

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

Volume 18 Number 33  
Council Chambers, Pablo, MT

Held: February 8, 2018  
Approved: February 15, 2018

**MEMBERS PRESENT:** Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Dennis Clairmont; Shelly Fyant; Carole Lankford; Leonard TwoTeeth; and James Steele, Jr.

**MEMBERS ABSENT:** Charmel Gillin (Personal Time Off).

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

The meeting was called to **order** at 9:06 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for February 1, 2018 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for February 1, 2018, with corrections. Seconded by Leonard Gray. Carried, unanimous (9 present).

The **agenda** was presented for approval. No conflicts of interest were identified.

**MOTION** by Dennis Clairmont to approve the agenda, with changes. Seconded by Troy Felsman. Carried, unanimous (9 present).

**Brit Salois**, Tribal Member, informed council that he retired on January 25. Brit has a 7% interest rate for a long-term mortgage. Now that he is retired he was going to refinance his current loan balance at 5%. He had purchased a Jeep Wrangler for his granddaughter and when she gets her IIM money she will pay it off. The Jeep put Brit over the limit and his loan was denied. Brit thought that when tribal council lowered the interest rate Tribal Credit should have just reduced all the existing loans to the 5% interest rate instead of requiring the borrowers to refinance their loan to get 5%. **Council** suggested that Brit meet with Vern Clairmont about this matter. Brit commented that when dealing with the IBEW for Mission Valley Power the council should listen

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to their concerns.

**Jami Pluff**, Policy Analyst; **Craige Couture**, Law & Order; and **Shane Morigeau**, Legal Department; followed up on questions about the security camera system and its purpose. Charmel Gillin had asked about having the council meetings live streamed. Craige provided a copy of the policy to Troy. The policy was adopted by the tribal council in 2011. The cameras are just video with no audio and has no archive record. It is not for public broadcast. Council has the authority to approve who can watch the cameras. They are not for public view. Law & Order views the screen during council meetings for safety and security reasons. It is not a live stream video. **Council** directed Jami to have Information Technologies provide a cost estimate to live stream the council meetings. Viewing the video in the council chambers is restricted to authorized personnel only, so the policy would need to be changed. **Chairman Trahan** suggested establishing a committee to look at this issue. **Council** took the matter under advisement.

**Shelly Fyant** received a text from Gordon Fyant that Thomas Trahan is requesting a tribal flag to fly in a combat mission in one of their jets to commemorate all CSKT veterans. **Council** directed Jennifer to obtain the flag and send it to where it needs to go.

**Troy Felsman** discussed a request from an S&K Technologies employee that wants to have a tribal flag on display in Seattle. **James Steele, Jr.** did not think there was any protocol, so there should not be any issues with hanging the flag vertically. **Chairman Trahan** suggested setting a protocol.

**Carole Lankford** requested the status of Jami Pluff publishing information in the Char-Koosta News about the tribal council boards/committees. **Jami Pluff** advised she is still working on it.

**Leonard Gray** informed council that Abby Dupuis was directed to track the directives list. Abby has been tracking the directives for 2 years and the list continues to grow. She had suggested that the directives list be sent to the executive staff (Vern Clairmont, Clayton Matt and Jane Clairmont) to follow up with the departments to respond to the directives and make sure they are followed through. **Council** will discuss further.

**Vern Clairmont**, Financial Management, requested approval of a resolution approving a \$500,000 contribution to the Economic Development Capital Fund.

**MOTION** by Anita Matt to approve by resolution a \$500,000 contribution to the Economic Development Capital Fund. Seconded by Dennis Clairmont. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-074**

**RESOLUTION APPROVING A CONTRIBUTION TO THE ECONOMIC DEVELOPMENT CAPITAL FUND**

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

**WHEREAS**, on May 2, 2013, the Tribal Council adopted the Council Policy to Strengthen Owner Relationship with Tribal Businesses; and

**WHEREAS**, corporate dividends have been receipted to the Enterprise Dividend Fund and are available to transfer to the Economic Development Capital Fund; and

**WHEREAS**, the first contribution of \$500,000 was approved via Resolution 16-245 on August 11, 2016; and

**WHEREAS**, it is proposed that \$500,000 be approved to transfer to the Economic Development Capital Fund on October 1<sup>st</sup> annually or as otherwise established and approved by the Tribal Council; **NOW, THEREFORE,**

**BE IT RESOLVED** to appropriate \$500,000 from the Enterprise Dividend Fund for transfer to the Economic Development Capital Fund effective October 1, 2017, and for each year thereafter or as otherwise approved by the Tribal Council.

**Vern Clairmont**, Financial Management, requested approval of modification 2 to the fiscal year 2018 General Fund Budget. There is a need to increase the budget for implementation of the Full Court case management system for the Tribal Court and unallocated General Fund revenues are available to appropriate for this purpose.

**MOTION** by Troy Felsman to approve by resolution modification 2 to the fiscal year 2018 General Fund Budget. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-075**

**RESOLUTION APPROVING MODIFICATION 2 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 implementation of the Full Court case management system for the Tribal Court and unallocated General Fund revenues are available to appropriate for this 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>
02-506-6224	Tribal Court Administrative Expense	15,000	12,000	27,000
<b>Total Increase/(Decrease)</b>			<b>12,000</b>	

**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 \$20,648,868 to \$20,660,868; and

**BE IT FURTHER RESOLVED** that the ending surplus/(deficit) of the FY 2018 General Fund is decreased from \$235,987 to \$223,987.

**Vern Clairmont**, Financial Management, requested approval of modification 12 to the fiscal year 2018 Bureau of Indian Affairs Self-Governance Compact Budget. There is a need to increase the budget for Tribal Court and prior year unexpended BIA funds are available to appropriate for this purpose.

**MOTION** by Shelly Fyant to approve by resolution modification 12 to the fiscal year 2018 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Dennis Clairmont. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-076**

**RESOLUTION APPROVING MODIFICATION 12 TO THE FY 2018 BIA SELF-GOVERNANCE COMPACT 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 Tribal Court and prior year unexpended BIA funds are available to appropriate for this purpose; and

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

<b>Account Number</b>	<b>Description</b>	<b>Current Budget Authority</b>	<b>Increase/ (Decrease )</b>	<b>Revised Budget Authority</b>
13-507-4500	Tribal Court	462,000	49,000	511,000
	<b>TOTAL INCREASE/(DECREASE)</b>		<b>49,000</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 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 2018 BIA Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

**BE IT FURTHER RESOLVED** that the FY 2018 BIA Self-Governance Compact Budget is increased from \$23,050,405.21 to \$23,099,405.21.

**Vern Clairmont**, Financial Management, requested approval of modification 1 to the fiscal year 2018 Third Party Revenue Budget. There is a need to allocate a budget for staffing, operating, and equipment for the Ronan Fitness Center and third party revenues are available to appropriate for this purpose.

**MOTION** by Troy Felsman to approve by resolution modification 1 to the fiscal year 2018 Third Party Revenue Budget. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-077**

**RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2018 THIRD PARTY REVENUE BUDGET**

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

**WHEREAS**, there is a need to allocate a budget for staffing, operating, and equipment for the Ronan Fitness Center and third party revenues are available to appropriate for this 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>
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18-502-42xx	Ronan Fitness Center	0	281,327	281,327
<b>Total Increase/(Decrease)</b>			<b>281,327</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 Third Party Revenue Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the total FY 2018 Third Party Revenue Budget is increased from \$10,025,000 to \$10,306,327.

**Joe Durglo**, Tribal Health Department, requested approval of a noncompetitive contract with Douglas, Sheets & Stremcha, CPAs, LLC, in the amount of \$2,500 to prepare the FQHC Medicare Cost Report. There are no local agencies that can produce this type of report. The report is required to maintain good standing with CMS. The THD staff could be capable of generating these reports once the transition to the new system is completed, but consideration needs to be given to compare the cost of staff time to prepare the report versus contracting out this service. **James Steele, Jr.** pointed out some clerical errors that need to be corrected in the contract.

**MOTION** by Anita Matt to approve a noncompetitive contract with Douglas, Sheets & Stremcha, CPAs, LLC, in the amount of \$2,500 to prepare the FQHC Medicare Cost Report. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

**Joe Durglo**, Tribal Health Department, discussed the proposed Tribal Health Closure Policy. THD provides essential services to the membership and needs to remain open during unscheduled tribal office closures and inclement weather closures. **No action taken.** Council took the matter under advisement to allow time to review the policy.

**James Steele, Jr.** discussed proposed modifications to the Deferred Services Policy. **Joe Durglo**, Tribal Health Department, will send a draft to the tribal council.

**Brad Pluff**, Tribal Court, provided orientation on the Tribal Court. Tribal Court currently has 647 new civil cases, 860 new criminal cases and 557 new traffic cases.

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

**Martin Charlo** and **Arlene Bigby**, Kicking Horse Job Corps Center, gave an update on KHJCC matters. There was an all-staff meeting yesterday regarding the letter that was received from the Regional Office. The center should have its response done by tomorrow and Martin will meet with council next Monday.

**Martin Charlo** and **Arlene Bigby**, Kicking Horse Job Corps Center; **Sandra Boham** and **Dan Durglo**, Salish Kootenai College; discussed the relationship for dental assistance. KHJCC does not offer some classes that SKC offers, and they would like to coordinate training for students. The Department of Labor forced our hand as far as the agreement goes on allowable costs. The challenge is what's not written in the agreement. There was an \$80,000 subcontract with SKC for the dental assistant program. There were also some things that were not included in the agreement. SKC had a longstanding informal agreement with KHJCC for the highway construction training program and CDL training. They also have an informal agreement for the GED program to provide a third party proctor for the exam. The Department of Labor will not provide reimbursement for services because there was no written contract or memorandum of understanding in place. SKC needs to go through the Tribes to seek reimbursement for the disallowable costs denied by the Department of Labor. Salish Kootenai College was not aware that the Department of Labor did not approve the memorandum of understanding the college had with Kicking Horse Job Corps Center for the dental training program. SKC also performed dental exams for the KHJCC students.

**Shelly Fyant** left the meeting for an EPA/Smurfit Stone presentation at TERS, along with Mary Price, Tony Incashola and Jennifer Harrington.

The presentation with SKC continued. It has not proven to be cost effective to provide dental training to one student. SKC has an invoice for costs that is billed on a per student basis, and the current term SKC wants reimbursement for is \$12,000.

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

**Council** met in **executive session** to conduct interviews for the S&K Technologies Board of Directors vacancy. **Jan Gardipe**, Personnel Department, was present for interviews.

**MOTION** by Troy Felsman to accept the results of the ballot and appoint Bob Gauthier to the S&K Technologies Board of Directors for a three-year term. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Ron Trahan); 1 not voting (Shelly Fyant out of the room).

**Renee Joachim**, Personnel Department, requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

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

**Shelly Fyant** returned to the meeting.

**Rhonda Swaney** and **Daniel J. Decker**, Legal Department, presented the draft fee-to-trust comments and responses to consultation that the Department of Interior had. Dan will return to council at a later date to seek final approval.

**Rhonda Swaney** and **Mary Price**, Legal Department, gave a presentation on the proposed fish consumption rates for EPA Human Health Risk Assessment OU3 Smurfit-Stone Mill site and requested authorization to use the ShoBan and Nez Perce Tribe fish consumption rates for the human health risk assessment for operable unit 3 for the Smurfit Stone site.

**MOTION** by Troy Felsman to use the ShoBan and Nez Perce Tribe fish consumption rates for the human health risk assessment for operable unit 3 for the Smurfit Stone site. Seconded by Anita Matt. Carried, 8 for; 1 opposed (Len TwoTeeth).

**Rhonda Swaney, Ryan Rusche, Jordan Thompson, John Harrison, Mary Price,** and **Shane Morigeau**, Legal Department; and **Janet Camel**, Economic Development; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

**Gale Decker, Dave Stipe** and **Bill Barron**, Lake County Commissioners, met with council to discuss the Growth Policy and Public Law 280. Gale gave a report on the Growth Policy. The Big Sky Trust Foundation grant is funding the rewrite of the Growth Policy. The second draft is being edited; it will go to the Lake County Planning Board on February 14; the second draft will include edits; and then the document will be ready for adoption by early summer. There is a lot of interest in the density map. It would be turned into an advisory document for Lake County. A major rewrite of the regulations was done. The regulations will become recommendations. **Janet Camel**, Lake County Planning Board, commented that the Planning Board has not had an opportunity to work on any revisions to the density map. The board did not vote on whether the regulations should be changed to recommendations. The overwhelming public sentiment was to keep them as regulations. The majority of the people attending the public meetings and submitted comments wanted to keep the density map as regulations. She did not understand why the commissioners would repeal the growth policy when the public wants to keep them as regulations. Gale explained that the commissioners made it very clear that the density map and regulations would be repealed or significantly amended. At the last planning board meeting he attended, the plan moving forward was that the Lake County Commissioners and Planning Board staff would work together on amendments to the map and regulations and those



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would be completed and then sent to members of the Lake County Planning Board for an opportunity to comment on the changes prior to the planning board meeting. A vote by the Planning Board is not required to repeal the regulations. The commissioners are drafting a resolution of intent to allow the regulations to be repealed. A public hearing will be scheduled as part of that process.

**Shelly Fyant** commented that our attorneys proposed a memorandum of understanding with Lake County to keep the density map as regulatory. **Gale Decker** heard of a draft memorandum of understanding that was written and he was puzzled about it when he heard about it; he never saw a copy of it. Gale believes it is a bad document and is not well written. **Dave Stipe** does not believe the document can be legally enforced and he thinks it has been abused by many agencies in Lake County. **Bill Barron** supports getting out of the agreement as a regulatory document.

**Carole Lankford** left the meeting for the remainder of the day to attend the drug court meeting.

**Gale Decker** reported that the density map and regulations came from the 2003 Growth Policy. No significant changes in Lake County will happen if they become advisory instead of regulatory. He gave an example of problems that the document has created due to children inheriting property. **James Steele, Jr.** commented that since 1923 when Lake County was established, we have had opposition from Lake County. In the past, we have had Lake County Commissioners oppose the hunting and fishing agreement, and the retrocession agreement. We would like to have a good working relationship with the Lake County Commissioners, but it doesn't help when we are being attacked in the press over the dam purchase and taxes. We owe it to our people to work together for what is the best interest of our community. If you want to work together it doesn't help to continually attack the Tribes and its people in the press. We have not attacked Lake County in the local news like we have been. **Bill Barron** wants to work with the Tribes. When he worked for the Sheriff's Department he tried to improve the bad relationship between the County and the Tribes. His goal is to improve relations and work for the good of the community.

**Bill Barron** discussed Public Law 280. The drug problem here is devastating. The county needs a new jail because of Public Law 280. He wants to make changes instead of building a bigger jail. He would like to work with the Tribes to build a secured treatment facility. **Shelly Fyant** invited the commissioners to the next Drug Endangered Children Alliance meeting on March 28. **Dave Stipe** was interested in jail conversion when possible. **Chairman Trahan** prefers that the Lake County Commissioners inform the council of issues they have with the Tribes instead of publishing their issues in the newspaper; that

would improve communication. He would like to hold regular meetings and work together to come up with solutions.

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

**Don Bell**, Lake County Sheriff's Department, requested permission to post political campaign signs on tribal property. **Council** referred Mr. Bell to the Tribal Lands Department to obtain the proper permit.

**MOTION** by James Steele, Jr. to authorize Don Bell to post political campaign signs on the designated tribal properties. Seconded by Troy Felsman. Carried, unanimous (8 present).

**James Steele, Jr.** will be in Washington, DC next week and he needs a letter to be the delegate on behalf of the Tribes for the Food Distribution on Indian Reservations consultation.

**MOTION** by Leonard Gray to approve the letter authorizing James Steele, Jr. to be the Tribes' delegate for the Food Distribution on Indian Reservations consultation. Seconded by Anita Matt. Carried, unanimous (8 present).

**Ryan Rusche**, Legal Department, gave an update on legal issues. Ryan was contacted by a company offering Class 2 games. A meeting is scheduled for next Thursday at noon.

**Council** met in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

**MOTION** by Leonard Gray to direct the tribal chairman to handle the personnel issue. Seconded by Troy Felsman. Carried, unanimous (8 present).

**MOTION** by Dennis Clairmont to adjourn the meeting. Seconded by Troy Felsman. Carried, unanimous (8 present).

Council **adjourned** at 4:29 p.m., and is scheduled to meet again on Tuesday, February 13, 2018, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary