

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

Volume 18 Number 57
Council Chambers, Pablo, MT

Held: April 24, 2018
Approved: May 1, 2018

MEMBERS PRESENT: Ronald Trahan, Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Charmel Gillin; Dennis Clairmont; James Steele, Jr.; and Leonard TwoTeeth.

MEMBERS ABSENT: Leonard Gray, Vice-Chairman (IBMP Meeting – West Yellowstone, Montana); Shelly Fyant (Self-Governance Meeting – Albuquerque, New Mexico); and Carole Lankford (AMERIND Meeting – Santa Ana, New Mexico).

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

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

The meeting was opened with a **prayer** by James Steele, Jr.

The **Tribal Council Meeting Minutes** for April 12, 2018 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for April 12, 2018, with corrections. Seconded by Dennis Clairmont. Carried, 6 for; 1 abstention (Anita Matt).

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

MOTION by Anita Matt to approve the agenda, with changes. Seconded by James Steele, Jr. Carried, unanimous (7 present).

Jordan Thompson, Legal Department, met with council off the record.

MOTION by Troy Felsman to approve the letter. Seconded by Anita Matt. Carried, unanimous (7 present).

Linden Plant, Tribal Member, requested to meet with council in **executive**

session to discuss a personal matter.

Helen Camel, Tribal Member, requested to meet with council in **executive session** to discuss a personnel matter.

Francis Cahoon, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Jason Adams**, Salish Kootenai Housing Authority, joined the discussion.

Linden Plant, Tribal Member; and **Teresa Wall-McDonald**, Tribal Health Department; requested to meet with council in **executive session** to discuss a personal matter. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

Teresa Wall-McDonald, Tribal Health Department, requested approval to hire Darren Orr to fill the Medical Records position. He was a placement from the DHRD OJT program for the past 90 days.

MOTION by Dennis Clairmont to approve the hire of Darren Orr to fill the Medical Records position. Seconded by Troy Felsman. Carried, 6 for; 1 abstention (Anita Matt – due to family relation).

David Spear, Two Eagle River School Instructor; **Monique Grant**, **Chandra Whiteman LaForge**, **Laurence Mahkuk**, **Antoine Lovegrove**, **Joshua Crumley**, **Chaise Youkin**, and **Kaiden Lafromboise**, Two Eagle River School Photography Students; informed council that the photography class had gone to New York two years ago and some of the photos they took are displayed in the tribal complex lobby. Their next trip is to go to New Mexico. They will be fundraising for the trip. They are going to New Mexico because it has a strong cultural base. The students introduced themselves and showed council some of the photographs they have taken. They will fill out a donation form to request a donation from the Tribes to help cover expenses for the trip.

Mike Kenmille discussed a trip he took with some of the Two Eagle River School students to the Denver March Pow Wow. Mike informed council that his nephew Jordan Stasso has come to the council to request donations for an upcoming pow wow and he only received one donation. Mike requested that the council make a donation to Jordan.

Brad Pluff, Tribal Court, requested approval of an employment contract with Jamie Iguchi to fill the Attorney Law Clerk position.

MOTION by James Steele, Jr. to approve by resolution an employment contract with Jamie Iguchi to fill the Attorney Law Clerk position.

Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-118

RESOLUTION APPROVING EMPLOYMENT CONTRACT WITH JAMIE IGUCHI TO SERVE AS ATTORNEY LAW CLERK FOR THE TRIBAL COURT

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, Jamie Iguchi is a licensed attorney in the State of Montana, and wishes to provide legal services to the Tribes through the Tribal Court; and

WHEREAS, Jamie Iguchi has agreed to provide her legal services according to the terms and conditions of an Attorney Law Clerk Contract; **NOW, THEREFORE,**

BE IT RESOLVED that the Tribal Council approved said Attorney Law Clerk contract and authorizes its execution by the Chairman and the Tribal Secretary.

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

Steve McDonald, Tribal Forestry, presented a permit request from the Rocky Mountain Research Station to collect data on the reservation for a forest inventory analysis.

MOTION by Troy Felsman to allow a permit for the Rocky Mountain Research Station to collect data on the reservation for a forest inventory analysis. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

James Steele, Jr. would like the Rocky Mountain Research Station to mention the CSKT in their article since the Tribes allow them to collect data on the reservation. **Steve McDonald** will draft a write-up and recommend that the Rocky Mountain Research Station include that information in their article.

Carolee Wenderoth, Tribal Lands Department; **Steve McDonald**, Tribal Forestry; **Chaney Bell** and **Willie Stevens**, Tribal Members; requested permission to harvest a tree at no cost to make a dugout canoe. They need it to be a cedar or larch tree that is at least 43 inches at the base. This is considered to be a community project. Once a tree is located, Tribal Forestry would need to return to council to seek special permission to harvest a tree in an area that is not part of our commercial land base.

MOTION by Anita Matt to authorize the harvest of a cedar or larch tree at no cost to make a dugout canoe. Seconded by Troy Felsman. Carried, unanimous (7 present).

Chaney Bell and **Willie Stevens**, Tribal Members, requested permission to use a building that is located on Ruth Swaney's land known as the old bird farm at Post Creek. 3/4 of the building is on Ruth's property and the other 1/4 is located on tribal property. Ruth gave them permission to use the portion of the building that is on her property. **Carolee Wenderoth**, Tribal Lands Department, clarified that the request would be for use of the tribal property for access, parking and storage; and use that portion of the building that is located on the tribal parcel. Tony Incashola would be interested in using that property by the Culture Committee. The terms have not been identified yet, so any compensation or insurance waivers would require council action. Having Lands go through the process and enter into a lease would identify all the terms. The group is hoping the Culture Committee and other tribal departments will be able to contribute funding for the project.

MOTION by Troy Felsman to allow use of the building that is on Ruth Swaney's property. **MOTION WITHDRAWN**. It was the **consensus** of council to proceed with the process.

Carolee Wenderoth, Tribal Lands Department, presented a request from Dorothy Clinkenbeard for an access easement to allow adequate room for commercial trucks to enter her fee property, traversing across a portion of the Gray Wolf Peak Casino property. If the easement is granted, two of the RV spots would be eliminated and it would cost up to \$13,000 to move the electrical services at Gray Wolf. Due to the cost of relocating the electrical services, the Land Committee recommended denying the request.

MOTION by Dennis Clairmont to show noninterest in granting an access easement to Dorothy Clinkenbeard. Seconded by Len TwoTeeth. Carried, 5 for; 1 abstention (Charmel Gillin); 1 not voting (Troy Felsman out of the room).

***Charmel Gillin**, for the record, "I am abstaining because I did not attend the Land Committee meeting and review this in detail."*

Carolee Wenderoth, Tribal Lands Department, presented for approval a resolution to purchase the Western Montana Mental Health Center building and property located in Ronan to be used as office space for the Tribal Health Department. **Charmel Gillin** discussed the process that was taken. She did not vote in favor of the action taken in February because she preferred to have a discussion and look at the draft buy/sell agreement prior to taking action, but Carolee had assured the tribal council that it was only an action to show interest, but then a buy/sell agreement was executed. Carolee explained that it was thoroughly reviewed by the Legal Department and the Tribal Chairman. These are Tribal Health dollars purchasing the building, not tribal dollars, so the process is different than when using tribal funds to purchase property.

MOTION by Anita Matt to approve by resolution the purchase of the Western Montana Mental Health Center building and property for the Tribal Health Department. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-119

RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND LOCATED IN LAKE COUNTY, MONTANA

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

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of June 18, 1934 (48 Stat. 984); and the Act of July 18, 1968 (PL 90-402);

WHEREAS, Western Montana Mental Health Center (WMMHC), a Public Benefit Corporation, has offered to sell all right, title and interest in Lot A of Amended Plat of Lots 5 and 6, Block 2 of the Townsite of Ronan, Lake County, Montana, according to the map or plat thereof on file in the office of the Clerk and Recorder of Lake County, Montana, Section 2, Township 20 North, Range 20 West, P.M.M., Lake County, Montana, containing .161 acres, more or less;

WHEREAS, Western Montana Mental Health Center (WMMHC), a Public Benefit Corporation, and the Confederated Salish and Kootenai Tribes have accepted the negotiated value; and

NOW THEREFORE, BE IT RESOLVED, that the above-described property be purchased from Western Montana Mental Health Center (WMMHC) a Public Benefit Corporation, and that the Bureau of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat. 984), transfer title to the property to the U.S.A. in trust for the Confederated Salish and Kootenai Tribes;

BE IT FURTHER RESOLVED, that the Chairman of the Tribal Council, or his delegated representative, is authorized to execute the transactional documents necessary to complete the land conveyance for real property situated in Lake County, Montana.

Carolee Wenderoth, Tribal Lands Department, discussed the Chuck Sanders properties that have been offered to the Tribes consisting of Allotment 2376-A, 2376-B, and a portion of Allotment 1528. The Land Committee recommended showing interest and negotiate. There is currently no land acquisition funding available, so a resource would need to be identified if the Tribes purchase the properties. If the Tribes are interested in the properties, an appraisal would need to be ordered.

MOTION by Anita Matt to order an appraisal for the Chuck Sanders properties. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Len TwoTeeth wanted to know when the Elmo property will be brought to council. **Carolee Wenderoth** advised that it was not part of today's agenda items since it just went to the Land Committee yesterday; she will submit an agenda request for next week.

Vern Clairmont, Financial Management, requested approval of modification 4 to the fiscal year 2018 Tribal General Fund Budget. The modification is necessary to cover the expense for the Salish Kootenai College contract with Kicking Horse Job Corps Center that is not reimbursable by the Department of Labor; and expenses for facilities projects that are above the current budget allocation. The requests were reviewed by the Budget Committee.

MOTION by Anita Matt to approve by resolution modification 4 to the fiscal year 2018 Tribal General Fund Budget. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-125

RESOLUTION APPROVING MODIFICATION 4 TO THE FISCAL YEAR 2018 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 expenses incurred by Kicking Horse Job Corps that are not reimbursable from the Department of

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Labor, and unallocated General Fund revenues are available to appropriate for this purpose; and

WHEREAS, there is a need to increase the budget for facilities projects and funds are available in Enterprise Dividends to appropriate for this purpose; and

WHEREAS, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
02-501-6300	Facilities O&M	132,000	350,000	482,000
02-506-6110	Administration Non-IDC	708,000	15,000	723,000
Total Increase/(Decrease)			365,000	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 General Fund Budget as reflected above; and

BE IT FURTHER RESOLVED that the total FY 2018 General Fund Budget is increased from \$20,679,268 to \$21,044,268; and

BE IT FURTHER RESOLVED that the ending surplus/(deficit) of the FY 2018 General Fund is decreased from \$205,587 to \$190,587; and

BE IT FURTHER RESOLVED that Resolution 18-095 approving Modification 3 to the FY 2018 Tribal General Fund Budget incorrectly stated the ending surplus was \$217,587 instead of \$205,587 and such error is corrected by this Resolution.

Rhonda Swaney, Legal Department, requested approval of an amendment to the consultation and professional services contract with DOWL/HKM.

MOTION by Troy Felsman to approve by resolution an amendment to the consultation and professional services contract with DOWL/HKM. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-120

A RESOLUTION TO AMEND A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH DOWL/HKM

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

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

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; and

WHEREAS, the Tribes entered into a Contractor Agreement with DOWL on October 1, 2017; and

WHEREAS, the Tribes and Contractor desire to amend Article Five, Compensation D. Ceilings on Total Payments to Contractor for Services and Expenses; and

WHEREAS, it is the intent of all the contracting parties that DOWL shall commence working under the approved contract and amendment 1 with the Tribes according to the terms and conditions stated therein for the period of time commencing on execution of said contract.

THEREFORE, BE IT RESOLVED, the Tribal Council approved said modification to contract and authorizes its execution by the Chairman and the Secretary the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

Rhonda Swaney, John Carter, Brian Upton, and Daniel Decker, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Dennis Clairmont left the meeting for the remainder of the day.

Clayton Matt, Steve McDonald, Vern Clairmont, Rich Janssen, Duane Plant, and Carolee Wenderoth, Forestry Review Team, presented the Forestry Review Team final report. The Bureau of Indian Affairs conducted a review and audit last year. Tribal Forestry, Natural Resources Department, and the Lands Department have held monthly coordination and IDT meetings to work on updating the forest plan. The team concluded that there is no reason to continue the review team meetings in the future. This process began about two and a half years ago and Forestry has been under review since that time

because the department was out of compliance with the Code of Federal Regulations, ordinances and handbooks regarding the permit process.

Melanie Piedalue, Myrna DuMontier, Liz Camel, Yvette Makes Cold Weather, Rechanda Almaguer, Cristen Twoteeth, Jackee Johnston, and Korrie Shourds, Early Childhood Services, provided orientation on Early Childhood Services. The Parent Policy Council invited council to a luncheon meet and greet at Ninepipes on May 7, at 11:30 a.m.

Martin Charlo and **Arlene Bigby**, Kicking Horse Job Corps Center; and **Vern Clairmont**, Financial Management; provided an update on KHJCC issues. Council was invited to the Community Relations meeting tomorrow at 9:30 a.m. Martin requested approval of a letter addressed to Victoria Collins, Department of Labor, regarding unallowable leases the center has with Sovereign Leasing & Finance since the process was not followed. Contracts were also overlapped. There were items that were purchased through Sovereign Leasing & Finance without the proper Regional Office approval. The items identified in the letter amounts to \$53,000 and goes from the origination of the leases through June 2017. The Tribes will not recover the money. The Salish Kootenai College contract was never approved and was a cost of \$80,000 per year that has three years of expenditures against that. A budget modification was approved to pay that expense.

MOTION by Troy Felsman to approve the letter to the Department of Labor. Seconded by Anita Matt. **MOTION AND SECOND WITHDRAWN.** Council will take action when a quorum is present.

Martin Charlo discussed the Corrective Action Plan. The center currently has 18 students. **Vern Clairmont** would like to enter into a contract with Wipfli, a CPA firm, to audit the invoices for leases and rentals. A summary of expenses seeking reimbursement and the vouchers have been submitted. The affidavits will be ready to submit by May 4 to attempt to seek reimbursement for payroll costs. So far the Tribes have had to pay approximately \$1.5 million for expenses that are not reimbursable. It was the **consensus** of council to enter into a contract with Wipfli for the audit of the invoices.

MOTION by Charmel Gillin to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (6 present – Dennis Clairmont out of the room).

Council **adjourned** at 3:54 p.m., and is scheduled to meet again on Thursday, April 26, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

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Troy Felsman
Tribal Secretary