

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

Volume 20 Number 19
Council Chambers, Pablo, MT

Held: December 5, 2019
Approved: December 17, 2019

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

MEMBERS ABSENT: Ronald Trahan, Chairman (PTO); and Fred Matt (ITC – Portland, OR).

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

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

The meeting was opened with a **prayer** by Dennis Clairmont.

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

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Carole Lankford. Carried, unanimous (8 present).

Renee Joachim, and **Maggie Bentley**, Tribal Personnel Department; discussed additional day off for the upcoming Christmas holiday. Several departments are receiving emails and telephone calls since Christmas falls on a Wednesday this year.

MOTION by Len TwoTeeth to approve December 26-27, 2019 as additional tribal employee holidays. Seconded by Myrna DuMontier. Carried, 7 for and 1 opposed (Leonard Gray).

Randy Peak, Tribal member and **Malia Kipp**; requested that their current residency at the Kicking Horse Job Corps be turned into a homesite lease. **Cloann Westerman**, Tribal Lands Department; joined the discussion and explained the trailer lot they are on is currently too small to turn into a homesite lease. **Mark Couture**, Tribal Lands Department; joined the discussion and

explained they would be able to adjust his rent until a permanent plan is in place at the Kicking Horse Job Corps.

MOTION by Myrna DuMontier to approve rental adjustment until a permanent plan is in place for Randy Peak. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Michael Tenas, Tribal member; requested to meet with council in **executive session** for a personnel issue.

Council reconvened into **regular** session.

MOTION by Carole Lankford to waive the CSKT background check policy for 60 days for Michael Tenas to continue to work at Quicksilver and to give him time to seek remedies and report back council with updates. Seconded by Len TwoTeeth. Carried, 7 for and 1 opposed (Leonard Gray).

Eneas Inmee, Tribal member; requested to meet in **executive session** for a land issue.

Council reconvened into **regular** session.

MOTION by Carole Lankford to approve Sisi Pete to be the caretaker for Eneas Inmee's homesite upon Eneas Inmee's request. Seconded by Charmel Gillin. Carried, 7 for and 1 abstention (Anita Matt).

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

Rick Eneas, Office of Financial Management; requested approval for 2020 Elders Assistance Payment.

MOTION by Shelly Fyant to approve by resolution for 2020 Elders Assistance Payment. Seconded by Anita Matt. Carried, unanimous (8 present).

RESOLUTION 20-025

RESOLUTION APPROVING THE FISCAL YEAR 2020 TRIBAL ELDERS ASSISTANCE DISTRIBUTION.

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

WHEREAS, the Tribal Council has established a policy to make an annual payment to each eligible CS&KT Tribal Elder to be distributed in the first part of January 2020, and

WHEREAS, the Tribal Council has established a policy to fund the Tribal Elder's payment from the Tribal & State Revenue Sharing fund, and

BE IT FURTHER RESOLVED that the FY2020 annual payment of five hundred dollars will be distributed to each eligible Tribal Elder.

Rick Eneas, Office of Financial Management; requested approval to update check-signing authority at Glacier Bank for People's Center accounts. Due to the transition in Department Head.

MOTION by Myrna DuMontier to approve by resolution to update check-signing authority at Glacier Bank for People's Center accounts. Seconded by Charmel Gillin. Carried, unanimous (8 present).

RESOLUTION NO. 20-026

RESOLUTION PROVIDING NEW SIGNATURE AUTHORITY FOR CERTAIN TRIBAL ACCOUNTS ESTABLISHED AT GLACIER BANK DUE TO STAFFING CHANGES.

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

WHEREAS, it has become necessary due to staffing changes to update the listing of employees with signature authority for certain accounts previously established by the Confederated Salish and Kootenai Tribes at Glacier Bank, and

WHEREAS, the accounts which require changes in signature authority are listed below, and

<u>Account Name</u>	<u>Account Number</u>
CS&KT – People's Center Gift Shop	721852

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all checks drawn on said accounts

from Glacier Bank from the approved date of this resolution will be signed by two of the following:

Marie Torosian	Program Manager
Michelle Mitchell	Education Department Head
Loushie Charlo	Gift Shop Manager
Rick Eneas	Director of Financial Management
Zachary Conko Camel	Central Accounting Manager

Whose signatures shall be duly certified to said bank, and that no checks against said accounts shall be valid unless so signed,

BE IT FURTHER RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit of any of the other officers or not. This resolution shall continue forth in the Certification of an authorized representative, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Rick Eneas, Office of Financial Management; requested approval to update check-signing authority at Eagle Bank for People's Center accounts. Due to the transition in Department Head.

MOTION by Charmel Gillin to approve by resolution to update check-signing authority at Eagle Bank for People's Center accounts. Seconded by Shelly Fyant. Carried, unanimous (8 present).

RESOLUTION NO. 20-027

RESOLUTION PROVIDING NEW SIGNATURE AUTHORITY FOR CERTAIN TRIBAL ACCOUNTS ESTABLISHED AT EAGLE BANK DUE TO STAFFING CHANGES.

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

WHEREAS, it has become necessary due to staffing changes to update the listing of employees with signature authority for certain accounts previously established by the Confederated Salish and Kootenai Tribes at Eagle Bank, and

WHEREAS, the accounts which require changes in signature authority are listed below, and

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<u>Account Name</u>	<u>Account Number</u>
CS&KT – Gift Shop Inventory	5000021

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all checks drawn on said accounts from Eagle Bank from the approved date of this resolution will be signed by two of the following:

Marie Torosian	Program Manager
Michelle Mitchell	Education Department Head
Loushie Charlo	Gift Shop Manager
Rick Eneas	Director of Financial Management
Zachary Conko Camel	Central Accounting Manager

Whose signatures shall be duly certified to said bank, and that no checks against said accounts shall be valid unless so signed,

BE IT FURTHER RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit of any of the other officers or not. This resolution shall continue forth in the Certification of an authorized representative, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Daniel Carlino, Public Service Commission candidate; introduced himself and let council know he is running for the Public Service Commission in District 4. Shelly Fyant invited him to the Climate Change meeting that will be held.

Robert McDonald, Communications Department; requested for Germaine White a letter supporting Deena Mansour as the Executive Director of the Mansfield Center at the UM. Interviews are early next week and Deena has had a long relationship with CSKT. Council did not take a motion.

Les Evarts, Natural Resources Department; requested approval of the purchase of trust property from Juanita Adams with BPA resident fish mitigation funds.

MOTION by Anita Matt to approve by resolution the purchase of Juanita Adams Parcel along Finley Creek utilizing BPA resident fish mitigation funds. Seconded by Shelly Fyant. Carried, unanimous (8 present).

RESOLUTION 20-028

**RESOLUTION AUTHORIZING THE PURCHASE OF TRUST LAND
AS RESIDENT FISH MITIGATION HABITAT**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED
SALISH AND KOOTENAI TRIBES ("TRIBES") THAT:**

WHEREAS, the Tribal Council 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;

WHEREAS, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein;

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402);

WHEREAS, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration ("BPA"), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation ("Third Amended 2019-2022 Resident Fish MOU"), dated September 27, 2018 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat to help fulfill BPA's duties under the Northwest Power Act, and specifically to partially mitigate the direct inundation impacts of Hungry Horse Dam;

WHEREAS, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

WHEREAS, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

WHEREAS, a parcel of land referred to as the "Adams (Finley Creek) Parcel" (described below) qualifies for acquisition with BPA funds pursuant to the Third Amended 2019-2022 Resident Fish MOU;

WHEREAS, Juanita Adams is the beneficial owner of federally-held trust land and appurtenant natural resources containing resident fish habitat in and around the Finley Creek as real property more particularly described as:

Allotment 838-A

ALL RIGHT, TITLE AND INTEREST IN S1/2SW1/4SE1/4, Section 13, Township 16 North, Range 20 West, P.M.M., Lake County, Montana, containing 20 acres, more or less.

AND

Allotment 838-B

ALL RIGHT, TITLE AND INTEREST IN S1/2N1/2SW1/4SE1/4, Section 13, Township 16 North, Range 20 West, P.M.M., Lake County, Montana, containing 10 acres, more or less.

AND

Allotment 4058

ALL RIGHT, TITLE AND INTEREST IN N1/2N1/2SW1/4SE1/4, Section 13, Township 16 North, Range 20 West, P.M.M., Lake County, Montana, containing 10 acres, more or less.

WHEREAS, Juanita Adams has offered to sell all of her right, title, and interest in the above- described real property to the Tribes;

WHEREAS, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

WHEREAS, BPA has agreed to provide funding for purchase of the above-described real property;

THEREFORE, BE IT RESOLVED; that the above-described real property be purchased from Juanita Adams and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU for payment of land acquisition and closing costs;

BE IT FURTHER RESOLVED, that the above-described real property will be held in the name of the United States in trust for the Confederated

Salish and Kootenai Tribes, pursuant to the Act of July 18 , 1968, Public Law 90-402 (82 Stat. 356); AND

BE IT FINALLY RESOLVED, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

Casey Ryan and **Seth Makepeace**, Natural Resource Department; requested approval of Non-competitive Negotiation with Aquatic Informatics, Inc. and approval of Contractor agreement Modification. This agreement was a result of extensive testing and consultation with software vendors capable of providing the required database platform. The program selected a provider based on their software capabilities, ongoing support, abilities to meet the Water Resources Program requirements, and competitive cost structure to continue database services. Funds are in place and come in part from State of Montana disbursements to support the CITT.

MOTION by Carole Lankford to approve modification contract with Aquatic Informatics, Inc. to provide database services for the Water Resources Program. Seconded by Anita Matt. Carried, unanimous (8 present).

Casey Ryan and **Seth Makepeace**, Natural Resources Department; requested to authorize the Chairman's signature to sign Task Order 8 authorizing transfer of \$164,053.00 from Montana DNRC to the CSKT Water Resources Program. The parties to the water rights Compact approved a Water Management Workplan programmed over 10 years which allows transfer of funds via a Task Order process. The funds support water resources program staffing, operations and projects. This will be the 8th task order approved through this process. The Task Order has be pre-reviewed by CSKT Contracts and Grants personnel.

MOTION by Shelly Fyant to approve to authorize the Chairman's signature to sign Task Order 8 authorizing the transfer of \$164,053.00 from Montana DNRC to the CSKT Water Resources Program. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Dan Carlino asked council for approval to place signs throughout the reservation. Consensus of council to direct him to see Lands Department for the proper permit.

Tabitha Espinoza, Natural Resources Department; requested approval of Dennis Lichtenberg's contract to perform wetland cartography and data collection in fiscal year 2020 and 2021. This 2-year consultant agreement would cover the entire project period, preventing any gaps in data collections and ensuring a coherent final project.

MOTION by Anita Matt to approve Dennis Lichtenberg's contract to perform wetland cartography and data collection in fiscal year 2020 and 2021 in the amount of \$16,500. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

Chauney Means, Natural Resources Department; requested approval of contracting agreement with APG Consulting LLC to write the Water Quality Assessment Report for \$7,400. The NRD Water Quality Program requires a assessment of current water quality conditions on the reservation every 2-3 years. The contractor will produce the report with data collected over the past 17 years.

MOTION by Carole Lankford to approve contracting agreement with APG Consulting LLC Water Quality Assessment Report in the amount of \$7,400. Seconded by Anita Matt. Carried, 7 for and 1 abstention (Shelly Fyant).

Michelle Mitchell and **Phylicia McDonald**, Tribal Education Department; and **Steve Love** and **students**, Charlo School District; presented annual report and had the students introduce themselves.

MOTION by Carole Lankford to accept Charlo School District's Annual Report. Seconded by Shelly Fyant. Carried, unanimous (8 present).

Michael Durglo, Preservation Department; requested approval to accept funding from the Wilderness Society to continue work on the CSKT Climate Change Strategic Planning effort. The Wilderness Society has been assisting the Tribes with technical and financial assistance since we began work on climate change resilience in 2012. They have provided funding in the amount of \$20,000., including IDC to assist the Tribes in continuing to work on revising our plan in FY2020.

MOTION by Carole Lankford to accept the check from the Wilderness Society in the amount of \$20,000 as specified in the letter received and send a thank you. Seconded by Shelly Fyant. Carried, unanimous (8 present).

Clayton Matt, **Rhonda Hendren**, and **Garry Pitts**, Tribal Health Department; requested approval to change signatures for Tribal Health Paid Care authority at Eagle Bank due to staffing changes.

MOTION by Carole Lankford to approve by resolution to provide new signature authority for certain Tribal Health accounts at Eagle Bank for certain Tribal Health accounts. Seconded by Anita Matt. Carried, unanimous (8 present).

RESOLUTION 20-029

RESOLUTION AUTHORIZING SETUP AND SIGNATORY AUTHORITY FOR THE BANK ACCOUNT AT EAGLE BANK IN POLSON CALLED CSKT THD PURCHASED AND REFERRED CARE.

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

WHEREAS, the Confederated Salish and Kootenai Tribes designate Eagle Bank of Polson to conduct day to day CSKT THD Purchased and Referred business as the Tribe's designated depository, and

WHEREAS, it has become necessary to authorize employee signatures for CSKT THD Purchased and Referred Care account, and

<u>Account Name</u>	<u>Account Number</u>
Tribal Health Optical	5000658
Purchase and Referred Care	5000708

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all CSKT THD Purchased and Referred Care account activity on said accounts from Eagle Bank, at Polson, MT, from the approved date of this resolution will be signed by two of the following:

Clayton Matt	Director of Tribal Services
Carla Tanner	Finance Division Manager
Rick Eneas	Director of Financial Management
Zachary Conko Camel	Central Accounting Manager

Whose signatures shall be duly certified to said bank, and that no checks against said accounts shall be valid unless so signed,

BE IT FURTHER RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit or any of the other officers or not. This resolution shall continue forth in the Certification of an authorized representative, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Clayton Matt, Rhonda Hendren, and Garry Pitts, Tribal Health Department; requested approval of a renewal 3-year contract with Taylor Diggs to provide dental services to the membership.

MOTION by Charmel Gillin to accept 3-year contract with Dr. Taylor Diggs as requested by Department. Seconded by Carole Lankford. Carried, unanimous (8 present).

Clayton Matt, Rhonda Hendren, and Garry Pitts, Tribal Health Department; gave an update on the first advisory committee and will be meeting next Tuesday, December 10, 2019 and a Dental program update. Shelly Fyant asked, “Who would tribal members need to contact at Tribal Health Department regarding medical bills?” Rhonda Hendren replied “To send to her or Katie Tapia at Tribal Health.” Shelly Fyant asked, “If Tribal members pay past due bills can they get reimbursed from Tribal Health Department?” Rhonda Hendren gave an update on the process. Charmel Gillin asked Clayton Matt to follow up on APG Consulting LLC contract with Natural Resources Department.

Rhonda Swaney, Dan Decker, and Ryan Rusche, Tribal Legal Department, requested to meet in **executive session**.

Council reconvened into **regular** session.

Anita Matt left for the remainder of the day.

*****LUNCH*****

Rhonda Swaney, Dan Decker, Brian Upton, John Harrison, and Ryan Rusche, Tribal Legal Department, and **Rob McDonald**, Communications; requested to meet in **executive session**.

Council reconvened into **regular** session.

MOTION by Charmel Gillin to approve to submit an application for the Samsha “Native Connections” grant. Seconded by Myrna DuMontier. Carried, unanimous (7 present).

RESOLUTION 20-030

RESOLUTION APPROVING TWO EAGLE RIVER SCHOOL TO SUBMIT AN APPLICATION AND ACCEPT A SAMSHA GRANT “NATIVE CONNECTIONS”

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

WHEREAS, there is great need to expand the educational, health, social, and recreational needs of Indian students and community on the Flathead Reservation, and

WHEREAS, SAMSHA “Native Connections” funds are available to provide financial assistance for resources needed to address suicide, substance misuse, and reduce the impact of trauma and promote mental health among American Indian youth;

WHEREAS, the Two Eagle River School meets the eligibility criteria for a grant under SAMSHA “Native Connections”; NOW, THEREFORE,

BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the request to award a grant to the Two Eagle River School and authorizes the Tribal Chair and his designated representative to negotiate and sign all documents and execute the grant documents and any amendments thereto.

Carole Lankford left for the remainder of the day to attend Drug Court.

Troy Felsman, Pete White, Tom Farrell, and **Sheila Matt**, S&K Gaming LLC Board and **Bryon Miller**, S&K Gaming; requested to meet in **executive session**.

Council reconvened into **regular session**.

MOTION by Dennis Clairmont to adjourn the meeting. Seconded by Myrna DuMontier. Carried, unanimous (6 present).

Council **adjourned** at 3:29 p.m., and scheduled to meet again on Tuesday, December 10, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary