Fyant** commented that council took no action on carbon credits in April 2015 and showed disinterest in September 2016. **No action taken**.

John Wheeler and **Daniel Tromp**, Kicking Horse Job Corps Center, requested authorization to hire Penny Charrance on a three-year service contract to fill the Physician Assistant position for up to 4 hours per week. The position has been vacant since August 2016, and there have been no qualified tribal member applicants.

MOTION by Leonard Gray to authorize the hire of Penny Charrance on a three-year service contract to fill the Physician Assistant position for up to 4 hours per week, due to no qualified tribal member applicants. Seconded by Patty Stevens. Carried, unanimous (10 present).

Gabe Johnson and **Dan Lozar**, Natural Resources Department, requested approval of the 2017-2021 Transportation Improvement Program and TTP Self-Certification Statement. **Len TwoTeeth** asked about Nenemay Road. Gabe told him that it is included in the plan. Gabe received information from the

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Montana Land Board. Sanders County never had a right-of-way through the State section so the road would need to remain public. The road would need to be added to our inventory and Sanders County would need to abandon the road. It takes about a year to get roads added to our inventory. Gabe continues to work through the process. Len TwoTeeth wants to control management and does not want the road to be a public road.

MOTION by Anita Matt to approve the 2017-2021 Transportation Improvement Program and TTP Self-Certification Statement. Seconded by Shelly Fyant. Carried, unanimous (10 present).

Gabe Johnson and **Dan Lozar**, Natural Resources Department, requested approval of a sole source purchase of a Smart-Lam bridge for an amount not to exceed \$13,000 for a temporary stream crossing at the North Valley Creek Bridge.

MOTION by Troy Felsman to authorize a sole source purchase of a Smart-Lam bridge for an amount not to exceed \$13,000 for a temporary stream crossing at the North Valley Creek Bridge. Seconded by Patty Stevens. Carried, unanimous (10 present).

Shelly Fyant asked about rescheduling a field trip to Crow Dam. **Dan Lozar** rescheduled it for June 14.

Ron Trahan attended a veterans meeting yesterday and discussed having a monument sign on the highway. He would like the Roads program to follow up. **Dan Lozar** reported that there was a previous discussion on having a tribal complex sign, so Dan could look into having it added into that signage. It was the **consensus** of council to proceed.

Dan Lozar gave an update on highway signs. There will be a field trip to view the sites of the reservation entry signs at Dog Lake and Perma, and then they will look at specific designs. So that will occur within the next month or so. **Len TwoTeeth** suggested that the program consider getting a drone and making presentations to the tribal council in that manner, due to the diversity of the SOD projects. Dan has considered it for Hubbard Dam. A drone could grid it and also catalogue the program's inventory.

Kelly Parker, Department of Human Resources Development, requested approval of a letter to Forest Farris, USDA, requesting the use of \$600,000 in the FDPIR contract to remodel the Commodities building, create a satellite office in Elmo, and have a delivery truck to transport commodities to elders.

MOTION by Ron Trahan to approve a letter to Forest Farris, USDA, requesting the use of \$600,000 in the FDPIR contract to remodel the

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Commodities building, create a satellite office in Elmo, and have a delivery truck to transport commodities to elders. Seconded by Patty Stevens. Carried, unanimous (10 present).

Kelly Parker, Department of Human Resources Development, requested approval to enter into a consultant agreement with the National Indian Child Welfare Association in the amount of \$19,996 to provide technical support and planning assistance for the 2017 Fall ICWA Legal Summit training that will take place in Polson on September 6 & 7, 2017.

MOTION by Patty Stevens to approve a consultant agreement with the National Indian Child Welfare Association in the amount of \$19,996 to provide technical support and planning assistance for the 2017 Fall ICWA Legal Summit training that will take place in Polson on September 6 & 7, 2017. Seconded by Anita Matt. Carried, unanimous (10 present).

Kelly Parker, Department of Human Resources Development, gave an update on the CASA program; requested approval of a resolution approving \$61,000 to sustain the CASA program; and requested approval of a letter to Stan Speaks. Individuals have been identified to serve as the board of directors. **No action taken.** The matter was rescheduled for next week to obtain further information.

Tara Irvine, Tribal Lands Department, presented a request from Steve Dupuis for a revocable permit to operate a fireworks stand on Tribal Tract T6002. The Lands staff recommended approval so long as the following requirements are met: (1) a one-time payment of \$2,000; (2) obtain the required license and provide proof of insurance; and (3) acquire a bond.

MOTION by Anita Matt to grant Steve Dupuis a revocable permit to operate a fireworks stand on Tribal Tract T6002 so long as the following requirements are met: (1) a one-time payment of \$2,000; (2) obtain the required license and provide proof of insurance; and (3) acquire a bond. Seconded by Troy Felsman. Carried, 9 for; 1 opposed (Ron Trahan).

Tara Irvine, Tribal Lands Department, presented a request from Wayne Rogers, Hong Kong Harry, for a revocable permit to operate a fireworks stand on Tribal Tract T1914B. The Lands staff recommended approval so long as the following requirements are met: (1) a one-time payment of \$2,000; (2) obtain the required license and provide proof of insurance; and (3) acquire a bond.

MOTION by Troy Felsman to grant Wayne Rogers, Hong Kong Harry, a revocable permit to operate a fireworks stand on Tribal Tract T1914B, so long as the following requirements are met: (1) a one-time payment of \$2,000; (2) obtain the required license and provide proof of insurance; and (3)

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acquire a bond. Seconded by Leonard Gray. Carried, 9 for; 1 opposed (Ron Trahan).

Tania Stevens and **Deborah Sogge-Kermoai** shared the results of a health-related survey that was done at the Women 4 Wellness Fair. Council was invited to the Race Unity Picnic on June 11 at Boetcher Park. Tania requested that an advertisement of the picnic be posted on the tribal website. **Council** instructed Tania to send the advertisement to the Information Technologies Department.

John Harrison, Legal Department; **Tom McDonald**, **Pablo “Chib” Espinoza**, **Germaine White**, and **Dan McClure**, Natural Resources Department; gave an update on bison issues. There is a leadership and policy makers meeting tentatively scheduled for June 15 in Idaho. There is also an all-Tribes meeting tentatively scheduled for October 13-15 in Gardiner.

Rhonda Swaney and **Stu Levit**, Legal Department, discussed the biological opinion on the Columbia River. Stu recommended joining in on the appeal if the appeal moves forward. It was the **consensus** of council to move forward as discussed.

Rhonda Swaney and **Brian Upton**, Legal Department, gave an update on the Bison Range litigation. The Tribes are in amicus curiae status. The CSKT filed a motion for extension since no brief was filed. If no settlement is reached and the briefing schedule continues then the CSKT will file an amicus brief. Brian will provide an update on scoping issues next week.

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

Chairman Finley out of the room.

Council reconvened into **regular session**.

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

Chairman Finley returned to the meeting.

Council **recessed** the regular meeting at 1:33 p.m. to conduct an S&K Gaming shareholder meeting.

Council **reconvened** into the regular meeting at 2:45 p.m.

Wade McGee informed council that he works with the youth and suicide prevention on the Coeur d’Alene Reservation. Wade gave an overview of the

community youth activities he has been involved with. He wants to hold a community meeting on this reservation. **Len TwoTeeth** is supportive of getting Wade involved in our community in some capacity. Wade introduced his son Jerry, who plays football for the University of Montana Grizzlies.

Carolee Wenderoth, Tribal Lands Department; and **Rhonda Swaney**, Legal Department; followed up on the spring bid. The council approved the spring bid, excluding Leases 4802 and 4763. On July 11, 2013, the Tribal Council approved Resolution 13-184, which established eligibility for a lease, permit or other land use agreement award, defining a qualified bid and defining a highest and/or best bid. The highest bidder is deemed an ineligible bidder due to owing a delinquent amount of money to Tribal Forestry.

MOTION by Ron Trahan to award Leases 4763 and 4802 to the next highest bidder. Seconded by Dennis Clairmont. Carried, 9 for; 1 abstention (Anita Matt).

Chairman Finley presented for approval a resolution and judicial contract with Constance Morigeau as an Associate Judge of the Tribal Court. The discussion continued in **executive session**. **Rhonda Swaney**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

MOTION by Leonard Gray to approve by resolution a judicial contract with Constance Morigeau as an Associate Judge of the Tribal Court. Seconded by Dennis Clairmont. Carried, 7 for; 1 opposed (Len TwoTeeth); 2 abstentions (Ron Trahan and Anita Matt).

RESOLUTION 17-140

A RESOLUTION TO ENTER INTO A JUDICIAL CONTRACT WITH CONSTANCE MORIGEAU

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

WHEREAS, the Tribal Council, as governing body of the Flathead Nation, is entrusted with the responsibility to protect the health, security and general welfare of the Tribes;

And

WHEREAS, the Tribal Government provides for the maintenance of law and order and the administration of justice by the establishment of a Tribal Court; and

WHEREAS, The Tribal Council employs contract employees and additional staff for the Tribal Court of the Confederated Salish and Kootenai Tribes; and

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to enter into a contract with Constance Morigeau for her services as Associate Judge of the Tribal Court of the Confederated Salish and Kootenai Tribes; and

WHEREAS, it is the intent of all the contracting parties that Constance Morigeau shall commence working under the approved contract with the Tribes according to the terms and conditions stated therein;

NOW, THEREFORE, BE IT RESOLVED that beginning June 12, 2017, Constance Morigeau shall act as Associate Judge to the Tribal Court providing services at the direction in accordance with the terms and conditions of the contract attached hereto.

Leonard Gray discussed a grant. The ITBC grant deadline was extended. We need to look for a backup plan. They facilitate grants. NRD could handle it.

Shelly Fyant informed council that Pete White is interested in working on this proposal. It was the **consensus** of council to involve Pete.

Leonard Gray wants to look at the Tribal Health Department Director position description. It is outdated. **Council** will discuss further next Tuesday.

Anita Matt discussed an action last week that council was going to revisit; council could not do it last Thursday because of Robert's Rules of Order. She asked if council wanted to revisit the issue of the 5 acres and house to be separated from the parcel instead of turning it all back to Housing. The roof of the house needs repairs. **Chairman Finley** commented that the Tribes would not get any proceeds of the house, so he wants Housing to consider doing the repairs. If the Tribes sell the house, then we could give them the proceeds for repairs.

MOTION by Len TwoTeeth to rescind the previous action on the Fangsrud property. Seconded by Troy Felsman. Carried, unanimous (10 present).

Council directed that Carolee Wenderoth contact the Housing Authority to see if they will repair the house so the Tribes can sell it. If not, then council will have to discuss further what to do. It was the **consensus** of council to proceed with the plan as outlined.

Len TwoTeeth presented a request for five employees associated with One

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Heart to be granted a change of duty for next Wednesday to go to Cranbrook to visit the Mary Basil House, which is a similar project they are doing. The employees are Levi Hewankorn, Bonnie Hewankorn, Celeste Hewankorn, Mario Begola, and Melanie Smith.

MOTION by Patty Stevens to grant Levi Hewankorn, Bonnie Hewankorn, Celeste Hewankorn, Mario Begola, and Melanie Smith a change of duty, with supervisor approval, for next Wednesday. Seconded by Anita Matt. Carried, unanimous (10 present).

MOTION by Carole Lankford to adjourn the meeting. Seconded by Leonard Gray. Carried, unanimous (10 present).

Council **adjourned** at 3:59 p.m., and is scheduled to meet again on Tuesday, June 6, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary