

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

Volume 18 Number 55
Council Chambers, Pablo, MT

Held: April 12, 2018
Approved: April 24, 2018

MEMBERS PRESENT: Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Troy Felsman, Secretary; Dennis Clairmont; Shelly Fyant; Charmel Gillin; James Steele, Jr.; and Leonard TwoTeeth.

MEMBERS ABSENT: Anita Matt, Treasurer (Indian Land Tenure Foundation Annual Staff Meeting – Tulsa, Oklahoma); and Carole Lankford (Inter-Tribal Timber Council – Boise, Idaho).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Bill Kehoe, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Shelly Fyant.

The **Tribal Council Meeting Minutes** for April 5, 2018 were presented for approval.

MOTION by Troy Felsman to approve the Tribal Council Meeting Minutes for April 5, 2018, with corrections. Seconded by Charmel Gillin. Carried, 6 for; 2 abstentions (Leonard Gray and James Steele, Jr.).

The **Quarterly Council Meeting Minutes** for April 6, 2018 were presented for approval.

MOTION by Charmel Gillin to approve the Quarterly Council Meeting Minutes for April 6, 2018, with corrections. Seconded by Shelly Fyant. Carried, 7 for; 1 abstention (James Steele, Jr.).

The **Tribal Council Meeting Minutes** for April 6, 2018 were presented for approval.

MOTION by Troy Felsman to approve the Tribal Council Meeting Minutes for April 6, 2018, with corrections. Seconded by Leonard Gray. Carried, 7 for; 1 abstention (James Steele, Jr.).

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

Chairman Trahan informed council of the passing of Hank Baylor. The tribal flags will be at half-staff in his honor. **Council** discussed establishing a protocol for lowering tribal flags at half-staff.

Rhonda Swaney and **Yolanda Page**, Legal Department, requested to meet with council in **executive session** to discuss a legal issue.

Council reconvened into **regular session**.

Dale Becker, Natural Resources Department, requested approval of the 2018-2019 Migratory Waterfowl, Pheasant and Gray Partridge Hunting Seasons and Regulations for Nonmembers. A public comment period was advertised and there were no public comments received. They were approved by the Fish & Wildlife Advisory Board yesterday.

MOTION by James Steele, Jr. to approve the 2018-2019 Migratory Waterfowl, Pheasant and Gray Partridge Hunting Seasons and Regulations for Nonmembers. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Dale Becker, Natural Resources Department, discussed big horn sheep concerns regarding property for sale near Perma.

Brad Pluff, Tribal Court, requested approval to hire Jamie Iguchi to fill the Attorney Law Clerk position.

MOTION by Charmel Gillin to approve the hire of Jamie Iguchi to fill the Attorney Law Clerk position. Seconded by Shelly Fyant. Carried, unanimous (8 present).

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

Mark Couture, Tribal Lands Department, presented a request for Patrick Big Sam to be added to Nelson Big Sam's Lease 5816.

MOTION by Troy Felsman for Patrick Big Sam to be added to Nelson Big Sam's Lease 5816. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Leonard Gray out of the room).

Mark Couture, Tribal Lands Department, presented a request for SMH Cattle to add Malcolm McDonald to Lease 2271.

MOTION by Leonard Gray to add Malcolm McDonald to SMH Cattle's Lease 2271. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Dewey Schliep, Tribal Lands Department, discussed the request from the Remount Indian Stock Association to have an early turnout date of May 18 for Range Unit 14. George Barce and Dale Becker assessed the unit and thought May 18 was an acceptable turnout date.

MOTION by Troy Felsman to approve the request by the Remount Indian Stock Association for an early turnout date of May 18. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Carolee Wenderoth, Tribal Lands Department, followed up on Art Caye's request to remove buildings from a piece of tribal property. The Lands staff conducted a full inventory and took photos of everything on that property. Carolee provided options and recommendations. She does not want to discuss open numbers in case the tribal council does decide to bid it out. Options were to dispose of all the improvements, or dispose of only the lumber from the buildings. The Lands Department recommended that the project be bid out to provide the membership an opportunity. **Art Caye**, Tribal Member, commented that this project was his idea, and he does not want his idea to be advertised to the membership. **Leonard Michel**, Tribal Member, commented that he has been up to that property a few times and there is valuable stuff up there. The sliding doors are now missing. Bits and pieces are starting to get stolen. He thinks Art is making an offer on what is left there and he sees no problem with that. There are a bunch of tribal properties and the improvements have been ransacked. There is a market on Craig's List for those kinds of materials. Leonard suggested that council have Art agree to burn whatever he does not take so the property would be completely cleaned up. **Charmel Gillin** wants everyone to have these kinds of opportunities, and she recommended giving Art preference by having the opportunity to meet the preferred bid since this is his identified project. **Shelly Fyant** thinks it would set precedence if the project is not advertised, so she would like it bid out and take into consideration the value. **Leonard Gray** would also like the project bid out. **Carolee Wenderoth** reported that a camera was installed to monitor the property and the area will be patrolled. Besides the lumber, there is tin out there that is marketable. A decision needs to be made whether the project includes all the materials or is just for the lumber from the buildings. **Dennis Clairmont** asked if the livestock scale was still there and the corral system. **Mark Couture** advised that the staff did not see the livestock scale on the property when they did the inventory. **Chairman Trahan** would like to have a complete inventory of all tribal properties and improvements. **Wilbert Michel**, Tribal Member, commented that in the past when the Elmo Pow Wow grounds was being remodeled people were able to take what was good out there, like the

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plywood and lumber materials. Council agreed at that time to go ahead without any bidding since it was going to be demoed anyway. There were also treated poles there and the membership got to take those for free and it was not bid out. Wilbert wants Art to get a fair deal to get his crew back to work. People in Elmo are suffering from a lack of work. **Mark Couture** explained that the property is currently leased, and the barns and corral system are included as a part of the lease for the lessee's use. **No action taken.**

It was the **consensus** of council to table the request to discuss in further detail at the next chairman's meeting.

Bryon Miller, S&K Gaming Chief Executive Officer; **Allen Sloan**, **Jami Pluff**, **Gene Sorrell**, and **Francine Dupuis**, S&K Gaming LLC Board of Directors; **Dan Belcourt**, Belcourt Law Office; and **Shelly Cottet**, Chief Financial Officer; discussed the new design of The Nook; financial reports; and state of Montana jackpots in excess of \$800. The Nook will be redesigned and provide additional seating area and a sports bar. The name will be changed to Falling Waters. The kitchen will be expanded to be more functional and provide an opportunity to expand the menu. S&K Gaming's financial status has improved since last year. There is a regression in hotel revenue compared to last year, but the other outlets are making revenue. The revenue stream has been managed and has stable projections for the next several months. The losses have been minimized during the winter months. The menu at Gray Wolf Peak Casino has been revamped. Cigarette sales are the biggest revenue stream in the Gift Shop. Fuel sales have increased compared to last year. Dane Morigeau is doing a great job managing that. **James Steele, Jr.** provided an overview of Class II and Class III gaming, the Gray Wolf facility, and the challenges that the Tribes faced in dealing with the National Indian Gaming Commission when he was previously on the tribal council. The State Gaming Advisory Council only has 1 representative to represent Native Americans. It would take a legislative fix to correct that. **Bryon Miller** gave an update on the improvements at the Big Arm Marina (RV spots and cabins). The target date to have the five cabins completed is Memorial Day weekend. The former Ranald McDonald house needs to be furnished and placed on the market through the reservation system for booking. The gray house is currently being used by the general manager and is rented out in the summer months. It is a fully furnished house and is tied in to the reservation system for booking. The restaurants have continued to be a challenge. A Marina Manager will be hired at Big Arm to oversee all the SKG marina slips, RV spots, and cabins. Bryon brought up a concern about the state of Montana having a number of machines that pay out jackpots in excess of the \$800 limit that is implied in the Montana Code. People have witnessed \$26,000 jackpots being paid out on state gaming machines and the jackpots are not reported so the winners are not paying income taxes on those payouts. SKG reports the winnings to the Internal Revenue Service. We may need to pursue legal action. These payouts are

putting tribal gaming at an unfair disadvantage. S&K Gaming is required to have jackpot winners fill out income tax forms, but the state gaming casinos are not requiring their winners to do that, so tribal gaming winners have to pay taxes and the state winners do not. **Chairman Trahan** brought up these concerns to the Governor's Office and will discuss again when Governor Bullock meets with the tribal council on May 3rd. **Dan Belcourt** informed council that it is the Night Owl Keno Progressive machine that pays out large jackpots. A board member has a video showing the machine paying out a jackpot to an individual in the amount of \$27,000 and the video will be sent to the gaming regulatory department.

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

Arlene Templer, Department of Human Resources Development, requested approval to submit an application to the Department of Health and Human Services, Office of Assistant Secretary for Health, Office of Adolescent Health for the Support for Expectant and Parenting Teens, Women, Fathers, and Their Families grant in the amount of \$1,332,684 for a five-year period. If the grant is awarded, DHRD does not have any office space available for the new staff that would be hired with those funds. **Shelly Fyant** offered use of her office space in Arlee, as a possible option for staff. **Len TwoTeeth** reported that S&K Holding has office space for lease. **Arlene Templer** cannot use the leasing option due to the IDC.

MOTION by Charmel Gillin to approve by resolution submission of an application to the Department of Health and Human Services, Office of Assistant Secretary for Health, Office of Adolescent Health for the Support for Expectant and Parenting Teens, Women, Fathers, and Their Families grant in the amount of \$1,332,684 for a five-year period. Seconded by Troy Felsman. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-116

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF ASSISTANT SECRETARY FOR HEALTH, OFFICE OF ADOLESCENT HEALTH FOR THE SUPPORT FOR EXPECTANT AND PARENTING TEENS, WOMEN, FATHERS, AND THEIR FAMILIES GRANT

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

WHEREAS, the Confederated Salish and Kootenai Tribes (CSKT) are committed to seeking resources for children and families as they work toward healthy lifestyles and stable families, and

WHEREAS, the Tribal Council has directed all Tribal Departments to work on revenue diversification for the benefit of the Tribal government and the membership, and

WHEREAS, the Tribal Council has asked that revenue enhancement activities include opportunities where the membership may benefit including seeking additional resources to assist families in their daily living, and

WHEREAS, this grant will be administered by DHRD and used to conduct a needs assessment and provide case management, peer support, parenting education, child development screenings, family forums, resource and referrals, support services, transportation, job readiness training, and paid work experience to pregnant, parenting teens, female and male, and their families.

NOW, THEREFORE BE IT RESOLVED that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant and or contract documents and any amendments thereto.

Ashley Morigeau, District Court Judge Candidate, announced her candidacy for District Court Judge for Lake and Sanders Counties. She provided an overview of her background and experience, and discussed changes she would like to make in the justice system to be more efficient. Ashley introduced herself at the Arlee District Meeting. **Shelly Fyant** discussed Get Out The Vote and Ashley helped develop the curriculum for the Salish Kootenai College Interns.

MOTION by James Steele, Jr. to authorize Ashley Morigeau to post political campaign signs on tribal property in the designated areas, and require her to obtain the proper permit from the Tribal Lands Department. Seconded by Shelly Fyant. Carried, unanimous (8 present).

Martin Charlo and **Arlene Bigby**, Kicking Horse Job Corps Center; and **Vern Clairmont**, Financial Management; gave an update on KHJCC issues. Staff positions need to be filled in preparation to receive new students. Arlene had requested that all the staff members provide an updated resume. The KHJCC's current rating is 109. Background checks need to be completed prior to any new staff being hired. Martin met with the Department of Human Resources Development about the potential of filling vacant positions. They also contacted former staff members to see if they are interested in coming back to work at the center. Vern explained why some prior contract costs cannot be reimbursed by the Department of Labor and must be covered by CSKT. Some of the contracts go back to calendar year 2014, and the Department of Labor is requiring the CSKT to pay back some capital leases that they paid to the Tribes for months prior to July 2017. We cannot request reimbursement for those

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because they were not authorized or approved. The Department of Labor will not approve reimbursement for carpeting. The washers, dryers, and copy machines could be on an operational lease if the lease makes sense and is done properly. Sovereign Leasing & Finance continues to show receivables for amounts owed by KHJCC. Sovereign Leasing & Finance could just take those items, and then KHJCC would replace the items by going through the correct process.

Ron Swaney, Division of Fire, discussed the Division of Fire and his previous request to provide the staff a cost of living adjustment. The program is a federally funded program and IDC is attached to that funding. Funding is attached to the cost of living adjustment so if we do not take advantage of approving an increase, then the program does not receive that funding increase. The pay scale needs to be increased. It is difficult to retain employees due to the low wages being offered. Ron discussed the need to have a fire fighter retirement fund. Ron would like to have the drug policy reviewed. It is a tribal policy, not a Division of Fire policy, so there should be some guidance from the upper level. There are some current employees that are prescribed some of the drugs that are in the drug test panel. The staff gave an overview of some of the upcoming projects and sales.

Tony Incashola, Jr., Tribal Forestry, provided orientation on the Forest Development program. The nursery has been in operation for ten years.

James Steele, Jr. informed council he had Abby Dupuis research past council minutes to find information on when the South Fork was designated as a primitive area. Copies of the information will be provided to council.

Shelly Fyant discussed the task she was given by the chairman to develop a scope of work for the Salish Kootenai College internship proposal. She developed tasks/activities for tribal governance and administration for Get Out The Vote and suicide prevention. Shelly would like the council to consider setting policy that in order for tribal members to receive their 18 Money that they take a Get Out The Vote class. Shelly will be the interns' supervisor. She will require the interns to provide weekly reports, maintain hourly logs, keep a journal, get scheduled on the agenda to provide their weekly reports to council, and present their recommendations for council consideration. **Charmel Gillin** suggested having them update the Tribes' Election Rules. She discussed options for pay increases for programs and the exemptions from the pay classification for a particular segment of positions.

Charmel Gillin gave a report on the Lake County Planning Board meeting that she attended last night and commended Janet Camel for the work she does on that board.

Dennis Clairmont requested that Rich Janssen serve on the Flathead Basin Commission.

MOTION by Dennis Clairmont to have Rich Janssen serve on the Flathead Basin Commission. Seconded by Leonard Gray. Carried, unanimous (8 present).

Shelly Fyant followed up on her request for a gift for Peter Neilson; his retirement party is this evening.

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

Council **adjourned** at 3:59 p.m., and is scheduled to meet again on Tuesday, April 17, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary