

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

Volume 19 Number 69  
Council Chambers, Pablo, MT

Held: July 11, 2019  
Approved: July 25, 2019

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

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Charmel Gillin.

The **Tribal Council Meeting Minutes** for June 28, 2019 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for June 28, 2019, with corrections. Seconded by Dennis Clairmont. Carried, 7 for; 3 abstentions (Shelly Fyant, Myrna DuMontier and Charmel Gillin).

The **agenda** was presented for approval. **Len TwoTeeth** advised that there will be a funeral in Elmo for an infant and the family has requested a donation of paper products for the feast. **Chairman Trahan** will follow up.

**MOTION** by Anita Matt to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (10 present).

**Charmel Gillin** informed council that she has not received a copy of the Arlee Annual Celebration report. **Anita Matt** commented that on June 28 she made a motion to approve the memorandum of understanding, and that motion was contingent on them submitting the report to Rick Eneas. **Jennifer Trahan** advised that the committee submitted an agenda request for August 15 to bring in this information to council. **Rick Eneas** explained that there are two parts to the reporting requirements: verbal and financial. The committee provided the verbal report already and the financial report will be presented to council. **Shelly**

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**Fyant** requested a copy of the committee bylaws for the group that sent the letter to council that she read into the record at the quarterly meeting so she can forward it to them and they will know what the process is since the tribal council does not appoint the pow wow committee.

**Brian Lipscomb**, Energy Keepers, Inc., informed council that EKI has a shareholder meeting/luncheon scheduled for next week to review the annual operating plan. This will be the last meeting that Lon Topaz will be attending since he is retiring from the board of directors. There is a dinner scheduled on Monday to honor his service. The tribal council is invited to go to that dinner and Brian asked for a head count on who will attend. Brian gave an update on the tour to the Bison Range last week and thanked council for their participation. **Len TwoTeeth** was approached about if EKI is allowed to give a donation to the Elmo Pow Wow Committee. **Charmel Gillin** asked if EKI manages an in-house donation policy. Brian advised that EKI has a donation policy that is mirrored with the Tribes' policy that was never ratified. EKI sends donation requests to the Tribes since all donations come out of the tribal revenue. He understands the importance of the pow wow and the nature of the request. Len wants it taken care of today. Charmel was at EKI asking for a copy of the bylaws, and the other part of her request was if EKI could provide an update at her July district meeting. She never heard back, so she requested that EKI attend her August 21 district meeting. Brian was not aware of the request and will be there for the next district meeting.

**Calvin Bourdon**, Tribal Member, followed up on last week's discussion about his request to allow tribal members to attend board meetings. He contacted the individual and was told that the board meetings are not open to the public. He said council understood tribal members could attend any board meeting that they wanted to. Calvin wants more clarification. On July 23 there is a Tribal Gaming Commission meeting and it says the meetings are open to everyone. **Len TwoTeeth** commented that last week it had been agreed upon by the tribal council that they had no problems with tribal members attending board meetings, so the chairman needs to contact the CEO and inform him that tribal members will be attending board meetings.

**Council met in executive session.**

**Joseph Squeque Finley**, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Rhonda Swaney**, Legal Department, joined the discussion.

**Leonard Michel** and **Wilbert Michel**, Tribal Members, requested to meet with council in **executive session** to discuss a personal matter.

**Andrea Mathias** requested to meet with council in **executive session** to discuss a personal matter. **Natalie Kenmille** and **Sheryl Steele**, Department of Human Resources Development, were present for discussion.

Council reconvened into **regular session**.

**Pete White**, Tribal Credit, requested approval of a resolution to update signatory authority for tribal accounts at Eagle Bank due to staffing changes.

**MOTION** by Charmel Gillin to approve by resolution the updated signature authority for tribal accounts at Eagle Bank. Seconded by Myrna DuMontier. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-156**

**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

<u>Account Name</u>	<u>Account Number</u>
Tribal Credit	5000252

**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 one of the following:

Pete A. White	Credit Manager
Lorma M. Sloan	Assistant Credit Manager

and counter signed by the following:

Susie Loughlin	Collections Compliance Officer
Breanna Bertsch	Accountant

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Timothy Brooks	Office 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.

**Carole Lankford** wants to look at the policy to allow contract employees to obtain home loans. **Pete White** wants to revamp the plan as a whole for better utilization of loan products for the membership. Once the Credit Committee approves the plan, it will be brought to council for final approval.

**Jean Matt** and **Cindy Benson**, Mission Valley Power, requested approval of a modification to the fiscal year 2019 budget to add \$1,200,000.00. Due to a cooler weather pattern, the revenue was higher than anticipated and it is projected that the utility will need an additional \$350,000.00 to pay for the power used during those months.

**MOTION** by Fred Matt to approve the modification to the fiscal year 2019 budget to add \$1,200,000.00. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

**Ruth Swaney**, Financial Management, requested approval of the funding amounts available for fiscal year 2020 pursuant to the reprogramming request and amendment 4 to the fiscal year 2016-2020 multi-year funding agreement with the Department of the Interior, Indian Affairs with respect to the Tribes' ability to utilize GSA for interagency motor pool leases.

**MOTION** by Anita Matt to approve the funding amounts available for fiscal year 2020 pursuant to the reprogramming request and amendment 4 to the fiscal year 2016-2020 multi-year funding agreement with the Department of the Interior, Indian Affairs with respect to the Tribes' ability to utilize GSA for interagency motor pool leases. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

**Ruth Swaney**, Financial Management, requested the designation of tribal council to serve as alternate representative of the Billings Area on the Tribal Self-

Governance Advisory Committee and approval to send the nomination letter to Jay Spaan, Executive Director of the Self Governance Communication and Education Project. Troy Felsman previously served as delegate and the remaining council members served as alternates.

**MOTION** by Anita Matt to appoint Charmel Gillin to serve as delegate and the remaining council members as alternates of the Billings Area on the Tribal Self-Governance Advisory Committee and send the nomination letter to Jay Spaan, Executive Director of the Self Governance Communication and Education Project. Seconded by Leonard Gray. Carried, 9 for; 1 abstention (Charmel Gillin).

**Ruth Swaney**, Financial Management, requested approval of modification 1 to the fiscal year 2019 Investment Fund Budget. There is a need to increase the budget for Land Acquisition and Investment Fund revenues are available to appropriate for this purpose.

**MOTION** by Leonard Gray to approve by resolution modification 1 to the fiscal year 2019 Investment Fund Budget. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-157**

**RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2019 INVESTMENT FUND BUDGET**

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

**WHEREAS**, there is a need to increase the budget for Land Acquisition and Investment Fund revenues are available to appropriate for this purpose; and

**WHEREAS**, the budget will be allocated as follows:

<b>Account</b>	<b>Description</b>	<b>Current Budget Authority</b>	<b>Increase/ (Decrease)</b>	<b>Revised Budget Authority</b>
16-511-6410	Land Acquisition	450,000	107,581	557,581
<b>TOTAL</b>			<b>107,581</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to appropriate funds from the Investment Fund and modify the FY 2019 Investment Fund Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the total FY 2019 Investment Fund Budget is increased from \$820,000 to \$927,581.

**Tara Matt** and **Brian Bigsam**, Tribal Gaming Commission, gave an overview of the Tribal Gaming Commission quarterly report and gave an update on the Montana Indian Tribal Gaming Association and requested that a tribal council representative be appointed to the association. James Steele, Jr. previously served as the representative.

**MOTION** by Carole Lankford to appoint Fred Matt to the Montana Indian Tribal Gaming Association. Seconded by Charmel Gillin. Carried, 9 for; 1 abstention (Fred Matt).

**Tara Matt** has the bylaws for the Montana Indian Tribal Gaming Association that need to be signed. She is not comfortable with them yet because they are asking us to pay the fees. Tara held off on that because she needs clarification on what the fees are used for. **Council** requested that Tara send them a copy of the bylaws. Tara informed Carole that the MITGA wants to meet with her as the tribal liaison. **Carole Lankford** clarified that she serves on the Tribal Gaming Advisory Council for the Attorney General and works on public policy issues; she is not the tribal liaison.

**Jeanne Christopher** and **Jody Jones**, Early Childhood Services, requested approval to enter into a contract with Mary Callahan as the Occupational Therapist. She has provided this service for the past 5 years. The service was advertised and Mary was the only bidder. **No action taken.** Council requested a copy of the contract for review and also have legal review done on the contract.

**Jeanne Christopher** and **Jody Jones**, Early Childhood Services, discussed a request to enter into a contract with Cynthia Elliott to provide Speech/Language Pathologist services. **No action taken.** Council requested a copy of the contract and directed legal review of all contracts.

**Jeanne Christopher** and **Jody Jones**, Early Childhood Services, requested approval of a modification to the contract with Side by Side to increase the amount to \$102,500 and extend the term to May 31, 2020 to provide Autism Specialist services. **No action taken.** Council requested a copy of the contract and directed legal review of all contracts.

Council **recessed** the regular meeting at 11:14 a.m. to conduct an S&K Bancorporation shareholder meeting.

Council **reconvened** into the regular meeting at 11:36 a.m.

**Aric Cooksley**, Boys & Girls Club, gave an update on the Boys & Girls Club. In November, the club moved into the new building in Ronan. Approximately 120 - 140 children per day attend the club. The Boys & Girls Club has been working with Tribal Health since the THD summer programs did not occur this year. **Charmel Gillin** shared a testimonial from a mother that attended the Polson district meeting. The Boys & Girls Club has been tremendously helpful for her since she is a single mother and has limited income. The expansion in Ronan has changed the environment to benefit her children and now they have access to college readiness programs, suicide prevention programs, they feel safe, feel they are positive role models, and there is stability at the center. It has greatly helped her as a struggling mother. The program provides an environment for conflict resolution and cultural teachings. The children are aging out of the Polson Boys & Girls Club due to the limited space available. Services could be expanded if the club had a larger space. The mother requested that the council support expansion of the Polson Boys & Girls Club. Aric gave an overview of the property in Polson where he would like to expand the club. \$2.9 million has been raised for the new building. A total of \$4.8 million is needed. **Rick Eneas**, Financial Management, discussed how the contribution would work coming from one source and advised it would be cleaner if the contribution comes from the Tribes. **Shelly Fyant** was happy to see that the Tech Camp is being held at the Boys & Girls Club. It is a positive influence on children. It is very helpful to parents to have their children attend the club and have activities to do. **Wilbert Michel** expressed concerns about the safety of the children in the Polson club, such as a fire. Wilbert wants the donation policy left up to the tribal membership to vote on. The last donation the Tribes made to the Ronan Boys & Girls Club received many negative comments. The people in Elmo wanted to know why they were not informed about the donation. **Aric Cooksley** commented that the Polson Boys & Girls Club has an escape plan and there are two sets of stairs. **Carole Lankford** told Wilbert that the tribal council tries to update the tribal membership and public meetings were held.

**MOTION** by Carole Lankford to make a commitment to the Polson Boys & Girls Club. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Anita Matt** would like information in the newspaper about the Tribes' contribution. **Mr. Cooksley** advised that the Tribes would be acknowledged. **Charmel Gillin** discussed the donation policy requiring a monthly report. The membership is wanting to see that report and they want to know what types of donations are made. Charmel requested that the council receive that report each month for the record, showing who made a donation request, the purpose of the donation, and whether the request was approved or denied. This process could assist in getting a dialogue with the membership. **Len TwoTeeth** requested clarification of the donation request from the Standing Arrow Pow Wow Committee for Energy Keepers, Inc. to get tribal council approval to approve that

specific request. **Chairman Trahan** will follow up with Rob McDonald about getting information in the newspaper.

**Rick Eneas**, Financial Management, requested to meet with council in **executive session**. **Rhonda Swaney**, Legal Department, joined the discussion.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to accept the plan, as presented by our Financial Director. Seconded by Carole Lankford. Carried, 6 for; 4 opposed (Anita Matt, Charmel Gillin, Shelly Fyant, and Myrna DuMontier).

**Len TwoTeeth** discussed the request for Energy Keepers, Inc. to make a donation to the Standing Arrow Pow Wow Committee. **Leonard Gray** questioned if the Arlee Committee received the same donation. Len advised that Arlee did not make a donation request to EKI and this request from Standing Arrow was a last-minute thing. **Rick Eneas**, Financial Management, explained that any donation is a potential decrease from the tribal dividend. Energy Keepers, Inc. has a policy to send all donation requests to the Tribes since it comes out of the company's revenue. **Anita Matt** asked if the Standing Arrow Celebration Committee provided their 2018 annual report, as required. Rick confirmed the report was received. **Shelly Fyant** asked whose responsibility it is administratively to bring forth the policy. When it was discussed two weeks ago, the council agreed they would review the Donation Policy but that still has not happened yet. Fundraising is one of the primary responsibilities of the pow wow committees. People need to understand that when they volunteer on the pow wow committees. She wants to know whose job it is to bring these things to council so they can do their due diligence. **Chairman Trahan** agreed to follow up on that task himself. **Charmel Gillin** thought the EKI board had the authority to approve/deny donations. She was not here for the report on the pow wow and she asked if it included the fundraising results. **Rick Eneas** advised that this action would require the shareholder to direct EKI to make the donation to the pow wow committee.

**MOTION** by Len TwoTeeth to approve EKI to approve the donation request from the Standing Arrow Pow Wow Committee for \$6,000.00. Seconded by Carole Lankford. **MOTION NOT CARRIED**, 4 for (Len TwoTeeth, Carole Lankford, Fred Matt, and Anita Matt); 6 opposed (Dennis Clairmont, Shelly Fyant, Charmel Gillin, Myrna DuMontier, Ron Trahan, and Leonard Gray).

**Charmel Gillin**, for the record, "I want to see this brought up appropriately in the shareholder meeting."



**Rhonda Swaney**, Legal Department, requested to meet with council in **executive session** to discuss a legal matter. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

**MOTION** by Fred Matt to approve by resolution the attorney retainer contract with John Carter. Seconded by Myrna DuMontier. Carried, 10 for; 0 opposed; 0 not voting.

### **RESOLUTION 19-158**

#### **A RESOLUTION TO ENTER INTO AN ATTORNEY RETAINER CONTRACT WITH JOHN CARTER**

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

**WHEREAS**, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

**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;

**WHEREAS**, the Tribal government maintains a Legal Department, employs contract attorneys to staff that department, and contracts with additional attorneys, with Legal Department coordination, when such outside assistance is needed;

**WHEREAS**, the Legal Department provides to the Tribal Council and Tribal government its civil legal services;

**WHEREAS**, John Carter is a licensed attorney in the State of Montana, and wishes to provide legal services to the Tribes through the Legal Department;

**WHEREAS**, John Carter, Attorney, has agreed to provide his legal services according to the terms and conditions of his Attorney Contract;

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

**Rhonda Swaney**, Legal Department, requested a consensus of council to vote for the recommended individuals. The ballot envelope needs to be signed by the chairman. It was the **consensus** of council to vote for the recommended individuals.

**Shelly Fyant** informed council that they need to hire a Chief Justice. Eldena Bear Don't Walk's contract ends this month. The council also needs to get a Tribal Education Acting Director appointed. **Chairman Trahan** advised that Clayton Matt has been assigned as the Tribal Education Acting Department Head while the position is vacant. Council also needs to fill the Energy Keepers, Inc. board vacancy.

Council **recessed** the regular meeting at 12:43 p.m. to attend the annual meeting at Salish Kootenai Housing Authority.

Council **reconvened** into the regular meeting.

**MOTION** by Leonard Gray to adjourn the meeting.

Council **adjourned**, and is scheduled to meet again on Tuesday, July 16, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary