

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

Volume 18 Number 64  
Council Chambers, Pablo, MT

Held: May 17, 2018  
Approved: May 24, 2018

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

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

The meeting was called to **order** at 9:07 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for May 10, 2018 were presented for approval.

**MOTION** by Dennis Clairmont to approve the Tribal Council Meeting Minutes for May 10, 2018, with corrections. Seconded by Shelly Fyant. Carried, 9 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 Troy Felsman to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (10 present).

**Thomas “Sonny” Lozeau**, Tribal Member, informed council that he never received a written letter from Vern Clairmont. He had requested written documentation on Eagle Bank loans. **Vern Clairmont**, Eagle Bank Board Member, commented that as a board member it is inappropriate for him to provide a written response to Mr. Lozeau. Vern can request that the bank provide a response but he cannot do that as a personal board member.

**Fawn Hitchcock**, Tribal Member, requested more than the dire need maximum amount on a payback agreement to help her with taxes and insurance. **Natalie Kenmille**, Department of Human Resources Development, was present for

discussion. **Chairman Trahan** commented that the Dire Need Policy is being reviewed and council has not been approving any requests in excess of the \$300 maximum limit because it jeopardizes the program. **No action taken.**

**Mary Alexander**, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Natalie Kenmille** and **Kelly Parker**, Department of Human Resources Development, were present for discussion.

Council reconvened into **regular session.**

**Rob McDonald**, Communications, gave an update on the Warrior billboard project. There is a contract in place and the artwork was agreed upon. Council already approved a sole source contract. \$6,000 will be paid from Tribal Health, and \$3,000 will be paid from the Communications budget. Rob is following up on the directive to have a billboard in Elmo, and Rob will bring in those details and costs at a later date. It was the **consensus** of council to proceed.

**Laurence Ginnings**, Prosecutors Office, discussed his previous request to hire Cynthia Rutherford to fill the Deputy Prosecutor Advocate position. She was the most qualified candidate. **Council** asked if the tribal member applicant could learn the functions of the position. **Mr. Ginnings** commented that although the tribal member applicant did not meet the minimum qualifications he chose to interview the individual to see if the person was capable of doing the job, but the applicant had no courtroom experience. The discussion continued in **executive session.**

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

Council reconvened into **regular session.**

**Council** directed Laurence Ginnings to readvertise the Deputy Prosecutor Advocate position.

**Dale Becker**, Natural Resources Department, requested approval of the 2018 SKQ Dam Mitigation Submittals consisting of the Fiscal Year 2017 Annual Report and Fiscal Year 2019 Work Plan. **Len TwoTeeth** commented that the elders want a report on what is being done and how we are measuring success. He requested that NRD get on the next meeting agenda or attend the district meeting to provide a presentation. Carole Lankford and Shelly Fyant requested a hard copy of the submittals. **No action taken.** Council will take action after they review the submittals.

**Rich Janssen**, Natural Resources Department; and **Shelley Grenier**, Kicking Horse Job Corps Center; requested approval of a revised organizational chart for Fish & Game. There are 2 sergeants that oversee the wardens. Rich wants to

change the structure to have a captain position instead of 2 sergeants. **Len TwoTeeth** commented that these requests are supposed to be discussed at the chairman's meeting prior to making a request in a council meeting, and he requested that the process be followed. **Charmel Gillin** also advised that the Director of Tribal Services needs to approve the request first. **Rich Janssen** was unaware of the new procedures. **Chairman Trahan** thought a notice was sent to all departments informing them of this. **No action taken.** Council directed Jennifer Trahan to send the notice out to the departments again.

**Rich Janssen**, Natural Resources Department; **Erin Sexton**, UMBIO Station; and **Stu Levit**, Legal Department; gave an update on Elk River Mining issues and British Columbia/State of Montana memorandum of understanding. ATNI is starting to look at it as a transboundary topic. **Shelly Fyant** asked Stu to follow up with the ATNI Natural Resources Department Committee Chairman. Stu discussed the Columbia River Treaty funding. **Brian Lipscomb** reported that a budget request was submitted after an analysis was done. It was the **consensus** to agree on the amount discussed. Shelly wanted to know if we are ready to prepare a resolution and work with the Kootenai Tribe of Idaho; there is a template on the website.

**Jean Matt**, Mission Valley Power; **Brian Lipscomb**, Energy Keepers, Inc.; and **Rhonda Swaney**, Legal Department; discussed the consumer low cost block of power which expired at the point of turnover. Council needs to decide whether to proceed with or without the low cost block of power. If changes are made, then the BPA contract requirements of notification would need to occur. **No action taken.** Council took the matter under advisement until Monday.

**Dave Strohmaier**, Missoula County Commissioner; **Jenny Dixon**, City Planner; and **Diana Manetta**, Energy and Conservation Coordinator; discussed a proposed county-wide interim zoning regulation on cryptocurrency mining operations, due to impacts to the local communities by significant noise pollution. The existing facility in Bonner would be grandfathered in, but no new operations would be allowed until a full analysis is done on E-waste. A public meeting will be scheduled for mid-June. **Council** will submit comments.

**Jason Adams**, Salish Kootenai Housing Authority, introduced the Executive Director of a Housing Organization in Cambodia, who is here touring tribal facilities.

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

**Lesia Evars**, **Duane Pressenger**, **Casey Keck**, and **Christy Twardoski**, Montana Department of Public Health and Human Services, met with council for consultation on their tribal spring tour.

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

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

**MOTION** by Troy Felsman to accept the results of the selection for Forestry Department Head for Antoine Incashola, Jr., with the minimum starting wage for that position. Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (James Steele, Jr.).

**Rhonda Swaney** and **John Harrison**, Legal Department, informed council that Judge Morris dismissed the *Cain vs Salish Kootenai College* case. The judge ruled that SKC is not subject to the False Claims Act.

**Shelly Fyant** is asking the CSKT to sign on to the amicus brief in an ICWA case in Texas as requested by the Native American Rights Fund. The deadline is Friday. **John Harrison** will follow up.

**Teresa Wall McDonald**, **Shonda Bolen** and **Brandy Couture**, Tribal Health Department; and **Carmelita Matt**, Tribal Social Services; provided an overview of the protected health information and HIPAA requirements. They provided a release of information form to be used for patients that want to meet with council about a health issue. **Wilbert Michel**, Tribal Member, asked questions.

**Len TwoTeeth** gave an update on his discussion with the Kootenai elders. A number of issues were brought up that they wanted mentioned to the council. One issue was access to the Chief Cliff area. There have been reports of non-Indians hiking in the area. They want to begin the process to restrict access to the area. A management plan process was started at one time but was never followed up on. They worked with David Rockwell on that plan. Other issues brought up were Kootenai National Forest Liaison position. The community is getting frustrated about that position not being filled. At one time we were going to meet with the forest supervisor about whether we want to continue that MOU. We would like our tribal members monitoring that area. A tribal member brought up a land issue in Polson. The fill material that was created above the high water mark and then a quit claim deed put on the property. The tribal member wanted to know our legal stance on that due to the Namen case. Another issue was a proposed redistricting to eradicate all of the district boundary lines and have 3 Salish, 3 Pend d'Oreille, 3 Kootenai, and 1 at-large. There was dialogue about the county's recent actions about a proposed land exchange for the Big Arm School property. Not very many people were in favor of that trade. They wanted to know the fair market value of that property; especially since we are only charging them \$1 to use that parcel. They suggested we implement those fees to the county, including the Fire Department leases. They wanted Teresa to do a presentation; he will ask THD to provide a presentation at his

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district meeting. There was discussion about the cultural director on some of the activities that have been taking place and not informing the community. The elders made it clear that they want to continue meeting throughout the summer months. It was brought up last year and the director took no action on it. Council may need to direct the Director to continue holding those meetings. **Leonard Michel**, Tribal Member, said there was discussion on drug testing and medical marijuana. Some tribal members have medical marijuana cards and if caught with marijuana it is a felony and referred to Lake County. The county usually dismisses the felony and reduces it to a misdemeanor, but the case is not transferred back to the Tribes for prosecution. People use marijuana for medicinal purposes so the laws are creating problems for those individuals. It is putting a hardship on tribal members. They are following state law, but it is against tribal law. **Chairman Trahan** advised that the Tribes could lose all of our federal funds if we allow marijuana since marijuana is against the federal law. Len TwoTeeth continued his report. The elders also mentioned the status of Legal's interpretation of abandoned alleyways because a new storage facility was constructed in Elmo and that abandoned alleyway should have reverted back to the Tribes. There is a pow wow in Elmo this weekend.

**Troy Felsman** gave a report on the S&K Gaming Board meeting yesterday. Revenue is up. The board discussed the letter that was sent to the tribal council by a tribal member that was at the Mother's Day brunch. Gray Wolf served over 170 patrons for the brunch and ran out of food early due to the volume of customers. The board responded to the complaint and forwarded a copy of the response to tribal council. SKG has been dealing with customer service issues and is going to recruit a person to provide the level of training that is needed. The pool should be completed by Memorial weekend. The insurance should cover the bulk of the resources to rebuild the pool due to the mold. The question about sports betting is still up in the air. Montana had some form of that already. We would still need to get a compact to participate in sports betting. **Charmel Gillin** questioned the general manager's residence at the SKG house. She has concerns about it since there are already bookings for that house. It would be a loss of revenue if the unit is not available. Charmel expressed her disappointment in how SKG and the board handled the complaint letter. **James Steele, Jr.** brought up maintenance issues that need to be taken care of at the resort.

**Martin Charlo** and **Arlene Bigby**, Kicking Horse Job Corps Center, gave an update on KHJCC issues. The National Office conducted a review of the center. The MOU with Two Eagle River School needs to be revised. Arlene's background check was received from the region. A student graduated from KHJCC yesterday. The center currently has 13 students now. Interviews were conducted for key positions today.

**Council met in executive session.**

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Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to adjourn the meeting. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Council **adjourned** at 4:30 p.m., and is scheduled to meet again on Tuesday, May 22, 2018, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary