

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

Volume 19 Number 62  
Council Chambers, Pablo, MT

Held: June 18, 2019  
Approved: July 2, 2019

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

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

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

The meeting was opened with a **prayer** by Anita Matt.

The **Tribal Council Meeting Minutes** for June 4, 2019 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for June 4, 2019, with corrections. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

**Mignon Harris** handed out a proposal to have a reservation youth basketball camp at Two Eagle River School gym July 30-31, 2019. The camp fee is \$3,000 and TERS is requiring a \$500 cleanup fee. The KwaTaqNuk Resort will donate a room for the coach. Mignon is requesting funds from the Tribes so the participants will not need to pay a fee. **Len TwoTeeth** reached out to the Tribal Health Director to see if there is any funding that could pay for this camp, but he has not received a response yet. **Carole Lankford** suggested having Jami Pluff follow up on this request to inquire about possible funding sources. **Charmel Gillin** questioned if there is a contract to review and if this the full cost of the camp. The selection criteria would be enrolled tribal members or

descendants from our Tribe. **Chairman Trahan** questioned the liability concerns. **Jami Pluff** will follow up.

**MOTION** by Len TwoTeeth to support this and continue to find funding. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

**Myrna DuMontier** mentioned the Donation Policy. Policy requires the Donation Committee to provide a quarterly report to the tribal council on the budget, balance and donations made. **Council** directed Jami Pluff to follow up with Rick Eneas about the Donation Policy.

**Shane Morigeau, Rhonda Swaney** and **Dan Decker**, Legal Department, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**Jim Taylor**, Tribal Defenders Office, requested approval to hire Emily Bolan to serve as an Intern on a part-time contract through the end of the fiscal year. The request was discussed in yesterday's chairman's meeting.

**MOTION** by Anita Matt to approve the hire of Emily Bolan to serve as an Intern for the Tribal Defenders Office on a part-time contract through the end of the fiscal year. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

**Calvin Bourdon** discussed businesses on the reservation and the information he sent to the council a couple of weeks ago. Years ago, a proposal was brought in to the council to build a \$27 million casino and hotel with amenities. Studies were done that supported that proposal. Over one million vehicles pass through this area each year. Calvin would like that original proposal picked up, if possible. The casino is hurting due to the lack of amenities. Gaming revenue could subsidize tribal programs. Missoula continues to build hotels and he does not know why the Tribes are not building one. The current Chief Executive Officer was not employed at S&K Gaming at the time that the \$27 million was allocated for a hotel and amenities. He wants us to have a casino like the Coeur d'Alene Tribe. Other tribes have a business council to work on these kinds of things instead of having a political council. **Shelly Fyant** had Bryon Miller provide a report on the Gray Wolf Peak Casino at her district meeting. When the tribal council was making the decision to make a loan to S&K Gaming, three different feasibility studies were done. One study was before the highway project, one was done by a company that would have inside services, and Shelly did not see the third one. S&K Gaming recently shut down their million-dollar view restaurant at the Gray Wolf Peak Casino. There were ongoing issues with customer service and the quality of food. If we cannot make the KwaTaqNuk Resort a successful destination site, it is unlikely that the Gray Wolf Peak Casino

would be successful. The KwaTaqNuk has remodeled their restaurant 4 different times. Calvin talked about his bad experience at the restaurant on Mother's Day. Nobody greeted him and nobody escorted him to his table. **Council** will meet with the Gaming Board to follow up on the concerns brought up this morning. **Jami Pluff** commented that S&K Gaming was operating in the red when Bryon Miller first came on board as the Chief Executive Officer, and now the company is making a profit. Food services in casinos never make a profit; it is an amenity. When Jami served on the Gaming Board, she wanted them to lease out the restaurant space. The Montana gaming regulations are so much different than other states, such as Idaho and Washington.

**Jerome Lumpry** and **Justin Benn**, Arlee Celebration Committee, requested a change of duty for the pow wow committee members and volunteers July 1 - July 10 to help with setup and cleanup: Lovie Bravo, Early Childhood Services; Justin Benn, Quicksilver; Elijah ChiefStick, Central Mail; Mike McCrea and Rose McCrea, Tribal Lands Department; and Carmelita Matt, Child Protection Services. **Charmel Gillin** questioned whether any of these individuals are being paid to do any services at the pow wow. The committee confirmed that none of them are paid. **Shelly Fyant** asked about the report that was required from last year. **Rick Eneas**, Financial Management, explained that according to the memorandum of understanding the committee is required to provide a report to the tribal council within 60 days after the celebration. Rick met with the committee yesterday about the language contained in the memorandum of understanding. The committee will return to council next week regarding the memorandum of understanding.

**MOTION** by Carole Lankford to grant Lovie Bravo, Justin Benn, Elijah ChiefStick, Mike McCrea, Rose McCrea, and Carmelita Matt a change of duty, with supervisor approval, for July 1 – July 10, 2019 for setup and cleanup of the pow wow. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Charmel Gillin).

*Charmel Gillin, for the record, "I abstained because I would have liked it to be pending approval of the MOU."*

**Shelly Fyant** asked that Jerome provide a report on the damages done to the bathrooms and asked if they will be providing security. Shelly was told by Dave Durgeloh that some people went in with a sledgehammer and damaged the bathrooms. **Jerome Lumphrey** responded that he had no information on this. **John Neiss**, Facility Maintenance, will look into this issue.

**John Neiss**, Facilities Maintenance, requested approval of a contract for the Safety of Dams security upgrade in the amount of \$11,568; a contract for the tribal complex parking lot seal coat in the amount of \$14,900; and a contract for the Early Childhood Services Polson window replacements in the amount of

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\$18,000. The contracts were advertised with the Indian Preference Office and each one only received one bid.

**MOTION** by Leonard Gray to approve the contract for the Safety of Dams security upgrade in the amount of \$11,568. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**MOTION** by Carole Lankford to approve the contract for the tribal complex parking lot seal coat in the amount of \$14,900. Seconded by Leonard Gray. Carried, unanimous (10 present).

**MOTION** by Anita Matt to approve the contract for the Early Childhood Services Polson window replacements in the amount of \$18,000. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**Myrna DuMontier** reported that someone almost got shocked due to dealing with an electrical problem during last year's pow wow and she wanted to know if there is anyone on call that knows what to do during the pow wow. **John Neiss** advised that we would need to call in an electrician or Mission Valley Power, depending where it's at. **Charmel Gillin** stated that last year we were asked to help with the memorial feast. In those building units, it was raining and the rain was dripping onto the grill surface where the fryers are at. The booth renters were trying to call Maintenance for help, and the response they got was it will stop raining. She hopes it got repaired. **John Neiss** will follow up. **Len TwoTeeth** feels like we do not allocate enough money for the pow wows and we put John on the spot at the last minute to take care of issues right before the pow wow. We need to put money aside in the budget for that so it does not impact John's budget. Len wants John to meet with the Elmo Committee prior to the pow wow due to issues regarding the grounds in Elmo. **Shelly Fyant** commented that last year we had a fire camp and she had asked that the money be put aside for upkeep and upgrading the facility at the pow wow grounds.

**Rick Eneas**, Financial Management, informed council that he wants to work on the language in the pow wow memorandums of understanding so the responsibilities and time lines are very clear in the future. **Shelly Fyant** mentioned that issues that were brought up were they don't charge for RV spots; they don't know who pays the electrical; in the past other tribal departments made donations, such as cleaning supplies from Property & Supply; the teepee poles went to Elmo last year and never came back, so they had Tribal Forestry cutting teepee poles and firewood; and the water that is provided by the Tribal Lands Department. Rick said a detailed list of any tribal corporations, programs, and enterprises that make donations, how much it was, and where was it spent needs to be clear in the MOU as an expectation.

**Wilbert Michel** offered comments. Some people refuse to pay for an RV spot because they live in that community. Wilbert paid for his. When you rent something, the owner has it inspected and ready to move in, and he does not know why Tribal Maintenance cannot do that. If there is something broken then they can bill the committee. Wilbert went to Arlee last year and he heard a complaint that one shower stall was feeding electricity in to the little unit.

**Rick Eneas** and **Jennifer Skare**, Financial Management, requested approval of new investment accounts at TD Ameritrade for Paid/Referred Care, Elders Assistance, ECS, and "Hospitality Distribution" funds.

**MOTION** by Carole Lankford to approve by resolution the new investment account at TD Ameritrade for Paid/Referred Care. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

### **RESOLUTION 19-138**

#### **RESOLUTION TO ESTABLISH AN ACCOUNT WITH TD AMERITRADE INC.**

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

**WHEREAS**, Purchased and Referred Care Funds will be held at TD Ameritrade Inc. and/ or TD Ameritrade Clearing, Inc. ("TD Ameritrade") for investment intended for the Confederated Salish & Kootenai Tribes ("CSKT"), and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to establish an account with TD Ameritrade, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to the Director of Financial Management and the Cash Flow/ Investment Manager to invest the Funds held at TD Ameritrade in investments that meet the criteria stated in the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish & Kootenai Tribes of the Flathead Reservation, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that TD Ameritrade has no responsibility to interpret or apply the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation to the actions of the authorized agent(s) on any CSKT account or to monitor for compliance; and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, waives sovereign immunity of the CSKT as it relates to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that any and all disputes relating to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade will be resolved through arbitration before FINRA as set forth in the TD Ameritrade Client Agreement, and agree to the enforcement of arbitration awards in the state courts of Montana or U.S. Federal Court.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, represents that all necessary consents, approvals, or authorizations have been given to effectuate the waivers, agreements and resolutions granted above.

**NOW, THEREFORE, BE IT RESOLVED**, signature authority is given to the following as authorized signatures on behalf of the Tribes:

Rick Eneas	Director of Financial Management
Dallas Abbott	Director of Administrative Services
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager
John Whitworth	Cash Flow/Investment Manager

**BE IT FURTHER RESOLVED**, this resolution shall remain enforceable until written notice of revocation is provided to TD Ameritrade.

**MOTION** by Carole Lankford to approve by resolution the new investment account at TD Ameritrade for Elders Assistance. Seconded by Dennis Clairmont. Carried, 10 for; 0 opposed; 0 not voting.

#### **RESOLUTION 19-139**

#### **RESOLUTION TO ESTABLISH AN ACCOUNT WITH TD AMERITRADE INC.**

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

**WHEREAS**, Elders Assistance Funds will be held at TD Ameritrade Inc. and/ or TD Ameritrade Clearing, Inc. ("TD Ameritrade") for investment intended for the Confederated Salish & Kootenai Tribes ("CSKT"), and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to establish an account with TD Ameritrade, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to the Director of Financial Management and the Cash Flow/ Investment Manager to invest the Funds held at TD Ameritrade in

investments that meet the criteria stated in the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish & Kootenai Tribes of the Flathead Reservation, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that TD Ameritrade has no responsibility to interpret or apply the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation to the actions of the authorized agent(s) on any CSKT account or to monitor for compliance; and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, waives sovereign immunity of the CSKT as it relates to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that any and all disputes relating to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade will be resolved through arbitration before FINRA as set forth in the TD Ameritrade Client Agreement, and agree to the enforcement of arbitration awards in the state courts of Montana or U.S. Federal Court.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, represents that all necessary consents, approvals, or authorizations have been given to effectuate the waivers, agreements and resolutions granted above.

**NOW, THEREFORE, BE IT RESOLVED**, signature authority is given to the following as authorized signatures on behalf of the Tribes:

Rick Eneas	Director of Financial Management
Dallas Abbott	Director of Administrative Services
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager
John Whitworth	Cash Flow/Investment Manager

**BE IT FURTHER RESOLVED**, this resolution shall remain enforceable until written notice of revocation is provided to TD Ameritrade.

**MOTION** by Anita Matt to approve by resolution the new investment account at TD Ameritrade for Early Childhood Services. Seconded by Carole Lankford. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 19-140**

### **RESOLUTION TO ESTABLISH AN ACCOUNT WITH TD AMERITRADE INC.**

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

**WHEREAS**, Early Childhood Services Funds will be held at TD Ameritrade Inc. and/ or TD Ameritrade Clearing, Inc. ("TD Ameritrade") for investment intended for the Confederated Salish & Kootenai Tribes ("CSKT"), and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to establish an account with TD Ameritrade, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to the Director of Financial Management and the Cash Flow/ Investment Manager to invest the Funds held at TD Ameritrade in investments that meet the criteria stated in the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish & Kootenai Tribes of the Flathead Reservation, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that TD Ameritrade has no responsibility to interpret or apply the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation to the actions of the authorized agent(s) on any CSKT account or to monitor for compliance; and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, waives sovereign immunity of the CSKT as it relates to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that any and all disputes relating to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade will be resolved through arbitration before FINRA as set forth in the TD Ameritrade Client Agreement, and agree to the enforcement of arbitration awards in the state courts of Montana or U.S. Federal Court.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, represents that all necessary consents, approvals, or authorizations have been given to effectuate the waivers, agreements and resolutions granted above.

**NOW, THEREFORE, BE IT RESOLVED**, signature authority is given to the following as authorized signatures on behalf of the Tribes:

Rick Eneas	Director of Financial Management
Dallas Abbott	Director of Administrative Services
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager



John Whitworth

Cash Flow/Investment Manager

**BE IT FURTHER RESOLVED**, this resolution shall remain enforceable until written notice of revocation is provided to TD Ameritrade.

**MOTION** by Carole Lankford to approve by resolution the new investment account at TD Ameritrade for Hospitality Distribution funds. Seconded by Fred Matt. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-141**

**RESOLUTION TO ESTABLISH AN ACCOUNT WITH TD AMERITRADE INC.**

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

**WHEREAS**, Hospitality Distribution Funds will be held at TD Ameritrade Inc. and/ or TD Ameritrade Clearing, Inc. ("TD Ameritrade") for investment intended for the Confederated Salish & Kootenai Tribes ("CSKT"), and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to establish an account with TD Ameritrade, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes does hereby grant authorization to the Director of Financial Management and the Cash Flow/ Investment Manager to invest the Funds held at TD Ameritrade in investments that meet the criteria stated in the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish & Kootenai Tribes of the Flathead Reservation, and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that TD Ameritrade has no responsibility to interpret or apply the Investment Policy Manual and Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation to the actions of the authorized agent(s) on any CSKT account or to monitor for compliance; and

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, waives sovereign immunity of the CSKT as it relates to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, agrees that any and all disputes relating to any transactions in, or claims or controversies arising from, accounts maintained at TD Ameritrade will be resolved through arbitration before FINRA as set forth in the TD Ameritrade

Client Agreement, and agree to the enforcement of arbitration awards in the state courts of Montana or U.S. Federal Court.

**WHEREAS**, the Tribal Council of the Confederated Salish & Kootenai Tribes, represents that all necessary consents, approvals, or authorizations have been given to effectuate the waivers, agreements and resolutions granted above.

**NOW, THEREFORE, BE IT RESOLVED**, signature authority is given to the following as authorized signatures on behalf of the Tribes:

Rick Eneas	Director of Financial Management
Dallas Abbott	Director of Administrative Services
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager
John Whitworth	Cash Flow/Investment Manager

**BE IT FURTHER RESOLVED**, this resolution shall remain enforceable until written notice of revocation is provided to TD Ameritrade.

**Rick Eneas**, Financial Management, requested approval of modification 6 to the fiscal year 2019 Tribal General Fund Budget. There is a need to increase the budget for Capital Equipment for purchase of a vehicle for Facilities Maintenance and a need to increase the budget for Administration Non-IDC, and General Fund revenues are available to appropriate for that purpose.

**MOTION** by Anita Matt to approve by resolution modification 6 to the fiscal year 2019 Tribal General Fund Budget. Seconded by Fred Matt. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 19-142**

### **RESOLUTION APPROVING MODIFICATION 6 TO THE FISCAL YEAR 2019 TRIBAL GENERAL 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 Capital Equipment for purchase of a vehicle for Facilities Maintenance and a need to increase the budget for Administration Non-IDC, and General Fund revenues are available to appropriate for that purpose; and

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

<b>Account</b>	<b>Program Description</b>	<b>Current Budget Authority</b>	<b>Increase/ (Decrease)</b>	<b>Revised Budget Authority</b>
02-506-6110	Administration Non-IDC	1,092,520	359,000	1,451,520
02-511-6400	Capital Equipment	280,786	11,300	292,086
<b>Total Increase/(Decrease)</b>			<b>370,300</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve the acquisition of Capital Equipment, appropriate General Fund Revenues, and modify the FY 2019 General Fund Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the total FY 2019 General Fund Budget is increased from \$22,496,906 to \$22,867,206.

**Rick Eneas**, Financial Management, requested approval of modification 13 to the fiscal year 2019 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2013 funding for Safety of Dams training events, earmarked fiscal year 2019 funding for Community Service Block Grants, earmarked fiscal year 2019 funding for Noxious Weed Eradication, earmarked fiscal year 2019 funding for Dam Maintenance and Special Activities, and earmarked fiscal year 2019 funding for Facilities Operations and Maintenance has been awarded and needs to be allocated to the budget.

**MOTION** by Carole Lankford to approve by resolution modification 13 to the fiscal year 2019 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Dennis Clairmont. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-143**

**RESOLUTION APPROVING MODIFICATION 13 TO THE FY 2019 BIA SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, earmarked FY 2013 funding for Safety of Dams training events, earmarked FY 2019 funding for Community Service Block Grants, earmarked FY 2019 funding for Noxious Weed Eradication, earmarked FY 2019 funding for Dam Maintenance and Special Activities, and earmarked FY 2019 funding for Facilities Operations and Maintenance has been awarded and needs to be allocated to the budget; and

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

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<b>Account Number</b>	<b>Description</b>	<b>Current Budget Authority</b>	<b>Increase/ (Decrease)</b>	<b>Revised Budget Authority</b>
13-502-4770	DHRD 477 Program	4,579,836.88	57,549	4,637,385.88
13-503-4503	TLD Weeds Program	35,986.86	41,230	77,216.86
13-503-4511	Safety of Dams	20,356,078.40	169,000	20,525,078.40
13-503-4528	SOD (National Monitoring Center)	516,926.44	675,000	1,191,926.44
13-503-4566	SOD Inter-Tribal Council	395.44	75,000	75,395.44
13-510-4520	Fire Lookout O&M	62,788.50	4,553	67,341.50
	<b>TOTAL INCREASE/(DECREASE)</b>		<b>1,022,332</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2019 BIA Self-Governance Compact Budget as reflected above; and

**BE IT FURTHER RESOLVED** that prior year unexpended BIA funds shall be made available to provide for the expenditure of the FY 2019 BIA Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

**BE IT FURTHER RESOLVED** that the FY 2019 BIA Self-Governance Compact Budget is increased from \$37,936,163 to \$38,958,495.

\*\*\*\*\* **Break** \*\*\*\*\*

**Vina Little Owl**, Internal Auditor, requested approval of the final Internal Audit Report No. 2019.001 for the adjudication that was done on the Personnel team and authorization to share the report with Bill Bjarko, Comptroller, to send a copy to Thomas Gubatayao, Financial Administrator at the Office of the Secretary of the Department of Interior.

**MOTION** by Fred Matt to accept the final Internal Audit Report No. 2019.001 for the adjudication that was done on the Personnel team. Seconded by Anita Matt. Carried, unanimous (10 present).

**MOTION** by Shelly Fyant to give the Internal Auditor authorization to share the report with Bill Bjarko, Comptroller, to send a copy to Thomas Gubatayao, Financial Administrator at the Office of the Secretary of the

Department of Interior. Seconded by Anita Matt. Carried, unanimous (10 present).

**Melanie Piedalue**, Personnel Department, presented a request from Tribal Court to hire Reagyn Germer on a two-year contract to fill the Attorney Law Clerk position. The vacancy was advertised and there were no qualified tribal member applicants.

**MOTION** by Shelly Fyant to approve by resolution the hire of Reagyn Germer on a two-year contract to fill the Attorney Law Clerk position at Tribal Court. Seconded by Dennis Clairmont. Carried, 10 for; 0 opposed; 0 not voting.

#### **RESOLUTION 19-144**

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

**WHEREAS**, the Tribal Council, as primary governing body of the Flathead Nation, is empowered under the Tribal Constitution to promulgate and enforce ordinances governing the conduct of Tribal members and providing for the maintenance of law and order and the administration of justice, and

**WHEREAS**, the judicial power of the Tribes has been vested by the Tribal Council in the Tribal Court and the Tribal Court of Appeals, and

**WHEREAS**, Reagyn Germer is a licensed attorney in the State of Montana, was recently offered the position of Attorney Law Clerk for the Tribes for the Tribal Court and wishes to provide legal services to the Tribes through the Tribal Court, and

**WHEREAS**, Reagyn Germer has agreed to provide her legal services according to the terms and conditions of an Attorney Law Clerk Contract;

**THEREFORE**, the Tribal Council approved said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

**Chasity Haynes**, Enrollment Office, requested approval of a resolution authorizing the August Per Capita distribution.

**MOTION** by Carole Lankford to approve by resolution the August Per Capita distribution. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

#### **RESOLUTION 19-145**

**RESOLUTION AUTHORIZING THE AUGUST 7, 2019 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 2019; 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 7, 2019 per capita distribution will be made to those members enrolled in the Tribes as of July 18, 2019 at 5:30 p.m., and

**BE IT FINALLY RESOLVED** that the deadline for claims to be withheld from individuals' August 7, 2019 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than July 18, 2019 at 5:30 p.m.

**Chasity Haynes**, Enrollment Office, requested to meet with council in **executive session** to discuss an enrollment issue.

Council reconvened into **regular session**.

**Tara Irvine**, Tribal Lands Department, presented a request from Jean Marx, JJ's Dawgs, for a one-year revocable permit to place a 10x10 mobile building on Tribal Tract T4849, located in Polson, to operate a food takeout stand. Options presented for consideration were: (1) grant a one-year revocable permit so long as all permitting requirements are met, including rent of \$350.00 per month, required insurance, and required bond; (2) deny permit; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Charmel Gillin to go with the recommendation and grant Jean Marx, JJ's Dawgs, a one-year revocable permit to place a 10x10 mobile building on Tribal Tract T4849 to operate a food takeout stand, so long as all permitting requirements are met, including rent of \$350.00 per month, required insurance, and required bond. Seconded by Carole Lankford. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Tara Irvine**, Tribal Lands Department, presented a request from HaeOk Newman, Oak's Korean Kitchen, for a one-year revocable permit to operate a food takeout stand on Tribal Tract T4481, located in Polson. Options presented for consideration were: (1) grant a one-year revocable permit so long as all permitting requirements are met, including rent of \$350.00 per month, required insurance, and required bond; (2) deny permit; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Dennis Clairmont to go with the recommendation and grant HaeOk Newman, Oak's Korean Kitchen, a one-year revocable permit to operate a food takeout stand on Tribal Tract T4481, so long as all permitting requirements are met, including rent of \$350.00 per month, required insurance, and required bond. Seconded by Carole Lankford. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Tara Irvine**, Tribal Lands Department, presented a request from Cindy Clairmont for a one-year revocable permit to place a 3x5 business sign up at the Marvin Camel building in Ronan. Options presented for consideration were: (1) grant a one-year revocable permit as long as all permitting requirements are met, including a one-time payment of \$50.00 and a \$10.00 administrative fee; (2) deny permit; and (3) further discussion. The Lands Department recommended going with option one and waiving the insurance requirement since insurance is not required for small signs such as this.

**MOTION** by Anita Matt to go with the recommendation and grant Cindy Clairmont a one-year revocable permit to place a 3x5 business sign up at the Marvin Camel building in Ronan as long as all permitting requirements are met, including a one-time payment of \$50.00 and a \$10.00 administrative fee.

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Seconded by Carole Lankford. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Tara Irvine**, Tribal Lands Department, presented a request from Pam Carruth, Flathead Coffee, for a one-year revocable permit to operate a coffee shop on Tribal Tract T4481, located in Polson. Options presented for consideration were: (1) grant a one-year revocable permit so long as all permitting requirements are met, including rent of \$350.00 per month, required insurance, and required bond; (2) deny permit; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Dennis Clairmont to go with the recommendation and grant Pam Carruth, Flathead Coffee, a one-year revocable permit to operate a coffee shop on Tribal Tract T4481, so long as all permitting requirements are met, including rent of \$350.00 per month, required insurance, and required bond. Seconded by Leonard Gray. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Tara Irvine**, Tribal Lands Department, presented a request from One Heart for a five-year business lease with an option to renew to operate a safe house and a sober and drug-free living facility on the Black Bear Ranch. The revocable permit will expire at the end of August. Options presented for consideration were: (1) approve a business lease for five years, with an option to renew, as long as all requirements for permitting leases are met, including a rental payment of \$1.00 annually, required insurance, and acquire a bond; (2) deny business lease; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Charmel Gillin to go with the recommendation and approve a business lease with One Heart for five years, with an option to renew, as long as all requirements for permitting leases are met, including a rental payment of \$1.00 annually, required insurance, and acquire a bond. Seconded by Myrna DuMontier. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Mark Couture**, Tribal Lands Department, presented a request from SMH Cattle to relinquish Lease No. 2271. The Land Committee supported the request only if it was bid on during the spring bid. A tribal member bid on it during the spring bid.

**MOTION** by Anita Matt to go with the recommendation of the Land Committee and authorize SMH Cattle to relinquish Lease No. 2271. Seconded by Dennis Clairmont. Carried, unanimous (9 present – Len TwoTeeth out of the room).



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**Mark Couture**, Tribal Lands Department, presented a request from Ruby O'Connor to negotiate a bid on Lease No. 4759 at \$2.00 per acre, for a total of \$147.36 per year, starting immediately for a total of 5.5 years. The lease was relinquished by a tribal member and placed on the spring bid, but no bids were offered at that time. Options presented for consideration were: (1) approve the bid by Ruby O'Connor; (2) deny the request; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Charmel Gillin to go with the recommendation of the Tribal Lands Department and approve the negotiated bid by Ruby O'Connor on Lease 4759 at \$2.00 per acre, for a total of \$147.36 per year, starting immediately through 2024. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Ron Trahan).

**Mark Couture**, Tribal Lands Department, presented a request from Ruby O'Connor to negotiate a bid on Lease No. 4760 at \$2.00 per acre, for a total of \$80.00 per year, starting immediately for a total of 5.5 years. The lease was relinquished by a tribal member and placed on the spring bid, but no bids were offered at that time. Options presented for consideration were: (1) approve the bid by Ruby O'Connor; (2) deny the request; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Anita Matt to go with the recommendation of the Tribal Lands Department and approve the negotiated bid by Ruby O'Connor on Lease 4760 at \$2.00 per acre, for a total of \$80.00 per year, starting immediately through 2024. Seconded by Carole Lankford. Carried, 9 for; 1 abstention (Ron Trahan).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, presented a request from Dorothy Clinkenbeard to negotiate a bid on Lease No. 5006 for \$6,500.00 per year for 5 years. The lease was placed on the spring bid, and Dorothy was the only bidder. She has maintained this lease for 10 years. Options presented for consideration were: (1) approve the bid by Dorothy Clinkenbeard; (2) deny the request; and (3) further discussion. The Lands Department recommended going with option one.

**MOTION** by Shelly Fyant to go with the recommendation of the Tribal Lands Department and approve the negotiated bid by Dorothy Clinkenbeard on Lease 5006 for \$6,500 per year for 5 years. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

**Renee Joachim**, Personnel Department; and **Carolee Wenderoth**, Tribal Lands Department, presented for consideration a list of incentive awards for seven employees and requested that the names remain confidential. **Anita Matt** appreciated the department head recognizing the employees.

**MOTION** by Fred Matt to go with the recommendation and approve incentive awards for the seven employees. Seconded by Carole Lankford. Carried, 8 for; 2 abstentions (Charmel Gillin and Anita Matt – due to family relation).

**Shelly Fyant** commented that June 27 is Carolee's last day of employment and she asked if the council needs to take action to advertise the vacancy. **Chairman Trahan** suggested waiting until after she vacates the position. **Carolee Wenderoth** informed council that she has not formally resigned from her position yet and asked that the tribal council wait until she does resign to advertise her position.

**Joe Durglo, Katie Tapia** and **Rhonda Hendren**, Tribal Health Department, requested approval to renew a two-year contract with Amanda F. Salway to remain in the Paid Care Patient Accounts Representative position number 1166 with the stated pay increase.

**MOTION** by Carole Lankford to renew a two-year contract with Amanda F. Salway to remain in the Paid Care Patient Accounts Representative position number 1166 with the stated pay increase. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Anita Matt – due to family relation).

**Joe Durglo**, Tribal Health Department, went to Billings to partake in the Indian Health Service Area Director interviews. There were six candidates that were interviewed. The names of the top four scoring candidates were sent to the Indian Health Service to make a selection.

**Joe Durglo**, Tribal Health Department, informed council that Dr. Cairns retired and the Medical Assistance Therapy Specialists are transitioning in the clinics. It is a long and complicated process and Tribal Health is working through this the best they can.

**John Carter** and **Rhonda Swaney**, Legal Department, requested approval of letters addressed to the Kootenai National Forest Supervisor, Regional Forester, and the Army Corps of Engineers Resource Manager regarding repatriation of all cultural resource objects taken out of the Kooconusa area.

**MOTION** by Anita Matt to send out the letters with signature. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

**Dan Decker** and **Rhonda Swaney**, Legal Department; and **Dan Lozar**, Natural Resources Department; gave an update on Highway 93 Ronan Urban negotiations with the Montana Department of Transportation and status of the Ninepipe-Post Creek segment.

**Dan Decker, Ryan Rusche and Rhonda Swaney**, Legal Department, discussed the CITT Agreement.

**MOTION** by Shelly Fyant to approve the second master agreement between DNRC and the Tribes. Seconded by Anita Matt. Carried, unanimous (10 present).

**Yolanda Page and Rhonda Swaney**, Legal Department, requested approval of a comment letter regarding the adoption of foster care analysis and reporting system for ICWA cases. Data points had been eliminated and the letter is asking that they not be eliminated.

**MOTION** by Myrna DuMontier to approve the comment letter to be submitted today. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**Brian Upton and Rhonda Swaney**, Legal Department, requested approval of some thank-you letters.

**MOTION** by Carole Lankford to approve the thank-you letters. Seconded by Leonard Gray. Carried, unanimous (10 present).

**Rhonda Swaney and Dan Decker**, Legal Department; and **Renee Joachim**, Personnel Department; requested to meet with council in **executive session** to discuss legal matters. **John Carter, John Harrison, Shane Morigeau, Brian Upton, Stu Levit**, and **Jordan Thompson**, Legal Department, were present for discussion.

**Rhonda Swaney, Dan Decker and John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **John Carter, Shane Morigeau, Brian Upton, Stu Levit, Ryan Rusche**, and **Jordan Thompson**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

**MOTION** by Leonard Gray to approve the settlement. Seconded by Len TwoTeeth. Carried, 9 for; 1 abstention (Myrna DuMontier).

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Mary Erickson**, Forest Supervisor; **Halcyon LaPoint**, Forest Archeologist and Tribal Liaison; **Mike Thom**, Gardiner District Ranger; and **Corey Lewellen**, Bozeman District Ranger; discussed the Forest Plan for the Custer Gallatin National Forest. The public comment period for the Draft EIS closed on June 6,

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2019. The final draft will be done by the spring of 2020 and a decision will be made by the fall of 2020.

**Greg Wilson**, Natural Resources Department, requested approval of a project management plan for the Black Lake Dam Seepage Improvements in the amount of \$79,296.00.

**MOTION** by Dennis Clairmont to approve a project management plan for the Black Lake Dam Seepage Improvements in the amount of \$79,296.00. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Len TwoTeeth).

*Len TwoTeeth, for the record, "The cost is to develop the plan, not to execute the plan."*

Council **recessed** the regular meeting at 3:00 p.m. to conduct a Native Fish Keepers, Inc. Membership Representative meeting.

Council **reconvened** into the regular meeting at 3:21 p.m.

**Dale Becker**, Natural Resources Department, requested approval of the Little Money Wildlife Management Unit Bighorn Sheep Hunting Permits.

**MOTION** by Fred Matt to go with the recommendation and approve the Little Money Wildlife Management Unit Bighorn Sheep Hunting Permits quotas at 6 rams and 2 ewes. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

**Dale Becker**, Natural Resources Department, requested approval of the 2019 Ferry Basin Wildlife Management Unit Bull Elk Permits. **Myrna DuMontier** asked questions about chronic waste disease. Dale explained that valid testing techniques are used to test the animals. They are looking at taking 200 animals from Libby since many people have had deer in their back yards. Sampling will begin in the fall and will take about three years to get some good results.

**MOTION** by Fred Matt to go with the recommendation and approve the 2019 Ferry Basin Wildlife Management Unit Bull Elk Permits quota at 30 bull elk. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

**Dale Becker**, Natural Resources Department, requested approval of the 2019-2020 Northern Gray Wolf Hunting and Trapping Regulations. 3 or 4 animals have been killed by wolves.

**MOTION** by Fred Matt to go with the recommendation and approve the 2019-2020 Northern Gray Wolf Hunting and Trapping Regulations.

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Seconded by Anita Matt. Carried, 8 for; 2 opposed (Shelly Fyant and Leonard Gray).

**Rich Janssen**, Natural Resources Department; and **Doug Dupuis**, Salish Kootenai College; requested approval of a collection permit for the Montana State University in conjunction with Salish Kootenai College. Rich informed council that last year he put a requirement in all permits to wash the undercarriage.

**MOTION** by Carole Lankford to grant a collection permit for the Montana State University in conjunction with Salish Kootenai College. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**Shandin Pete**, Salish Kootenai College; and **Nanette Nelson**, Flathead Lake Biological Station; gave an update on the co-development of a Survey Instrument to elicit Native American preferences for preventing dreissenid mussel invasion of Flathead Lake project. The purpose of the survey is to find out if tribal members are willing to make tradeoffs to prevent the invasion of mussels. The main trade-off is revenue from the hydroelectric dam. **Carole Lankford** thinks the research would be critical to the Natural Resources Department and wants the department involved. Carole supports the request, and would like input/approval of the survey by the tribal council. **Rich Janssen**, Natural Resources Department, advised that it would be valuable. Many people do not realize the importance of the boat check stations to protect our resources. Rich expressed interest in being part of this project, particularly with the survey. NRD works well with the college and will provide input.

**Marci McLean-Pollock**, **Cinda Burd-Meineke** and **Leah Berry**, Western Native Voice, presented the Election Impact Report and discussed the 2020 Census.

**Charmel Gillin** was excused from the meeting, due to the next item being a conflict of interest.

**Council** met in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to approve the letter of reprimand to Polson District Tribal Council Representative Charmel Gillin. Seconded by Dennis Clairmont. Carried, 5 for (Len TwoTeeth, Dennis Clairmont, Carole Lankford, Ron Trahan, and Leonard Gray); 3 opposed (Shelly Fyant, Myrna DuMontier and Anita Matt); 1 abstention (Fred Matt); 1 not voting (Charmel Gillin out of the room).

A roll call vote was taken: Carole Lankford votes yes; Dennis Clairmont voted yes; Shelly Fyant voted no; Myrna DuMontier voted no; Ron Trahan voted yes;

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Leonard Gray voted yes; Fred Matt abstained; Anita Matt voted no; Len TwoTeeth voted yes; and Charmel Gillin did not cast a vote.

**Carole Lankford**, for the record, *“I ask the tribal chairman to make a report to the membership on what has taken place here. I think they have a right to know when you spend that kind of money.”*

**Fred Matt**, for the record, *“There should have been a little more dialogue or description of what this has cost us as a Tribe.”*

**Len TwoTeeth**, for the record, *“Based on what this cost the Tribe, I believe there should have been more sanctions.”*

**Chairman Trahan** left the meeting for the remainder of the day.

**Charmel Gillin** returned to the meeting.

**Rick Eneas**, Financial Management, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Dennis Clairmont to approve the agreement with the consultant to investigate the complaint against the tribal chairman. Seconded by Len TwoTeeth. Carried, 7 for; 1 opposed (Leonard Gray); 1 abstention (Fred Matt); 1 not voting (Ron Trahan out of the room).

**Charmel Gillin** asked if the council was ready to take action on the EDO Director position description. Personnel is waiting to hear from the council on how to proceed. **Carole Lankford** preferred to go through all of them next week.

**Carole Lankford** presented a request for donation from Jeri Powell for Good Ole Days (3 pounds of coffee, 300 cups, 300 large plates, and 300 napkins). **Anita Matt** requested that she be required to fill out a donation form so we can track our donations.

**MOTION** by Carole Lankford to donate 3 pounds of coffee, 300 cups, 300 large plates, and 300 napkins to Jeri Powell for Good Ole Days, pending the donation form being fill out. Seconded by Anita Matt. Carried, unanimous (9 present).

**MOTION** by Anita Matt to adjourn the meeting. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

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Council **adjourned** at 5:09 p.m., and is scheduled to meet again on Tuesday, June 25, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Shelly R. Fyant  
Tribal Secretary