

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

Volume 20 Number 9
Council Chambers, Pablo, MT

Held: October 29, 2019
Approved: November 5, 2019

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

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

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 9:02 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for October 14, 2019 were presented for approval.

MOTION by Charmel Gillin to approve the Tribal Council Meeting Minutes for October 14, 2019, with corrections. Seconded by Fred Matt. Carried, unanimous (9 present).

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

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 15, 2019, with corrections. Seconded by Anita Matt. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (9 present).

Frank Pierre, Tribal Member, informed council that he is still having issues with Tribal Credit on some of his paperwork. Frank wants it looked into by someone other than the tribal chairman. **Rick Eneas**, Financial Management,

commented that he reviewed Frank's loan file and sent notice to Frank about the matter being resolved. **Council** advised that they would need to review all of the documents in the loan file if Frank wants them to look into it further.

Council met in **executive session**.

Council reconvened into **regular session**.

Leonard Gray left the meeting on personal time off.

Gwendolyn Couture, Flathead Reservation Schools; **Kaymani Bringsyellow**, **Annalita Yellow Bird**, **Maysa Couture**, **Josh Louie**, **Katrina Morigeau**, and **Ahjasa Pierre**, Ronan, St. Ignatius and Two Eagle River School Students, gave an update on the Flathead Youth Conference that took place in May. The Tribes had donated \$3,000 towards the costs of the conference. The students learned some social and economic skills at the conference and they made a meal to feed 200 people. They hope to be leaders in the community. Students from the Polson, Charlo and Missoula schools also attended the conference. The students will be hosting another conference in the future. **Anita Matt** encouraged the students to participate on the Inter-Tribal Ag Council Youth Board. The annual membership meeting will be coming up in December. They scholar the students to go to Las Vegas to participate, and she wants to see our youth in that meeting this year. **Len TwoTeeth** encouraged them to engage in the tribal government and asked them to consider hosting a tribal council candidate forum and question the candidates on how they can help this youth group to expand, move forward and be successful. He was impressed with their professional presentations this morning. **Fred Matt** believes they are well spoken and confident and are already good leaders in their communities. There used to be an Inter-Tribal Youth practicum in conjunction with the Forest Service with students from Montana and Wyoming. The students would select their leaders and give presentations on tribal issues. They would hold mock sessions where the group had to solve issues. Fred wishes that program would come back in existence again. **Myrna DuMontier** was a member of the first youth group and would like to bring back that program again through the Inter-Tribal Chairman's Association. **Jami Stevenson**, Two Eagle River School Staff Member, informed council that the senior class in the History/Tribal Government have hosted tribal council candidate forums in the past and are planning to host one for the upcoming Tribal Council General Election. **James Steele, Sr.** informed council that he was involved in the ITYP when he was the school board chairman; he wants someone to look at the adults now that have participated in ITYP who became leaders and managers. It gives them a good sense of tribal processes. **Len TwoTeeth** will bring this up at the next Tribal Leaders Council meeting. **Charmel Gillin** reported that she and Shelly Fyant attended the annual convention at the National Congress of American Indians. A delegation of youth met there and they are very active in tribal issues. They similarly engage in

governmental issues as the Inter-Tribal Youth Practicum would. Some of the tribal leaders across the nation brought up issues and resolutions to the NCAI and introduced themselves as chairman who had gone through the Youth Council. She said there are many venues for them to pursue. She wants to support youth delegates for the National Congress of American Indians Youth Convention. The Tribal Education Department could assist the tribal council with identifying youth delegates. The tentative date for the next conference is not set yet, but it should be in May 2020.

Shelly Fyant presented a request from Dana Grant for a change of duty, with supervisor approval, for tribal employees to attend the Voices & Vision event on November 5 & 6, 2019, at Salish Kootenai College. It is a community event on health that is sponsored by the Head Waters Foundation.

MOTION by Shelly Fyant to grant tribal employees a change of duty, with supervisor approval, to attend the Voices & Vision event on November 5 & 6, 2019. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

Steve McDonald, Tribal Forestry; **Rick Eneas**, Financial Management; **Vern Clairmont** and **Jeff Clairmont**, Raven Consulting; have been working to develop the CSKT Forest Enterprise organizational documents and discussed options for the LLC Managing Members. Option A: have the tribal council serve as the managing members; and Option B: appoint a board of directors to serve as the managing members. The tribal council will serve as the members of the Limited Liability Company. Once the organic documents are completed, they will be submitted to the council and begin to prepare the other documents that would be required by the Regional Office in Portland that lays out who is responsible. Forestry will be the enforcement division. The enterprise would be an organization to do timber products (harvesting and marketing timber products). S&K Gaming is a limited liability company and has a tribal council-appointed board of directors.

