

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

Volume 18 Number 70
Council Chambers, Pablo, MT

Held: June 7, 2018
Approved: June 19, 2018

MEMBERS PRESENT: Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Dennis Clairmont; Charmel Gillin; and Shelly Fyant.

MEMBERS ABSENT: Len TwoTeeth (Inter-Tribal Timber Council – Ocean Shores, WA); Carole Lankford (Rocky Mountain Tribal Leaders – Billings, MT); and James Steele, Jr. (Montana Budget & Policy Center Board Meeting – Missoula, MT).

OTHERS PRESENT: Jami Pluff, Policy Analyst; Jennifer Trahan, Council Office Manager/Recording Secretary; and Tom Johnson, Council Support.

The meeting was called to **order** at 9:08 a.m. Quorum established.

The meeting was opened with a **prayer** by Troy Felsman.

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

MOTION by Charmel Gillin to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (7 present).

Bob Bigart, Salish Kootenai College, requested approval to use the tribal council picture of Charlie McDonald in a book that Bob and Joe McDonald are working on. The book is about Charlie's life and experiences, and his views about life on the reservation.

MOTION by Troy Felsman to authorize Bob Bigart and Joe McDonald to use the tribal council picture of Charlie McDonald for the book in regards to the life and times of Charlie McDonald. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Terry Tanner, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

Germaine White, Natural Resources Department, requested approval of a capital equipment expenditure from Premier Portable Buildings for a storage shed for the watercraft at the Elmo AIS boat check station. The cost is \$5,695.00.

MOTION by Anita Matt to approve the capital equipment expenditure from Premier Portable Buildings in the amount of \$5,695.00 for a storage building for the AIS Elmo boat check station. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Laurence Kenmille and **Alberta Bertsch**, Tribal Enrollment, requested approval of a resolution authorizing the enrollment of Arthur Wayne McNair. His mother was not enrolled because residency on the reservation at the time of birth was a requirement. She was eligible for enrollment after the 1960 amendment, but she was never notified and passed away before getting enrolled. The 1960 amendment removed the residency requirement. Ordinance 35-A had no residency requirement so she was eligible for enrollment in accordance with Ordinance 35-A. **Charmel Gillin** had questions regarding the enrollment criteria between 1934 and 1960 and when the constitution was amended. Laurence explained that the amendment only had a one-quarter Salish or Kootenai blood degree requirement and removed the residency at time of birth requirement. Ordinance 18-A was never ratified. Charmel asked if the amendment to the constitution removed the residency requirement that was in place at the time of their birth. Laurence confirmed that as long as they possessed at least one-quarter Salish or Kootenai blood degree they were eligible. The constitution amendment ratified all of the previous ordinances that were deemed illegal by the Secretary of Interior in 1960. **Shane Morigeau**, Legal Department, agreed with Laurence's explanation.

MOTION by Troy Felsman to approve by resolution the enrollment of Arthur Wayne McNair (203-889726) who was eligible for enrollment under Tribal Constitution, Article II, and meets all requirement with the exception of Section 3, subpart (b); was born to parent (now deceased) eligible for enrollment into the Confederated Salish and Kootenai Tribes; and possesses no less than $\frac{1}{4}$ degree of Salish and/or Kootenai Indian Blood; as he meets all the requirements. Seconded by Shelly Fyant. Carried, 6 for; 0 opposed; 1 abstention (Charmel Gillin).

RESOLUTION NO. 18-137

BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES TO APPROVE THE ENROLLMENT OF ARTHUR WAYNE MCNAIR

WHEREAS, Arthur Wayne McNair (203-889726) was eligible for enrollment under Tribal Constitution, Article II, and meets all requirement with the exception of Section 3, subpart (b); and

WHEREAS, Arthur Wayne McNair was born to parent (now deceased) eligible for enrollment into the Confederated Salish and Kootenai Tribes; and

WHEREAS, Arthur Wayne McNair possesses no less than $\frac{1}{4}$ degree of Salish and/or Kootenai Indian Blood; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes waive requirement of Section 3, subpart (b), and hereby approved to be enrolled in said tribe, Arthur Wayne McNair; and

BE IT RESOLVED, by the Tribal Council that the official rolls shall show Arthur Wayne McNair's blood quantum as $\frac{1}{4}$ degree Salish and/or Kootenai blood; and

BE IT FINALLY BE RESOLVED, by the Tribal Council that Arthur Wayne McNair shall not receive back tribal dividend payments.

Laurence Kenmille and **Alberta Bertsch**, Tribal Enrollment, requested approval to authorize the relinquishment of Darius McDougall.

MOTION by Shelly Fyant to approve by resolution the relinquishment of Darius McDougall. Seconded by Troy Felsman. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-138

RESOLUTION AUTHORIZING THE RELINQUISHMENT OF DARIUS MCDUGALL (203-U0-12289)

WHEREAS, Darius McDougall (203-U0-12289) has requested in writing relinquishment of membership from the Confederated Salish and Kootenai Tribes of the Flathead Reservation, MT.; and

WHEREAS, Article II, Section 5 (1) of the Tribes' Constitution provides that membership in the Tribe may be lost by resignation in writing to the Tribal Council; **NOW, THEREFORE**,

BE IT RESOLVED, that Darius McDougall has relinquished the following:

1. Membership in the Confederated Salish and Kootenai Tribes
2. All future tribal benefits

3. All Hunting and Fishing now held by members of the Confederated Salish and Kootenai Tribes
4. Any and all privileges now extended to members of the Confederated Salish and Kootenai Tribes.

BE IT FURTHER RESOLVED, that the request for relinquishment of Darius McDougall is hereby approved,

BE IT FURTHER RESOLVED, that any individual who has relinquished their rights or membership voluntarily in the Confederated Salish and Kootenai Tribes shall not be entitled to reinstatement or re-adoption. A minor who is relinquished is eligible for reinstatement into the tribes when he/she reaches the age of majority; and

BE IT FINALLY BE RESOLVED, that the Office of Records Management and Enrollment of the Confederated Salish and Kootenai Tribes must be in receipt of documentation that Darius McDougall has become an official member of the Puyallup Tribe before she is relinquished from the Confederated Salish and Kootenai Tribes.

Laurence Kenmille and **Alberta Bertsch**, Tribal Enrollment, requested approval of the August per capita distribution payment.

MOTION by Anita Matt to approve by resolution the August per capita distribution payment. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-139

RESOLUTION AUTHORIZING THE AUGUST 1, 2018 PER CAPITA DISTRIBUTION

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

WHEREAS, The Tribal Council established policy by Resolution 96-83 to make per-capita payments to tribal members three times annually during the months of December, April and August for each fiscal year; and

WHEREAS, said policy states that three equal per capita payments of \$400.00 will be made annually and that one-half (1/2) of each per capita distribution for each minor child enrolled in the Tribes is to be issued to said minor's parent or legal guardian and the other one-half (1/2) is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age; and now, therefore,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Northwest Regional Director is requested to authorize the \$400.00 per capita distribution to be made during the month of August 2018; and

BE IT FURTHER RESOLVED, that the Director of Financial Management is directed and authorized to request sufficient tribal monies on deposit in the United States Treasury to be advanced to local status to effect said distribution; and

BE IT FURTHER RESOLVED, that the Superintendent, Flathead Agency, and the Director of Financial Management are authorized to apply these funds to judgments held by Tribal Court, to assignments through Tribal Credit, and voluntary child support and to those accounts under the control of the Superintendent; and

BE IT FURTHER RESOLVED, that the August 1, 2018 per capita distribution will be made to those members enrolled in the Tribes as of July 12, 2018 at 5:30 p.m., and

BE IT FINALLY RESOLVED that the deadline for claims to be withheld from individuals' August 1, 2018 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than July 12, 2018 at 5:30 p.m.

Troy Felsman informed council that he will step down from his position on the tribal council from the Arlee district due to accepting a position at S&K Technologies. He will be starting his new job on June 18, 2018. Revenue has been a challenge for the Tribes and he hopes to help generate increased revenue by working for the tribal corporation. He enjoyed his time while serving on the council. **Chairman Trahan** appreciated working with Troy and his new position will require his full attention. Council will discuss options to fill the vacancy. **Charmel Gillin** wished Troy the best and thanked him for his service. She appreciates he knows the needs of the tribal government while going into this new position and he will enhance the company. **Dennis Clairmont** wanted to thank him for serving on the council and wished him well. **Chad Cottet**, S&K Technologies, informed council that the job vacancy was posted for advertisement. Troy was the best applicant. As the company grows his position will fill a couple of roles. Troy will bring an understanding from the council and cultural awareness to the company.

Tony Incashola, Jr., Tribal Forestry Department, discussed the Liberty Loop Road closure due to the Liberty fire last fall. He requested approval to open the road. The road was closed last fall with the agreement that there would be a re-

evaluation this spring.

MOTION by Troy Felsman to open the South Fork Liberty Loop Road after a careful evaluation of the safety of that area. Seconded by Anita Matt. Carried, unanimous (7 present).

Shelly Fyant asked about a gate attendant at South Fork. **Tony Incashola, Jr.** does not have one, but he has heard there is one. There is no access to the road so nobody has been up there. They had to do some tree removal (about 20 trees). He may purchase a caution sign to warn people that downed trees may occur frequently due to the burned area. **Chairman Trahan** requested that a caution sign be posted in the area. **Anita Matt** commented that maybe getting it into the paper would help.

Jordan Thompson and **Shane Morigeau**, Legal Department, gave a legislative update from the last session pertaining to Public Law 280 retrocession. Reports were sent to the tribal departments and will be part of a larger discussion at a future date. Judge Blaeser is the former chief judge for the White Earth Tribe and he helped that tribe in Minnesota to implement Violence Against Women Act. Judge Blaeser is willing to come here for a discussion on retrocession and VAWA implementation July 30-31. Grant funding will cover those costs. Council was invited to attend those discussions. CSKT is the only PL 280 tribe in Montana. The Tribal Law and Order Act and VAWA implementation may be good for the Tribes to pursue. They are holding a training session August 14-15, 2018 on VAWA. Jordan requested approval of a contract with Lynsey Gaudio, Yale Student, for VAWA Implementation Specialist, in the amount of \$8,000 to provide training on VAWA implementation, to be funded through grant monies.

MOTION by Shelly Fyant to approve a contract with Lynsey Gaudio for VAWA Implementation Specialist, through grant monies. Seconded by Troy Felsman. Carried, unanimous (7 present).

Shane Morigeau and **Jordan Thompson** plan on going to visit the Umatilla Tribe's court system July 12-13, 2018. The Office of Tribal Justice Support funds will cover the costs at no cost to the Tribes. Council was invited to go, as well.

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

Vern Clairmont, Office of Financial Management, discussed the two options to fill the Arlee District council seat that will be vacated by Troy Felsman. Option 1 is to hold a special election. It would take a rather lengthy process, a minimum of 90 days, to hold an election. Special Election Rules would need to be approved before an election can be held. Option 2 is to have the tribal council appoint someone to fill the unexpired term. **Charmel Gillin** asked about the historical

data that Abby provided on how the vacancies were filled in the past. **Shelly Fyant** expanded on the research that was conducted. The council minutes were researched and there have been 12 vacancies on the tribal council since 1970, and all but one circumstance had a special election. One council member was expelled from the tribal council and the council filled that vacancy by appointing someone. The other 11 vacancies were filled by holding a special election. **Charmel Gillin** asked how much time does a special election take and wants options to have it accomplished in an expedient manner. Since it is a special election, the time frames can be set by the tribal council.

MOTION by Shelly Fyant to hold a special election to fill the remainder of Troy Felsman's position for the Arlee District council seat. Seconded by Charmel Gillin. **MOTION NOT CARRIED**, 3 for (Shelly Fyant, Charmel Gillin and Anita Matt); 3 opposed (Ron Trahan, Leonard Gray and Dennis Clairmont); 1 abstention (Troy Felsman).

Charmel Gillin left the meeting for the remainder of the day.

Gabe Johnson, Natural Resources Department; and **Ken Atkins**, Federal Highway Administration Construction & Project Management Technical Service Team; gave an overview of the new contracting method known as construction manager/general contractor procurement. This procurement method hires a collaborative team including the contractor, designer, and in some cases an independent estimator. There are many advantages to this method when managed properly.

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

Tony Incashola, Sr. and **Staff**, Salish Pend 'Oreille Culture Committee, provided orientation/presentation of their Department.

MOTION by Shelly Fyant to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (6 present – Charmel Gillin out of the room).

Council **adjourned** at 5:30 p.m., and scheduled to meet again on Tuesday, June 12, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary