

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

Volume 19 Number 80
Council Chambers, Pablo, MT

Held: August 22, 2019
Approved: September 3, 2019

MEMBERS PRESENT: Leonard Gray, Vice-Chairman; Shelly Fyant, Secretary; Anita Matt, Treasurer; Carole Lankford; Myrna DuMontier; Fred Matt; Dennis Clairmont; Leonard TwoTeeth; and Charmel Gillin.

MEMBERS ABSENT: Ronald Trahan, Chairman (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager/Recording Secretary; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for August 15, 2019 were presented for approval.

MOTION by Carole Lankford to approve the Tribal Council Meeting Minutes for August 15, 2019, with corrections. Seconded by Dennis Clairmont. **MOTION** by Myrna DuMontier to approve the August 6, 2019 Tribal Council Meeting Minutes. **Leonard Gray** advised that the motion on the floor needs to be dealt with prior to making another motion. Motion carried, unanimous (9 present).

Myrna DuMontier requested that her motion be voted on. **Leonard Gray** would not entertain the August 6, 2019 Tribal Council Meeting Minutes today. The tribal chairman had tabled those draft minutes until full council is present since he had an issue with them.

Myrna DuMontier, for the record, "I believe it's inappropriate for him to have anything to say about those minutes because it's concerning his hearing so we would, even if he was here, I would request that he leave the room."

MOTION by Myrna DuMontier to approve the Tribal Council Meeting Minutes for August 6, 2019. **Leonard Gray** explained to Myrna that he did not

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recognize her motion. Myrna made the second motion anyway and wanted to proceed to a vote. **Len TwoTeeth** noted that the chairman works for the tribal council and if the council wants to move forward on an action then it is up to them to make that motion. Motion seconded by Shelly Fyant. **Leonard Gray** advised that he never recognized the motion. It is one of the authorities the chairman has. **Charmel Gillin** requested a point of order. She wants to have a better discussion about this. There are actions within that set of minutes that are being delayed since the minutes have not been approved yet. Charmel did not know if it was appropriate to not recognize a motion to approve the minutes. The discussion continued in **executive session**. **Rhonda Swaney** and **Dan Decker**, Legal Department, were present for discussion.

Dan Decker, Legal Department, met with council in **executive session** to discuss legal issues.

Council reconvened into **regular session**.

The **agenda** was presented for approval.

MOTION by Carole Lankford to approve the agenda, with changes.

Shelly Fyant requested clarification on the discussion from the executive session. **Leonard Gray** explained that he did not recognize the motion. Shelly was not okay with that. **Leonard Gray** noted her comment. Motion seconded by Anita Matt. Carried, unanimous (9 present).

Ellie Bundy McLeod gave a report/overview of the Missing & Murdered Indigenous Persons Task Force meetings she attended. The first meeting was in Helena on June 11 and was attended by the task force representatives from participating tribes. An overview of Senate Bill 312 (Looping in Native Communities Act) was provided at that meeting. The act creates the Missing Indigenous Persons Task Force, providing a competitive grant for a tribal college to develop and maintain the central location for collecting, storing, and securing network data; provide grant funds to tribal agencies to establish access to the Looping in Native Communities Network; require the MMIP Task Force to administer the grant program; provide a transfer of funds and an appropriation; and provide an immediate effective date and a termination date. The second task force meeting took place in Great Falls on August 10. The task force meetings will be held at each reservation area. The next meeting is scheduled in Billings on September 27. **Council** requested that the reports be emailed to them.

Dan Decker, Legal Department, requested approval of an amended attorney contract with James Goetz.

MOTION by Anita Matt to go with the recommendation of the Legal Department and approve by resolution an amended attorney contract with James Goetz. Seconded by Carole Lankford. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-173

A RESOLUTION TO AMEND ATTORNEY CONTRACT WITH JAMES H. GOETZ

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 amend a Contract with James H. Goetz for his attorney services with the Confederated Salish and Kootenai Tribes; and

WHEREAS, it is the intent of all the contracting parties that James H. Goetz shall continue working under the parameters of the original contract dated June 21, 2019 and the amended contract with the Tribes according to the terms and conditions stated therein.

NOW, THEREFORE, BE IT RESOLVED, that beginning August 20, 2019, James H. Goetz shall continue providing attorney services in accordance with the terms and conditions of the Contract Amendment.

Tom McDonald, Natural Resources Department, informed council that the annual bison hunt protocol is for the council to approve the upcoming hunt season, which occurs after the annual meeting with hunt tribes. Orientations will be set up after the hunt is approved. Currently, the four MOA tribes, along with three other Tribes and the State take part in the Yellowstone hunt. **Shelly Fyant** wants to have an internal working meeting on new grizzly bear directives and MFWP's newly created Grizzly Bear Citizen Advisory Committee to discuss our stand and CSKT representation. There are national issues including ESA. The citizen committee for grizzly bears was established by the Governor. Tom also suggested a discussion on the Threatened Endangered Species Act changes at the working meeting. A CSKT representative was invited to serve on the Grizzly Bear Citizen Committee per a letter from MFWP Director Williams to our Chair.

MOTION by Fred Matt to approve the annual Yellowstone bison hunt. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

Anita Matt informed Tom of the Rocky Mountain Inter-Tribal Ag meeting in Polson on August 29 & 30. A guy from the Livestock Board will talk about depredation. People have said they cannot get compensated because we did not

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pay state taxes. Then she was told it makes no difference if you pay livestock taxes, but other people have been told if you don't pay taxes you get no compensation. Anita will send a copy of the agenda to Tom. Tom McDonald and Dale Becker will attend the meeting.

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

Len TwoTeeth out of the room.

Janet Camel and **Dacia Whitworth**, Economic Development Office, met with council to discuss the rating matrix and prioritization of economic development projects: (1) Hot Springs Rejuvenation; (2) North Pablo Business Park; (3) Culturally Sensitive Eco-Tourism (including arts and crafts vendor support); (4) Food Sovereignty – Agri Business; (5) Solar Energy; (6) Warehousing Storage; (7) Other Real Estate Development (RV lots, airport hangars, retirement community, residential lots); (8) Nursing and Community Care Facilities – Treatment Center; (9) Forest Project Development – Starter Home Kits/Modular Construction; (10) Tribal Property Management Business; and (11) Broadband and/or Data Warehousing. The economist will be here for two days next week. An action plan will be developed for each project. **Shelly Fyant** suggested taking this information out to the membership for input. We need our own processing facility. Revais Meats closed and that is where many people took their wild game. It needs to be studied further. **Anita Matt** wants the agricultural side looked at. It may come to a point where we need to have our own herd or hire people to manage them. We have the resources to do it, so we should look into it. Food sovereignty will include forming a cattle cooperative. The Hot Springs project is a priority but will require funding to get that going.

Len TwoTeeth returned to the meeting.

Len TwoTeeth and **Anita Matt** requested that Janet make a presentation at their next district meetings. **Janet Camel** will report back to council after her meeting with the economist. **Leonard Michel** offered his recommendations on the direction they need to go and how Janet needs to do it moving forward.

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

Council met in **executive session** to discuss a personnel matter. **Rhonda Swaney**, Legal Department; and **Renee Joachim**, Personnel Department; joined the discussion.

Council met in **executive session** to discuss a legal matter. **Rhonda Swaney**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

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

Myrna DuMontier left the meeting for the remainder of the day.

Ron Harris, Jerry Danforth, and **Merlin Harwood**, Aries Technologies, LLC; and **Cher Stewart**, Attorney for S&K Gaming, LLC; introduced themselves to council. The company used to be Rocket Gaming, and is now Aries Technology, LLC. They discussed a proposal to allow tribal casino operators, such as S&K Gaming, to become a manufacturer of Class II and Class III products. Tribes need to be a part of the manufacturing side, not just leasing/owning machines. S&K Gaming could be the owner of the platform and be a central location and feed out to satellites to other gaming locations on the reservation.

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

Rick Eneas, Financial Management; **Pete White**, Kicking Horse Job Corps Center; and **John Neiss**, Tribal Maintenance Department; gave an update on the Kicking Horse Job Corps Center. The contract end date for the Department of Labor is August 31, 2019. The lease of the facility (property) ends September 3, 2019, with a 30-day grace period. The leases for the tenants will be coming in. Pete discussed the backlog of vouchers. \$496,064.00 was received on August 16, 2019, in reference to vouchers that were submitted for reimbursement. We are still waiting for reimbursement of vouchers in the amount of \$1,142,642.00 for July 2017 through January 2018 and for January and February 2019. There was discussion on the inventory. Some of the inventory items owned by the Tribes, such as miscellaneous tools and supplies, were transferred for use by other programs. Tribal Court got a metal detector. Shelly Fyant asked what the process was, because Two Eagle River School needed a security walk-through system, as well. Rick explained that the Tribal Court requested it and it was discussed at the Budget Committee. A call was made to all tribal departments to see if they needed any of those excess items. The DOL-owned equipment was removed and went to Job Corps agencies/programs that could make use of them. Shelly asked about the items that were purchased with the ARRA grant funding. Pete was not aware of those items. The green house is still there and the green vehicles went to Sierra, Nevada. The DOL had them release the list to all Job Corps in the nation and the items were transferred. Sierra, Nevada took all three green vehicles. There was \$1.1 million of DOL inventory. Much of it is in the transfer process. There are some DOL desks that are really old, teaching supplies, servers, and camera equipment for security systems. All of the DOL heavy equipment has been moved off center but are still in the transfer process. That should be resolved tomorrow. There is also kitchen equipment that has not been removed. It is not in good enough shape to send to other Job Corps Centers, and nobody wants to take those items. There are welders that are no good but were never excessed. The DOL may walk away from some of those

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inventory items that could not be excessed and we may end up having to get rid of those. Anita Matt has been trying to get a building outfitted in Dixon, so Shelly wants that considered if there are any items that Anita could use. Rick will continue to look into that once the inventory with DOL is finalized. One outstanding issue is a determination of who takes responsibility for the facility during that 30-day grace period that the DOL has. The Department of Labor Contracting Leasing Officer sent a letter requesting for a mutual early termination of the lease to move it to August 31, 2019 to match it with the contract expiration date. We had sent two letters in May and June notifying the DOL that there were things we wanted addressed before we would release them from liability, including underground storage tank removal, fixing some of the water line issues, building maintenance, the sewage lagoons, and the lines to and from. The DOL requested to pay for the underground storage tanks for exchange of us releasing them from any liability. The payment would be reimbursed up to a maximum of \$110,000. There are 5 tanks out there. We cannot agree to that request and will prepare a counteroffer to present for council consideration next week. We want to be made whole on the outstanding costs. The housing units could be rented out for residential use. There are currently 4 tenants there now. **Charmel Gillin** discussed Ordinance 45-B and wants to deliberate on whether those residential lots would be converted to homesites. Rick thought it would remain status quo but the leases would be changed to market rate. By next week, there could be an agreement to have a hard deadline for our split with the Department of Labor. There will be a security, maintenance and Roads/Safety of Dams presence at the center. As of August 31, there will be no KHJCC employees. The RIF termination notices were issued in July. There is a need for 4 Maintenance/Security staff members out there. Rick proposed that council approve 4 new FTEs that would go under the Maintenance Department's organizational chart that would be responsible for the ongoing maintenance and security needs at the center and provide 24/7 coverage. The cost for that is \$14,000 per month, plus equipment and utility needs. **Len TwoTeeth** thinks we owe it to the tribal membership to offer them a place to live there. He is opposed to renting those residences to nontribal members when there are homeless tribal members. Rick reminded the council that we need to comply with the housing laws. Pete acknowledged the employees who were working at the center to do the closeout even when they knew their jobs would end, and he hopes they will find employment. There are 10 employees that will lose their jobs due to the closure of the center (8 are tribal members, 1 is a descendant and 1 is a nontribal member). Those employees will be put on a hiring priority list for any job openings.

MOTION by Charmel Gillin to approve 4 additional FTEs established under the Maintenance Department's organizational chart to provide maintenance and security needs at the Kicking Horse Job Corps Center. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Len TwoTeeth).

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Rick Eneas, Financial Management, gave an update on the Polson Post Office. Further discussion will take place next week.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 4:03 p.m., and scheduled to meet again on Tuesday, August 27, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary