

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

Volume 20 Number 20  
Council Chambers, Pablo, MT

Held: December 10, 2019  
Approved: December 19, 2019

**MEMBERS PRESENT:** Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Shelly Fyant, Secretary; Leonard TwoTeeth; Charmel Gillin; Myrna DuMontier; Fred Matt; and Dennis Clairmont.

**MEMBERS ABSENT:** Anita Matt, Treasurer (Inter-Tribal Ag Council Meeting – Las Vegas, Nevada); and Carole Lankford (Housing Legislative Symposium – Las Vegas, Nevada).

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; James Steele, Sr., 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 Fred Matt.

The **Tribal Council Meeting Minutes** for December 3, 2019 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for December 3, 2019, with corrections. Seconded by Myrna DuMontier. Carried, 5 for; 3 abstentions (Fred Matt, Dennis Clairmont and Leonard Gray).

The **agenda** was presented for approval.

**MOTION** by Leonard Gray to approve the agenda, with changes. Seconded by Dennis Clairmont. Carried,

**Phylicia McDonald**, Tribal Education Department, requested approval of the Ronan IEC change of duty list for December 13, 2019 from 12-5:30 for the business of the annual Ronan IEC backpack event for Linda Ferris, Justin Benn, Steph Gillin, and Gale Grant.

**MOTION** by Len TwoTeeth to grant a change of duty, with supervisor approval, for December 13, 2019 from 12-5:30 for the business of the annual

Ronan IEC backpack event for Linda Ferris, Justin Benn, Steph Gillin, and Gale Grant. Seconded by Fred Matt. Carried, 7 for; 1 abstention (Ron Trahan).

**Chairman Trahan** presented a request from Darcy Maiers to have his daughter assist with retrieval, due to medical reasons.

**MOTION** by Dennis Clairmont to authorize Darcy Maiers' daughter to assist him with retrieval, due to medical reasons. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**Michelle Mitchell**, Tribal Education Department, discussed a BPA grant for a summer program and requested approval to apply for the grant in the amount of \$19,949.00.

**MOTION** by Myrna DuMontier to approve by resolution submission of the BPA grant for the summer program. Seconded by Leonard Gray. Carried, 7 for; 0 opposed; 1 abstention (Shelly Fyant).

#### **RESOLUTION 20-031**

#### **RESOLUTION AUTHORIZING THE EDUCATION DEPARTMENT TO APPLY FOR FUNDING FROM THE BONNEVILLE POWER ADMINISTRATION**

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

**WHEREAS**, the Bonneville Power Administration has published a request for proposals for funding under the Tribal Capacity Building Grant Program; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes are located within the Bonneville Power Administration service area; and

**WHEREAS**, the Tribal Education Department, in collaboration with the University of Montana has prepared an application for funding under the above program to strengthen tribal capacity in the program areas of science, technology, engineering, math, and natural and cultural resource management,

**NOW, THEREFORE, BE IT RESOLVED** by the Tribal Council of the Confederated

Salish and Kootenai Tribes that the Bonneville Power Administration be requested to make available a grant, pursuant to the terms of the request for proposal, to the Tribal Education Department; and

**BE IT FURTHER RESOLVED** that the Chairman of the Tribal Council or his delegated representative is authorized to execute the transactional documents

necessary to administer the grant on behalf of the Confederated Salish and Kootenai Tribes.

**Sid Shourds**, Salish Kootenai Housing Authority, requested approval of a resolution supporting the SKHA Indian Community Development Block Grant application on behalf of the Tribes. There will be a public comment period and then another resolution will be presented after that takes place. Len TwoTeeth wants information on how many tribal members applied, how many were served, how many were denied and reason for denial. That information is critical. As a council member, they get many questions about these things. **Sid Shourds** will follow up and report back to council.

**MOTION** by Len TwoTeeth to approve by resolution submission of the SKHA Indian Community Development Block Grant. Seconded by Fred Matt. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 20-032**

**RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2019-2020 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 combined fiscal year 2019-2020 Indian Community Development Block Grant prepared and submitted on behalf of the Tribes in support of housing rehabilitation and homeownership activities.

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and

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Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes an Indian Community Development Block Grant under Funding Opportunity FR-6300-N-23 for combined fiscal years 2019 and 2020 for housing rehabilitation and homeownership activities; 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.

**Shelly Fyant** commented on the number of homeless tribal members. Yesterday we received three requests for families to live in our one housing unit. She heard that SKHA received \$4 million and would like the tribal council to visit with SKHA about developing a housing initiative to address homelessness. **Sid Shourds** will come up with some proposed meeting dates and report back to council.

**Velda Shelby** and **Janet Camel**, Economic Development Office, requested approval to extend the contract with Sovereign Leasing & Finance until February 28, 2020 to develop a site plan, financials and market analysis for the storage units. All other terms of the contract remain the same.

**MOTION** by Charmel Gillin to extend the contract with Sovereign Leasing & Finance until February 28, 2020 to develop a site plan, financials and market analysis for the storage units. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

**Velda Shelby** and **Janet Camel**, Economic Development Office, requested approval of a letter of support for the Lake County Community Development Corporation. The new director will meet with council next month to provide an update. **Council** questioned whether this organization could partner to help with the homelessness of tribal members. **Janet Camel** can speak to LCDC about the issue of homelessness.

**MOTION** by Leonard Gray to approve a letter of support for the Lake County Development Corporation. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**Shelly Fyant** asked about funding and matching funds. **Janet Camel** can follow up and discuss at next month's meeting. They have multiple departments and a cooperative business development center. They are helping with the beef cooperative project we are working on. **Shelly Fyant** commented that they also have about six or seven loan funds to help with business plan development. It is a regional board and is important that we have a strong presence on that board.

**Janet Camel**, Economic Development Office, requested that she be allowed to submit an agenda request form for next week to follow up on an issue brought up at yesterday's chairman's meeting. **Chairman Trahan** will follow up with Janet.

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

**Ruth Swaney**, Financial Management, requested approval of modification 4 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. **Shelly Fyant** asked DHRD about the Tiwahe initiative funding and how we are addressing it with culturally relevant services. **Patricia Courchane** advised that DHRD does some of those things in Second Circle, Adult Services and other divisions. Betty Weaselhead will do activities with the elders this week in the senior centers. It is broad throughout the different divisions.

**MOTION** by Charmel Gillin to approve by resolution modification 4 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Leonard Gray. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 20-033**

**RESOLUTION APPROVING MODIFICATION 4 TO THE FISCAL YEAR 2020 BIA SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, FY 2019 earmarked funding for the Tiwahe Initiative has been awarded and needs to be allocated to the budget; and

**WHEREAS**, the budget will be allocated as follows:

Programs, Functions, Services, and Activities	Budget Account	Current FY 2020 Budget Authority	Increase/ (Decrease)	Revised FY 2020 Budget Authority
Tiwahe Initiative	13-502-4554	69,051.58	32,109	101,160.58
Total			32,109	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2020 BIA Self-Governance Compact Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the FY 2020 BIA Self-Governance Compact Budget is increased from \$44,984,657.49 to \$45,016,766.49; and

**BE IT FURTHER RESOLVED** that prior years' unexpended funds are available to appropriate for budget expenditures pending final Congressional approval of the federal budget and subsequent obligation of funds.

**Lawrence Walchuck, Ed Weatherly and Janet Brass**, Hot Springs Telephone Company; **Jay Preston, Joe McDonald and Brandy Chism**, Access Montana; met with council to provide an annual update as required by the FCC to ensure the needs of the membership being taken care of. Lawrence thinks the Hot Springs Bathhouse is an opportunity.

**Rhonda Swaney**, Legal Department; **Rick Eneas**, Financial Management; and **Laurence Kenmille**, Enrollment Office; discussed proposed policy for unclaimed per capita distributions and requested approval of a resolution to establish policy to permanently resolve unclaimed per capita distributions. **Len TwoTeeth** wants to take care of the request of the tribal member prior to passing this policy. It was explained that we could still address the Trina M. Finley situation. The intent is to speed up the process for these cases in the future.

**MOTION** by Shelly Fyant to approve by resolution the policy to resolve unclaimed per capita distributions. Seconded by Fred Matt. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-034**

#### **A RESOLUTION TO ESTABLISH A POLICY TO PERMANENTLY RESOLVE THE ISSUE OF UNCLAIMED PERCAPITA DISTRIBUTION PAYMENTS**

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes that:

**WHEREAS**, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security, and general welfare of the Tribes;

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

**WHEREAS**, the Tribal government distributes per capita dividend payments to enrolled Tribal members on an annual basis when the Tribal budget allows such distribution;

**WHEREAS**, from time to time Tribal members leave these per capita payments unclaimed for a variety of reasons, including individuals who are missing or murdered, or their whereabouts are unknown;

**WHEREAS**, at this time there are approximately fifteen individuals who have not claimed their per capita payments for a number of years;

**WHEREAS**, pursuant to tribal law, federal law and federal regulation (25 CFR 15.106 (a) (1)), a probate case may be initiated if an individual owning an interest in trust or restricted land or trust personalty has been absent without explanation for a period of at least 6 years;

**WHEREAS**, the Tribal Council wants to establish a policy by which the Tribal Council can seek a declaration of death for such persons whose whereabouts are unknown, in order to distribute per capita dividends to individual Tribal members whose whereabouts are known;

**WHEREAS**, family members and/or heirs at law may object to such a process being initiated;

**NOW THEREFORE BE IT RESOLVED** by the Tribal Council may initiate such an administrative or judicial process by resolution after providing notice and opportunity to be heard to the known family members and heirs at law;

**AND BE IT FURTHER RESOLVED** that, in the event the administrative probate process results in a decision by the Administrative Law Judge with which the Tribal Council objects, Tribal staff may timely seek rehearing from the Judge, and if necessary appeal to the Board of Indian Affairs, or if the time of rehearing or appeal has passed, then the Tribal Council may return to the heirs at law any or all portions of the per capita estate that was distributed to the Tribes, after considering the circumstances of this distribution.

**Rick Eneas**, Financial Management; and **Rhonda Swaney**, Legal Department; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to pay distribution as stated as of October 2015 with interest accumulated from date of disbursement to the family and/or heirs of Tina M. Finley. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**Len TwoTeeth**, for the record, “I want to acknowledge that by taking this action today it showed true leadership of this council having addressed MMIW today for the family, so I appreciate that and thank you.”

**Patricia Courchane**, Department of Human Resources Development, requested to close DHRD for the Christmas luncheon, including Quicksilver Transit from 11-4:30 on December 19.

**MOTION** by Charmel Gillin to approve the closure, with an understanding that emergency services be available. Seconded by Myrna DuMontier. Carried, unanimous (7 present – Fred Matt out of the room).

**Dan Decker**, Legal Department, requested approval of amendments to the Claims Examination Specialist contract with Steve Lozar and Tari Shaw to receive the COLA.

**MOTION** by Charmel Gillin to approve by resolution the amendment to the Claims Examination Specialist contract with Tari Shaw. Seconded by Myrna DuMontier. Carried, 7 for; 0 opposed; 1 not voting (Fred Matt out of the room).

#### **RESOLUTION 20-035**

#### **RESOLUTION TO AMEND CLAIMS EXAMINATION SPECIALIST CONTRACT WITH TARI SHAW**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to increase Tari Shaw’s rate of compensation to include the FY20 COLA, and future cost-of-living increases approved by the Tribal Council, to perform work and tasks assigned to her under the supervision and direction of the Managing Attorney of the Tribal Legal Department and Attorney Staff as appropriate; and

**WHEREAS**, it is the intent of all the contracting parties that Tari Shaw shall continue working under her approved contract with the Tribes according to the terms and conditions stated therein through September 30, 2020.

**NOW, THEREFORE, BE IT RESOLVED**, the Tribal Council approved said modification to agreement and authorizes its execution by the Chairman and the Secretary.



**MOTION** by Charmel Gillin to approve by resolution the amendment to the Claims Examination Specialist contract with Steve Lozar. Seconded by Len TwoTeeth. Carried, 7 for; 0 opposed; 1 abstention (Fred Matt).

**RESOLUTION 20-036**

**RESOLUTION TO AMEND CLAIMS EXAMINATION SPECIALIST CONTRACT WITH STEVE LOZAR**

**BE IT RESOLVED** by the Council of the Confederated Salish and Kootenai Tribes:

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to increase Steve Lozar's rate of compensation to include the FY20 COLA, and future cost-of-living increases approved by the Tribal Council, to perform work and tasks assigned to her under the supervision and direction of the Managing Attorney of the Tribal Legal Department and Attorney Staff as appropriate; and

**WHEREAS**, it is the intent of all the contracting parties that Steve Lozar shall continue working under his approved contract with the Tribes according to the terms and conditions stated therein through September 30, 2020.

**NOW, THEREFORE, BE IT RESOLVED**, the Tribal Council approved said modification to agreement and authorizes its execution by the Chairman and the Secretary.

**Rhonda Swaney, Dan Decker, John Harrison and Ryan Rusche**, Legal Department; and **Rob McDonald**, Communications Department; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from Rose O'Bennick for a one-year revocable permit on T4067 located in Hot Springs to use as a plunge, snack bar, exercise facility, and hold youth activities. There would be a one-time payment of \$150.00 and insurance required.

**MOTION** by Shelly Fyant to grant Rose O'Bennick a one-year revocable permit on T4067 located in Hot Springs, so long as all permitting requirements are met, along with a one-time payment of \$150.00 and required insurance. Seconded by Charmel Gillin. Carried, unanimous (8 present).

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from Rose O'Bennick for a one-year revocable permit on T4067, containing 64 acres in Hot Springs to be used as a soaking plunge, disc golf and horseback riding. There would be a one-time payment of \$750.00 and insurance required.

**MOTION** by Leonard Gray to grant Rose O'Bennick a one-year revocable permit on T4067 located in Hot Springs, so long as all permitting requirements are met, along with a one-time payment of \$750.00 and required insurance. Seconded by Shelly Fyant. Carried, unanimous (8 present).

**Mark Couture**, Tribal Lands Department, presented a request from Karen Cheff for a letter of disinterest in a portion of Flathead Allotment 2927-A, creating Flathead Tract 2927-E containing 10 acres so she can gift deed it in fee to her daughter. Karen does not want to sell the land.

**MOTION** by Shelly Fyant to approve a letter of disinterest in a portion of Flathead Allotment 2927-A. Seconded by Leonard Gray. Carried, 6 for; 2 opposed (Myrna DuMontier and Ron Trahan).

**Chairman Trahan** wants Lands to find out if we still have a first right of refusal when parcels are gift deeded in fee. The Tribes hold the land in trust for them so they don't have to pay taxes on it. **Charmel Gillin** commented that with this type of request, the government doesn't have a lot of opportunity to intervene when the landowner is determined to do this. By showing interest, then we buy their appraisal is what happens. They are not required to sell at appraised value and can sell it to us for an over-inflated amount, so it's a no-win situation for the Tribes. **Shelly Fyant** thinks that until the enrollment policy is changed we will continue to go through this, because people want their kids to have land to build a home for their families. **Mark Couture** will follow up and report back to council.

**Mark Couture**, Tribal Lands Department, presented a request from Karen Cheff for a letter of disinterest in a portion of Flathead Allotment 2702-A, creating Flathead Tract 2702-B containing 10 acres so she can gift deed it in fee to her daughter. Karen does not want to sell the land.

**MOTION** by Shelly Fyant to approve a letter of disinterest in a portion of Flathead Allotment 2927-A. Seconded by Fred Matt. Carried, 6 for; 2 opposed (Myrna DuMontier and Ron Trahan).

**Mark Couture**, Tribal Lands Department, presented a request from Karen Cheff for a letter of disinterest in a portion of Flathead Allotment 2927-A, creating Flathead Tract 2927-C containing 40 acres so she can gift deed it in fee to her son. Karen does not want to sell the land.

**MOTION** by Dennis Clairmont to approve a letter of disinterest in a portion of Flathead Allotment 2927-A. Seconded by Leonard Gray. Carried, 6 for; 2 opposed (Myrna DuMontier and Ron Trahan).

**Mark Couture**, Tribal Lands Department, presented a request from Karen Cheff for a letter of disinterest in a portion of Flathead Allotment 2927-B, containing 12.5 acres so she can gift deed it in fee to her son. Karen does not want to sell the land.

**MOTION** by Fred Matt to approve a letter of disinterest in a portion of Flathead Allotment 2927-B. Seconded by Dennis Clairmont. Carried, 5 for; 2 opposed (Myrna DuMontier and Ron Trahan); 1 not voting (Len TwoTeeth out of the room).

**Mark Couture**, Tribal Lands Department, asked if the land committee meeting on the 26<sup>th</sup> is still a go. **Council** scheduled it for next Tuesday's council meeting.

**Shelly Fyant** informed council of an incident that occurred this past weekend at the Native American Classic Basketball Tournament in Great Falls. Some students had beaded bracelets or buckskin ties and the MHSAA new regulations required the students to remove them. They can only wear a medical bracelet. They need a letter stating it is for cultural or religious purposes if they want to wear them so all our kids had to cut off their bracelets and ties to play in the game. Some kids cannot remove those bracelets. TERS is in the process of obtaining those letters. Some kids did not feel comfortable removing them because in some circumstances they are not supposed to remove them for cultural reasons. She wants Len to bring this up at the culture committee meeting. **Michelle Mitchell**, Education Department, joined the discussion and informed council that TERS told her what happened. It will be more powerful to have those students meet with the board rather than the adults doing it. As a sovereign nation, we don't need to explain ourselves to them and they are targeting a certain population. Michelle take the lead on this charge.

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

**MOTION** by Fred Matt to adjourn the meeting.

Council **adjourned** at 2:31 p.m., and is scheduled to meet again on Thursday, December 12, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant

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Tribal Secretary