MOTION by Dennis Clairmont to go with Option B. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Vern Clairmont advised that the number of board members, terms of the board appointments, tribal/nontribal member board members, and the qualifications and skillsets need to be determined by the tribal council. **Myrna DuMontier** asked why we would consider having nontribal members serve on one of our boards. Vern explained that the makeup of the board needs to be defined in the organic documents and the Tribes have nontribal members serve on other tribal boards who have the required expertise in that field. That decision is up to the tribal council. Preparation of organic documents to set up the entity is phase one; phase two is to do the memorandum of agreement to spell out how the workings of the enterprise in conjunction with Tribal Forestry would happen;

and phase three would be the development of the organizational structure and budget. **Charmel Gillin** commented that sovereign immunity is a question we are always faced with and whether we will agree to a limited waiver of sovereign immunity. She thinks it will be part of our dialogue as we move forward with this enterprise. The need to have an enterprise risk management plan needs to be part of the corporate structure and the potential for the Tribes to develop a tort ordinance or parameters for how we handle tortious claims is needed. **Shelly Fyant** wants this group to meet with the tribal council at next week's chairman's meeting so the full council can be present for discussion. Steve informed council that Tony is not available next week and he is a key element of this process. **Shelly Fyant** directed the staff to submit an agenda request form to be scheduled on the council agenda for further discussion.

Dan Lipscomb and **Tabitha Espinoza**, Natural Resources Department, requested approval to proceed with discussions regarding the land acquisition process with the Montana Department of Transportation. MDT purchased the Cynthia Wood property with the intention of using it for wetland mitigation credits to account for upcoming Highway 93 redesign work. The property is located approximately 5 miles north of St. Ignatius and .5 miles east of Highway 93 near Poison Oak Creek. The property is grizzly bear habitat and is located adjacent to lands already managed by the Tribal Fisheries & Wildlife programs. MDT is proposing land title transfer to CSKT for long-term management.

MOTION by Fred Matt to proceed with the land acquisition negotiations process with the Montana Department of Transportation. Seconded by Anita Matt. Carried, unanimous (8 present).

Gregory Wilson, Natural Resources Department, requested a contract award for the Crow Dam Spillway Replacement Area 2 Hydroseeding & Mulching Contract Agreement to Rehbein Enterprises in the amount of \$14,000.00.

MOTION by Fred Matt to accept the Rehbein bid for the award recommendation. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Seth Makepeace, Natural Resources Department, requested approval of modification 2 to Contract No. 18-216 to increase the contract amount by \$18,000 between WGM and CSKT to complete reservoir bathymetry and reporting at 14 FIIP reservoirs. The modification will bring the project to closure.

MOTION by Anita Matt to approve modification 2 to Contract No. 18-216 to increase the contract amount by \$18,000 between WGM and CSKT to complete reservoir bathymetry and reporting at 14 FIIP reservoirs. Seconded by Fred Matt. Carried, unanimous (8 present).

Dale Becker, Natural Resources Department, requested direction on how to proceed with tribal participation in elk population culling of 30 animals at the National Bison Range. The animals would be tested for Chronic Wasting Disease. The carcasses and meat would be donated to tribal programs. There is a cost associated with doing this. **Len TwoTeeth** requested that some of the meat be donated to Two Eagle River School. **Carole Lankford** suggested that Dale reach out to Patricia Courchane since she is the department head of the Department of Human Resources Development.

It was the **consensus** of council to move forward with the project.

Dale Becker, Natural Resources Department, requested approval of the adoption of the Emergency Chronic Wasting Disease Regulations. The regulations will go out for public comment. **Myrna DuMontier** wants to develop our own station on the reservation. **Len TwoTeeth** wants something set up soon since the people will begin hunting in the near future, and he also wants a sampling done on the reservation since CWD was found in Libby.

MOTION by Len TwoTeeth to adopt the Emergency Chronic Wasting Disease Regulations. Seconded by Fred Matt. Carried, unanimous (8 present).

Dale Becker, Natural Resources Department, requested approval of a letter of support for the proposed Kootenai Forestlands conservation easement. Montana Fish, Wildlife & Parks and the Trust for Public Lands is proposing a conservation easement for funding for forest lands east and southeast of Libby. **Charmel Gillin** discussed adding language regarding culture resource concerns. **Council** agreed to the edits mentioned.

MOTION by Fred Matt to approve a letter of support for the proposed Kootenai Forestlands conservation easement adding language regarding culture resource concerns. Seconded by Charmel Gillin. Carried, unanimous (8 present).

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

Jordan Thompson, Legal Department; and **Chelsea Colwyn**, Yale Student; presented the final draft Cultural Waterways Ordinance. The Lower Flathead River would be the first designated waterway under the ordinance. The management plan would discuss which projects to undertake. This ordinance would provide the legal authority needed. **Dennis Clairmont** commented that there are designated range units and leases along the river. The range permits address most concerns mentioned but may need to be fine-tuned to bring it up to speed. The draft ordinance does not require public comment through the TAPO process, if the tribal council is ready to approve it as presented. **Council** wants the ordinance to go out for public comment.

MOTION by Anita Matt to put the Cultural Waterways Ordinance out for public comment. Seconded by Fred Matt. Carried, unanimous (8 present).

Jordan Thompson, Legal Department; and **Chelsea Colwyn**, Yale Student; gave an update on the Probate Code. The code will be sent to the Bureau of Indian Affairs for review. They asked questions for clarification of issues. (1) Definition of eligible heirs. Keep lineal descendants and add siblings. It was the **consensus** of council to approve the language for the definition of eligible heirs. (2) Interpreting wills that apply to non-trust property. Jordan and Chelsea will return to council in the future and discuss further steps, if necessary. (3) Children omitted from a will. Children would receive an equal share when there is a will that omits a child. If a child were intentionally omitted from a will, that child would not receive a share.

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

Council reconvened into **regular session**.

It was the **consensus** of council to participate in the District of DC litigation involving the Bison Hunt.

MOTION by Carole Lankford to proceed with filing an amicus brief. Seconded by Anita Matt. Carried, unanimous (8 present).

Rhonda Swaney and **Dan Decker**, Legal Department, requested approval of a contract with IQ Business Group for an amount not to exceed \$75,000 to upgrade the Legal Department's OpenText software system.

MOTION by Anita Matt to approve by resolution a contract with IQ Business Group for an amount not to exceed \$75,000 to upgrade the Legal Department's OpenText software system. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 20-007

A RESOLUTION TO ENTER INTO A CONTRACTOR AGREEMENT WITH THE IQ BUSINESS GROUP

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 to protect the health, security and general welfare of the Tribes, and

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, and

WHEREAS, the Confederated Salish and Kootenai Tribes wish to secure, and The IQ Business Group wishes to provide, personal professional services according to the terms and conditions of a contract entitled “Statement of Work (SOW) OpenText Content Server Release 16 Upgrade” for the Legal Department water rights litigation, and

WHEREAS, The IQ Business Group has agreed to provide their personal professional services according to the terms and conditions of a contractor agreement.

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

Dan Decker, Legal Department, informed Carole Lankford that he heard from the Montana Department of Transportation about the white house in Ronan and got the thumbs up. MDT will move the other two modular units, and the tribal council took action on it. However, the council wanted Carole here for the discussion on the white house. MDT will give the house to the Tribes, but the Tribes must assume all risk involved in moving that structure. MDT recommends that the Tribes move it at their own cost and risk. **Carole Lankford** wanted that building for Sylvia’s Store. She recommended obtaining a professional opinion to find out if we can move it. Dan has a contract with Jackola Engineers and he will see if they can assess it. Dan can request an extension from MDT to allow time to get the answers of whether we want the white house or not. **Shelly Fyant** wanted to know what the costs are associated with this.

Rhonda Swaney, Legal Department, reported on the trip to Washington, DC for the water compact. There is a visit with Senator Daines and Secretary of Interior Bernhardt scheduled for tomorrow. Legal will keep council updated.

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

Rick Eneas, Financial Management, requested approval of fiscal year 2020 spending authority for Quicksilver Express.

MOTION by Anita Matt to approve by resolution fiscal year 2020 spending authority for Quicksilver Express. Seconded by Charmel Gillin. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 20-008

RESOLUTION APPROVING SPENDING AUTHORITY FOR FISCAL YEAR 2020 FOR QUICKSILVER EXPRESS

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

WHEREAS, the Department of Human Resources Development (DHRD) manages Quicksilver Express; and

WHEREAS, DHRD has projected FY 2020 spending authority based on estimated revenues; and

WHEREAS, spending authority requires approval by the Tribal Council; **NOW, THEREFORE,**

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve spending authority for Quicksilver Express in the amount of \$2,789,142 for FY 2020; and

BE IT FURTHER RESOLVED that Quicksilver may not expend more than the actual receipts in FY 2020.

Rick Eneas, Financial Management, requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

Dr. Stephanie Davison presented the results of her research study for her dissertation and requested permission to publish it on ResearchGate.

It was the **consensus** of council to authorize Stephanie Davison to publish her research study on ResearchGate and have it changed to a generic tribe.

Renee Joachim, Personnel Department, requested to meet with council in **executive session** to discuss personnel matters.

Leonard Gray returned to the meeting.

Myrna DuMontier was not present for the next discussion.

Renee Joachim, Personnel Department, continued to meet with council in **executive session** to discuss personnel matters.

Council reconvened into **regular session**.

MOTION by Shelly Fyant to adjourn the meeting.

Council **adjourned** at 4:06 p.m., and is scheduled to meet again on Thursday, October 31, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary