

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

Volume 17 Number 67
Council Chambers, Pablo, MT

Held: August 1, 2017
Approved: August 10, 2017

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

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

The meeting was called to **order** at 9:01 a.m. Quorum established.

The meeting was opened with a **prayer** by Len TwoTeeth.

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

MOTION by Leonard Gray to approve the Tribal Council Meeting Minutes for July 25, 2017, with corrections. Seconded by Troy Felsman. Carried, unanimous (9 present – Len TwoTeeth out of the room).

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

MOTION by Patty Stevens to approve the agenda, with changes. Seconded by Leonard Gray. Carried, unanimous (10 present).

Lucinda Bigcrane and **Carol Ahenakew**, Western Montana Mental Health, requested a letter of support for an application for funds that they are applying for through the Montana Health Care Foundation. The Recovery Center of Missoula submitted an initial application for funds to increase funding to offer more services on substance and mental health issues to pregnant and post-delivery women and the high risk populations. They had listed the Tribes as one of their partners in their application. They already have the building and hope to begin taking clients. Women will be allowed to have their children with them while they are working towards sobriety and recovery. The letter of support is due by tomorrow. They sent letters to tribal departments but

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received no response. **Council** requested a copy of the letter of support. **Carole Lankford** pointed out the importance of knowing how these services are accessed. Carol Ahenakew suggested building relationships with the agencies that make the referrals.

MOTION by Troy Felsman to approve a letter of support. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

George Garcia, Tribal Member, returned to council to discuss his water issue. **Chairman Finley** informed him that the Land Committee met yesterday and determined that it is Mr. Garcia's responsibility if he wants to add to the line to irrigate private property. **Carolee Wenderoth**, Tribal Lands Department, is working on a response from the Lands Department but was waiting for information from the Irrigation Department. This issue involves Lands and the Irrigation Department. Carolee had wanted to have a meeting with the Superintendent, Tribal Lands staff and George to discuss the issues, but she did not get a response from the Superintendent. George said that when the Smith brothers buried the main line the delivery point ended, and he wants to know who gave them permission to put in that main line. George has paid O&M for the past 15 years and he does not think he should have to pay for water when he does not have any water. Carolee explained that people are required to pay O&M even though they are not guaranteed a delivery point. There is a process individuals can go through to apply to no longer be charged for water when they get no water. That is why it's important to have the Superintendent involved in this discussion. **Dennis Clairmont** commented that the Smith brothers took out the ditch when they put in the main line, so maybe if the ditch was reestablished an easement would not be required.

CT Camel, Division of Fire, gave an update on the Liberty fire. The team took over at 8:00 p.m. yesterday. Updates will continue. **Shelly Fyant** had questions on whether there is a criterion for shutting down the woods completely.

Amanda Peterman, Senator Daines Tribal Liaison, is in the area because of the fire and she was told there was a public meeting last night. She wanted to give an update to the Senator. Most of the field staff in this area had other fire meetings to attend. Amanda will see if a field rep can attend the other meetings to remain informed on the status of the fires.

Mike Mitchell, Tribal Employee, requested to meet with council in **executive session** to discuss a personnel matter. **Clayton Matt**, Tribal Services; **Jami Pluff**, Policy Analyst; and **Joe Durglo**, Tribal Health Department; were present for discussion.

Council reconvened into **regular session**.

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

Vern Clairmont, Financial Management, requested approval of modification 4 to fiscal year 2017 Tribal General Fund Budget.

MOTION by Troy Felsman to approve by resolution modification 4 to fiscal year 2017 Tribal General Fund Budget. Seconded by Dennis Clairmont. Carried 9 for; 0 opposed; 1 not voting (Ron Trahan out of the room).

RESOLUTION 17-196

RESOLUTION APPROVING MODIFICATION 4 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 provide capitalization to Energy Keepers, Inc., and funds are available in Enterprise Dividends and the Tribal Credit Program; and

WHEREAS, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
02-511-6435	Enterprise Capitalization	0	5,000,000	5,000,000
Total Increase/(Decrease)			5,000,000	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to appropriate \$2.5 million from Enterprise Dividends and transfer \$2.5 million from Tribal Credit and 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 \$23,987,673 to \$28,987,673; and

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

Vern Clairmont, Financial Management, requested approval of modification 12 to the fiscal year 2017 Bureau of Indian Affairs Self-Governance Compact Budget.

MOTION by Anita Matt to approve by resolution modification 12 to the fiscal year 2017 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Leonard Gray. Carried, 9 for; 0 opposed; 1 not voting (Ron Trahan).

RESOLUTION 17-197

RESOLUTION APPROVING MODIFICATION 12 TO THE FY 2017 BIA SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, earmarked FY 2017 funding for Forest Development has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget authority for Safety of Dams 24/7 Monitoring needs to be increased pending award of FY 2017 funding, and prior years' unexpended funds are available to appropriate for this purpose; and

WHEREAS, the budget will be allocated as follows:

Account Number	Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
13-503-4528	SOD	291,685.75	300,000	591,685.75
13-510-4507	Forest Development	815,555.62	219,300	1,034,855.62
	TOTAL INCREASE/(DECREASE)		519,300	

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

BE IT FURTHER RESOLVED that the FY 2017 BIA Self-Governance Compact Budget is increased from \$23,712,811.39 to \$24,232,111.39.

Chairman Finley requested approval of the organizational review executive summary. Virginia Tribe emailed a copy of the document to tribal council.

MOTION by Patty Stevens to approve the organizational review executive summary. Seconded by Leonard Gray. Carried, 9 for; 1 opposed (Carole Lankford).

Kelly Parker, Department of Human Resources Development, requested

approval of modification 2 to Dana Grant's contract to increase the amount by \$4,995 to complete additional work for the MIECHV program.

MOTION by Len TwoTeeth to approve modification 2 to Dana Grant's contract to increase the amount by \$4,995 to complete additional work for the MIECHV program. Seconded by Carole Lankford. Carried, unanimous (10 present).

Kelly Parker, Department of Human Resources Development, requested approval to enter into a contractor agreement with Gregory Kidder in the amount of \$10,000 to provide technical support and system development in the CIS system for the Child Support program. No other company provides this service. The program's budget is due to the feds today and this contract is required to be submitted along with the budget. **Troy Felsman** requested additional information on the type of software and program this is and why the Tribes' IT staff cannot provide this service since it is a Microsoft and Excel-based program. **No action taken.** Council requested verification from the Information Technologies program that they cannot provide this service and that they support this contract for outside services.

Jim Durglo and **James Lozeau**, Tribal Forestry, requested approval to advertise a permit. Mr. Nash had the Jette sale and received two extensions.

MOTION by Troy Felsman to advertise the permit. Seconded by Shelly Fyant. Carried, unanimous (10 present).

Shelly Fyant followed up on her questions on whether there is a criterion for shutting down the woods completely. **Jim Durglo** heard that going to the next stage would be contingent upon the number of new starts of human-caused fires. Further discussion should occur. The next public meeting will be at the Arlee District Meeting on Monday. The tribal council can take action to close the woods, if they choose to do that.

Dale Nelson, Disaster Emergency Services, requested approval of the Pre-Disaster Mitigation Plan. The Tribes' climate change and aquatic invasive species plan is included in the plan.

MOTION by Anita Matt to approve by resolution the updated Pre-Disaster Mitigation Plan. Seconded by Ron Trahan. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 17-198

RESOLUTION AUTHORIZING THE APPROVAL AND ACCEPTANCE OF THE UPDATED CONFEDERATED SALISH & KOOTENAI TRIBES PRE-DISASTER MITIGATION PLAN

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

WHEREAS, Tribal Council signed and approved the Hazard Mitigation Grant Program grant application to hire a local contractor to update The Tribes 2005 Pre-Disaster Mitigation Plan. By Resolution 14-136; and

WHEREAS, the review process of the completed PDM Plan started with the CSKT PDM Planning Board, Then sent to The MT. State Disaster Emergency Service Hazard Mitigation Grants Officer for review. Then sent to the regional FEMA office for the final review and approval;

NOW, THEREFORE, BE IT RESOLVED, with FEMAs final review and approval, that the Tribal Council also approve and adopt the new updated CSKT Pre-Disaster Mitigation Plan;

BE IT FURTHER RESOLVED, that the Tribal Council Chairperson or their designated representatives are hereby authorized to sign and approve by resolution the adoption of the new updated CSKT Pre-Disaster Mitigation Plan.

Joe Durglo, Tribal Health Department, requested approval to hire Mattea Grant on a two-year contract to fill the Fitness Specialist position. The vacancy was advertised and the nonmember was better qualified than the tribal member applicants. **Chairman Finley** discussed the interview process. The Personnel Department had told the tribal council that if there are tribal member applicants that the nonmembers are screened out and only tribal members are interviewed. That process was not followed in this situation.

MOTION by Len TwoTeeth to approve the hire of Mattea Grant on a two-year contract to fill the Fitness Specialist position. Seconded by Ron Trahan. Carried, 8 for; 2 abstentions (Troy Felsman and Patty Stevens).

Anita Matt out of the room.

Joe Durglo, Tribal Health Department, requested approval to extend Lakota Matt's temporary employment agreement for 60 days.

MOTION by Carole Lankford to extend Lakota Matt's temporary employment agreement for 60 days. Seconded by Len TwoTeeth. Carried, unanimous (9 present – Anita Matt out of the room).

Anita Matt returned to the meeting.

Joe Durglo, Tribal Health Department, requested approval to enter into a contract with SKC Transportation Services. This contract is for services that were already provided. SKC already provided the service and the contract is required so SKC can get paid.

MOTION by Patty Stevens to approve a contract with SKC Transportation Services. Seconded by Anita Matt. Carried, unanimous (10 present).

Joe Durglo, Tribal Health Department, requested approval of a memorandum of agreement with Salish Kootenai College that obligates the Tribal Health Department to provide support for the Men's and Women's wellness activities. THD provides a \$3,000 cash contribution and staff at the function.

MOTION by Shelly Fyant to approve the memorandum of agreement with Salish Kootenai College. Seconded by Anita Matt. Carried, unanimous (10 present).

Troy Felsman read yesterday that Ryan Zinke, Department of Interior, had published the list of tribes that would be involved with the second round of the Cobell Buyback Program and the CSKT was the only Montana tribe excluded. Troy wants the chairman to find out why that decision was made.

Carole Lankford discussed the Ronan Boys and Girls Club request for a \$300,000 contribution to purchase The Total Home building that was referred to the budget committee and she wanted to know if it was okay to go to the tribal corporations for a contribution. Carole resigned from the board of directors and is now a volunteer for the Boys and Girls Club. **Troy Felsman** requested a legal opinion whether it was a conflict of interest for Carole to be on tribal council and the board of directors and bring forward a request for donation. **Rhonda Swaney**, Legal Department, advised that the Code of Conduct states if a person has a larger interest than a regular citizen then it is a conflict. Carole has since resigned from the board of directors so there is no longer a conflict of interest. **Carole Lankford** requested a contribution of \$300,000 this year for the Ronan Boys and Girls Club and \$300,000 next year for the Polson Boys and Girls Club. **Patty Stevens** expressed concern about if the corporations do make this contribution if it will affect their dividend payment to the Tribes. **Chairman Finley** was concerned about what happens to the \$300,000 we contribute if they do not meet the financial obligation in the buy/sell agreement by the deadline. Carole explained that they would only lose the \$50,000 earnest money. **Council** clarified that the letter to the corporations is not a mandate; it is only a request. Carole wants to review the chairman's letter before it is sent to the corporations. The Boys & Girls Club

just needs this money to lock up the sale of the building, and then they will enlist in a capital campaign to raise the funds that are needed.

MOTION by Shelly Fyant to submit the \$300,000 financial contribution request from the Ronan Boys & Girls Club to the tribal corporations. Seconded by Leonard Gray. Carried, 6 for (Shelly Fyant, Leonard Gray, Carole Lankford, Dennis Clairmont, Anita Matt, and Ron Trahan); 4 opposed (Patty Stevens, Len TwoTeeth, Troy Felsman, and Vernon Finley).

Troy Felsman, for the record, *“Although I believe in the mission of the Boys & Girls Club locally and nationally, I cannot advocate for urging tribal corporations to support an outside entity at a time when we are under extreme financial pressure budgetary wise.”*

Vernon Finley, for the record, *“I support the Boys & Girls Club. I am just concerned about the timing when we are making budgetary sacrifices.”*

Carole Lankford, for the record, *“I have served on the tribal council for 24 years and every year we have experienced financial duress. We have always made it work and now hopefully for the Ronan community.”*

Leonard Gray, for the record, *“The kids and families affected by this are really under financial duress, especially by the current administration, and it’s the right thing to do to help them out.”*

Len TwoTeeth, for the record, *“Although I morally agree to continue to support the Boys & Girls Club, I cannot agree with my colleagues’ decision to move forward on this substantial donation request at this time until we can justify to the membership that we are in a financial position to do so. Before we consider donating tribal dollars to any nontribal organization, we have an obligation first to the membership to be fiscally responsible and to assure our tribal programs can continue to provide the essential services to our people.”*

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

Rhonda Swaney, Legal Department, announced that the Legal Department is planning a training session the week of September 25 at KwaTaqNuk Resort for the Prosecutors and Court on Public Law 280 retrocession. The Violence Against Women’s Act allows prosecution of nonmembers who commit violence against women so the training will include that, as well. Sentencing and incarceration will be part of the training.

Rhonda Swaney, Legal Department, informed council that The Blackfoot

Drought Committee may propose an irrigation cut in a few days. They have been successful in getting people to comply voluntarily without having to take official action.

Rhonda Swaney, Legal Department, informed council that Jordan Thompson is back from graduate school at Gonzaga.

Rhonda Swaney, Legal Department, informed council that the Seattle Regional Representatives from the Equal Employment Opportunity Commission would like to meet with the tribal council the morning of August 23. **Council** agreed to the meeting.

Rhonda Swaney, Legal Department, discussed 41-H Amendment Stipulation. It is an order to the Water Court agreeing to an amended filing. The BIA filed an objection on our behalf. The company wanted to use water for subdivision development and they reached an agreement. Ryan Rusche has been working on the stipulated agreement. It creates a diminishment to the water claim. It was an existing claim. The water company, Farmers Canal Company, had an amount of water in there that the US objected to because it's in aboriginal territory; they have since reduced the amount of water.

MOTION by Dennis Clairmont to approve the 41-H Amendment Stipulation. Seconded by Anita Matt. Carried, unanimous (10 present).

Rhonda Swaney, Legal Department, presented for approval the 2017 Election Rules and Regulations.

MOTION by Carole Lankford to approve by resolution the 2017 Election Rules and Regulations. Seconded by Troy Felsman. Carried, 8 for; 0 opposed; 2 abstentions (Patty Stevens and Vernon Finley).

RESOLUTION 17-199

RESOLUTION APPROVING THE 2017 ELECTION RULES AND REGULATIONS

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

WHEREAS, it is the duty of the Tribal Council to determine the rules and regulations governing all elections; and

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the attached 2017 Election Rules and Regulations are approved.

Rhonda Swaney and **John Carter**, Legal Department, discussed litigation regarding a Tribes' argument that they had a reserved water right to ground water on their reservation. The case went to the Ninth Circuit Court of Appeals. The Native American Rights Fund and the Sonosky Firm asked the CSKT to join the case. It is an attempt to reverse the Winter's Doctrine. The CSKT were asked to file an amicus brief. John is hoping for a cert denial in this case.

MOTION by Troy Felsman to file an amicus brief. Seconded by Anita Matt. Carried, unanimous (10 present).

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

Dennis Clairmont left the meeting on personal time off for the remainder of the day.

Patty Stevens left the meeting for the remainder of the day to attend the Mend the Broken Hearts training at Tribal Health.

Len TwoTeeth left the meeting for the remainder of the day to attend Healing the Spirit in Billings.

Craig Barfoot, Natural Resources Department, requested approval to accept a bid from the University of Montana to do genetic studies on cutthroat. It was advertised and only one bid was received.

MOTION by Leonard Gray to accept the bid from the University of Montana to do genetic studies on cutthroat. Seconded by Anita Matt. Carried, unanimous (7 present).

Council discussed the passing of Elmer "Sonny" Morigeau and whether to lower the flag at half-staff. **Council** directed that the tribal flags be lowered to half-staff until after Sonny's services.

Chauncey Means and **Evan Smith**, Natural Resources Department, requested approval to enter into a contractor agreement with Dawn Thomas as a botanist and requested a waiver of workers compensation and liability insurance coverage since Dawn does not possess those requirements. If the Tribes include those costs in her contract they will not have enough funding to hire her. **Council** requested a legal opinion. **Stu Levit**, Legal Department, advised that if something were to happen the Tribes would be liable and could be sued.

MOTION by Carole Lankford to approve the contractor agreement with Dawn Thomas and waiver of workers compensation and insurance. **MOTION DIED DUE TO LACK OF A SECOND.**

Stu Levit, Legal Department, informed council that Bob Dock, Department of Interior, passed away. Bob was always a good friend of the Tribes, especially with the Tribes' takeover of Kerr Dam and mitigation efforts. Stu can draft a letter to the DOI and Bob's family. The CSKT had worked with Bob for at least 20 years.

Stu Levit, Legal Department, requested amendments to the BPA agreement regarding BPA funds available to purchase land. The proposed amendment removes the problematic sections and identifies the repurpose of the agreement and reduces the restrictions on how the money is used. These are mitigation dollars preserving mitigation properties. Cultural Preservation reviewed the document and was in agreement to these amendments.

MOTION by Troy Felsman to approve by resolution the amendments to the BPA agreement. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-200

A RESOLUTION TO AMEND A PREVIOUS AGREEMENT BETWEEN THE CONFEDERATED SALISH AND KOOTENAI TRIBES

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and protecting the health, security and general welfare of the Tribes, including the Hellgate Treaty, and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes are among the highest priorities of the Tribes, and

WHEREAS, the Confederated Salish and Kootenai Tribes and Bonneville Power Administration (BPA) entered into an Agreement in 2016 thru which BPA agreed to provide the CSKT with mitigation offset for BPA's activities on the Kerr to Kalispell power line; and

WHEREAS, it is in the mutual interest to both parties to amend the agreement; and

WHEREAS, both parties have agreed-to language to modify the Agreement.

THEREFORE BE IT RESOLVED, the Tribal Council approves said agreement

and authorizes its execution by the Chairman and the Tribal Secretary.

Stu Levit, Legal Department, gave an update on the Elk River Watershed. Stu reported that Senator Tester is doing a funding request. Stu suggested that he draft to Senator Tester a letter of support for the funding request. On August 10 there is a meeting in Spokane and the tribal leadership was invited to attend.

Stu Levit, Legal Department; and **Vern Clairmont**, Financial Management; requested to meet with council in **executive session** to discuss policy issues.

Council reconvened into **regular session**.

Brian Bigsam and **Randy Ashley**, Tribal Gaming Commissioners; and **Tara Matt**, Tribal Gaming Commission Executive Director; presented the Gaming quarterly report.

Mike Durglo, Natural Resources Department, discussed the upcoming climate change event scheduled for August 29. They wanted to do an elders dinner at the event, and Mike would like to include all the elders. He wants to have some elders on the panel for the evening session. After dinner there will be a ride on The Shadow.

Shelly Fyant gave an update on the transition meeting for the Liberty fire. Management of the fire was turned over to the type 1 team sponsored by the Forest Service. The fire has burned close to 2,600 acres and has a potential to affect the South Fork. Aquatic invasive species was discussed at the meeting.

Council scheduled interviews for the Tribal Education Department Head vacancy for August 15 and 17. **Council** directed Jennifer to notify Personnel of the interview dates.

MOTION by Leonard Gray to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (7 present).

Council **adjourned** at 2:30 p.m., and is scheduled to meet again on Tuesday, August 8, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary