

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

Volume 18 Number 58
Council Chambers, Pablo, MT

Held: April 26, 2018
Approved: May 3, 2018

MEMBERS PRESENT: Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Dennis Clairmont; James Steele, Jr.; Carole Lankford; Charmel Gillin; and Leonard TwoTeeth.

MEMBERS ABSENT: Shelly Fyant (Self-Governance Meeting – Albuquerque, New Mexico).

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 Dennis Clairmont.

The **Tribal Council Meeting Minutes** for April 17, 2018 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for April 17, 2018, with corrections. Seconded by Anita Matt. Carried, 5 for; 3 abstentions (Dennis Clairmont, Troy Felsman and Ron Trahan).

The **agenda** was presented for approval. No conflicts of interest were identified. Additions were made to the agenda.

MOTION by Dennis Clairmont to approve the agenda, with changes. Seconded by Leonard Gray. Carried, unanimous (8 present).

Charmel Gillin joined the meeting.

David Coffman announced his candidacy for Lake County Sheriff and requested authorization to post political campaign signs on tribal property. He answered questions posed by the council regarding the Drug Court, Public Law 280, and reservation issues. Mr. Coffman was in favor of Drug Court. Due to public safety he was not in favor of withdrawing from Public Law 280. Mr.

Coffman has extensive training and experience in law enforcement, and he would like the County and Tribes to work together cooperatively to serve the community. Public safety is his top priority. He ran a Law Enforcement Youth Academy in California. It was the **consensus** of council to authorize David Coffman to post political campaign signs on designated tribal property, and require him to obtain the proper permit from the Lands Department.

Rich Janssen and **Chauncey Means**, Natural Resources Department, requested approval to submit a funding application in the amount of \$100,000 over a five-year period for the 319 program for restoration of the Valley Creek channel.

MOTION by Troy Felsman to approve by resolution submission of a funding application in the amount of \$100,000 over a five-year period for the 319 program for restoration of the Valley Creek channel. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-121

RESOLUTION OF SUPPORT FOR THE NON POINT POLLUTION MANAGEMENT PROGRAM COMPETITIVE GRANT FOR FY 2018

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 strongly support protecting water resources and the environment; and

WHEREAS, the Confederated Salish and Kootenai Tribes consider the surface and ground waters of the Flathead Indian Reservation to be amongst its most valuable natural resources; and

WHEREAS, the Confederated Salish and Kootenai Tribes, in conjunction with the U.S. Environmental Protection Agency, have developed an effective framework for reducing impacts from non-point sources of pollution by developing the CSKT Non-Point Pollution Management program; and

WHEREAS, the Tribes have committed and continue to commit considerable financial resources to protecting, enhancing and restoring water quality on the Flathead Indian Reservation; **NOW, THEREFORE**,

BE IT RESOLVED that the Tribal Council supports the submittal of the proposed Non-Point Pollution Management Program competitive grant; and

BE IT FURTHER RESOLVED that the proposed work plan will be submitted to the EPA for review and possible funding.

Rich Janssen, Natural Resources Department, presented a request from Montana Tech for a collection permit to collect rock samples. Both culture committees provided comment on the request. **No action taken.**

Rich Janssen, Natural Resources Department, presented a request from the Yellow Bay Biological Station for a collection permit. The YBBS shares their data with the Tribes.

MOTION by Len TwoTeeth to grant a collection permit to the Yellow Bay Biological Station, with modifications. Seconded by Troy Felsman. Carried, unanimous (8 present).

Rich Janssen and **Dan Lipscomb**, Natural Resources Department, requested approval of a resolution to affirm and appoint Kenneth Pitt as an alternate hearings officer for the Shoreline Protection Board for a two-year term.

MOTION by Carole Lankford to approve the resolution to affirm and appoint Kenneth Pitt as an alternate hearings officer for the Shoreline Protection Board for a two-year term. Seconded by James Steele, Jr. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-122

RESOLUTION TO AFFIRM AND APPOINT AN ALTERNATE HEARINGS OFFICER FOR THE SHORELINE PROTECTION BOARD

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

WHEREAS, the Tribal Council is duly recognized governing body of the Flathead Nation with the authority to preserve and protect the natural environment; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedure Ordinance, Ordinance 64-A (as amended) and the Aquatic Lands Conservation Ordinance, Ordinance 87-A (as amended) to preserve and protect the waters and aquatic environments of the Flathead Indian Reservation; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedures Ordinance, Ordinance 86-B (as amended) to provide procedures for promulgation of regulations and to establish the process for conducting contested case proceedings under Ordinance 64-A (as amended) the Shoreline Protection Ordinance and the

Aquatic Lands Conservation Ordinance. Ordinance 87-A (as amended) and for appointment of a Hearings Officer to conduct contested case proceedings; and

WHEREAS, the Tribal Council hereby reaffirms the past appointments of Hearings Officer under Ordinance 64-A (as amended) and 87-A (as amended); and

WHEREAS, the Tribal Council has determined that there is insufficient case load to justify appointment of a full-time Seniors Hearings Officer;

NOW, THEREFORE BE IT RESOLVED, that pursuant to the provisions of Part V, Section 13 of Ordinance 86-B (as amended) the Tribal Council hereby appoints Kenneth Pitt, an attorney licensed to practice law in the state of Montana, of Poison, Montana, as Alternate Hearings Officer for the future contested cases under Ordinance 64-A (as amended) and 87-A (as amended);

BE IT FURTHER RESOLVED, such appointment is to carry a two year term and may be reappointed at the discretion of the Tribal Council every two years, as the Tribal Council sees fit.

Laurence Kenmille and **Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the blood degree correction of Joseph Todd.

MOTION by James Steele, Jr to approve by resolution a blood degree correction of Joseph Todd. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-123

AUTHORIZING THE CORRECTION OF AN ADMINISTRATIVE ERROR IN THE LISTING OF JOSEPH TODD (203)-UO-01764

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

WHEREAS, an administrative error was made in the listing of Joseph Todd (203)-UO-01764;

WHEREAS, documentation from the Confederated Salish and Kootenai Tribes indicate that Joseph Todd (203)-UO-01764 is listed as 1/4, but his full biological sister, Christine Todd McDonald (203) UO-00467, is listed as 1/2;

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes authorizes the correction of an administrative error in the

listing of Joseph Todd (203)-UO-01764 from 1/4 to 1/2 and to correct his descendants' blood quantum;

THEREFORE BE IT RESOLVED, per Resolution 09-99, in the absence of factual documentation in the recording of blood quantum and with discrepancies in the recording of blood quantum between family members, it shall be the policy of the Confederated Salish and Kootenai Tribe to accept and implement as true and correct the highest blood quantum;

THEREFORE BE IT RESOLVED, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

Laurence Kenmille and **Alberta Bertsch**, Enrollment Office, requested approval of a blood degree correction of Antoine Plant.

MOTION by James Steele, Jr. to approve by resolution the blood degree correction of Antoine Plant. Seconded by Troy Felsman. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-124

AUTHORIZING THE CORRECTION OF AN ADMINISTRATIVE ERROR IN THE LISTING OF ANTOINE PLANT

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

WHEREAS, an administrative error was made in the listing of Antoine Plant;

WHEREAS, Census documents list Antoine Plant as 1/2 Gros Ventre;

WHEREAS, documentation from the Confederated Salish and Kootenai Tribes and Indian Census rolls indicate that Antoine Plant was 1/2 at a time when CSKT accepted all blood degree from other tribes as per Ordinance 35-A;

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes authorizes the correction of an administrative error in the listing of descendants of Antoine Plant;

BE IT FINALLY BE RESOLVED, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

Laurence Kenmille, Enrollment Office, discussed the proposed Amendment

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No. 2 to Ordinance 35-A. Laurence had provided the chairman with a list of the names that the amendment would affect. Most of the individuals were already corrected since they were born prior to 1953. 7 individuals would be eligible for enrollment if the amendment is approved. **No action taken.** Council tabled the issue and requested copies of the documents.

Troy Felsman gave an update on the National Indian Gaming Association meeting he attended and the land into trust issues. There will be a land into trust issues meeting at the Regional Office in South Dakota in June. Troy attended the S&K Gaming board meeting yesterday. The pool area has mold and during the remediation they found some structural issues at Kwataqnuk. The cabins and amenities building are being constructed at Big Arm. The necessary infrastructure was put in place. The Gray Wolf kitchen is being modified with a new menu. Gaming machines are doing well at both properties. Once the Big Arm property is placed into trust status gaming machines can be installed there.

Carole Lankford gave a report on the Equal Work for Equal Pay Task Force meeting she attended. They want to get tribal governments and corporations involved in this and have requested that the CSKT approve a proclamation by resolution to work towards that goal. Carole would like to attend the Tribal Leaders Council meeting to provide this information.

Carole Lankford gave a report on the AMERIND quarterly board meeting she attended. They do oversight of Amerind Risk Management Corporation to make sure they are following the regulations, and also reviewed the budgets. The company now offers tribal government auto insurance coverage. Carole suggested having AMERIND give a presentation to the tribal council. Some tribal members purchase homeowners insurance through AMERIND. Bob Gauthier's agency will help people go through the insurance process. **Art Caye**, Tribal Member, gets his insurance through AMERIND and he thinks it is a good insurance.

Dennis Clairmont was in Spokane for a dinner with the Tribal Leaders and the Department of State about the tribes trying to get a seat at the table for the Columbia River Treaty negotiations. It is unlikely we will get a seat at the table but, however, we will be in consultation with them to provide input. Negotiations are beginning since the treaty will be signed again in 2024.

Anita Matt gave a report on the Indian Land Tenure Foundation Eighth Annual Staff Meeting she attended. The group discussed fee to trust issues. The Legal Department will follow up on the taxation of trust land and the restricted fee, and provide a report to tribal council.

Charmel Gillin gave a partial report on the Polson district meeting and a full

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report will follow. She was asked to follow up on the Indian Preference Ordinance, and specifically a demolition project in Hot Springs. It is a Salish Kootenai Housing Authority project. It was reported that others have looked into that matter and nothing was done. Charmel would like to have the Personnel Department direct the Indian Preference Office to go to Hot Springs and conduct an onsite compliance review in the accompaniment of the SKHA inspector. If the project is out of compliance then it needs to be shut down. Charmel wants a report on that later today. Other aspects of the Indian Preference Ordinance that are concerning to the Polson district constituents were also brought up. Charmel will give a full report on her district meeting at a later time.

MOTION by Leonard Gray to adjourn the meeting. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Council **adjourned** at 9:58 a.m., and is scheduled to meet again on Tuesday, May 1, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary