

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

Volume 18 Number 67  
Council Chambers, Pablo, MT

Held: May 29, 2018  
Approved: June 5, 2018

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

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

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; Tom Johnson, Council Support; 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 Chairman Trahan.

The **Tribal Council Meeting Minutes** for May 22, 2018 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for May 22, 2018, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

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 Shelly Fyant. Carried, unanimous (9 present).

**Sandra Boham**, Salish Kootenai College, requested approval of a resolution approving mutual limited waiver of sovereign immunity for Salish Kootenai College contract # 20123 with the Montana Department of Health and Human Services in the amount of \$6 million to support the Social Work program. The Tribal Legal Department reviewed the resolution.

**MOTION** by James Steele, Jr. to approve the resolution approving mutual limited waiver of sovereign immunity for Salish Kootenai College contract # 20123 with the Montana Department of Health and Human Services in the

amount of \$6 million to support the Social Work program. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-132**

**RESOLUTION APPROVING MUTUAL LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR SKC CONTRACT #20123 WITH THE MONTANA DEPARTMENT OF HEALTH AND HUMAN SERVICES**

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

**WHEREAS**, Salish Kootenai College (SKC) is a tribally controlled college accredited as a four-year institution of higher education by the Northwest Commission on Colleges and Universities; and

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes (CS&KT) established SKC in part to provide education programs for its membership; and

**WHEREAS**, the College has established the Social Work Program to provide education and training for tribal members; and

**WHEREAS**, Salish Kootenai College has received a contract to receive funding for internships, scholarships and program support; **NOW, THEREFORE**,

**BE IT RESOLVED** that the Tribal Council agrees to a mutual limited waiver of sovereign immunity for the sole purpose of enforcing provisions of Contract No. 20123 between Salish Kootenai College and the Montana Department of Health and Human Services.

**Doug Branson, Jr., Arles Branson, Doug Branson, Sr., Deanna Weingart, and Angelic Cates** requested to meet with council in **executive session** to discuss a personal matter.

**Marcie Matt**, Tribal Social Services; and **Yolanda Page**, Legal Department; met with council in **executive session**.

**Doug Branson, Jr., Arles Branson, Doug Branson, Sr., Deanna Weingart, and Angelic Cates** continued to meet with council in **executive session**.

Council reconvened into **regular session**.

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

**Vern Clairmont**, Financial Management, requested approval of modification 16 to the fiscal year 2018 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2018 funding for TANF, Safety of Dams, and Real Estate Appraisals has been awarded and needs to be allocated to the budget.

**MOTION** by Troy Felsman to approve by resolution modification 16 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 18-133**

**RESOLUTION APPROVING MODIFICATION 16 TO THE FY 2018 BIA SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, earmarked FY 2018 funding for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of TANF (Temporary Assistance for Needy Families), Safety of Dams Early Warning System Operation and Maintenance (\$129,000) and Project Construction (\$1,255,000), and Real Estate Appraisals has been awarded and needs to be allocated to the budget; 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>
13-502-4770	DHRD 477 Program	2,314,730.76	1,049,632	3,364,362.76
13-503-4511	Safety of Dams	9,302,872.30	1,384,000	10,686,872.30
13-503-4581	Real Estate Appraisals	12,537.74	3,184	15,721.74
	<b>TOTAL INCREASE/(DECREASE)</b>		<b>2,436,816</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 \$23,796,816.21 to \$26,233,632.21.

**Ann Miller**, Tribal Defenders Office, requested approval of a resolution approving

an application for a grant through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Second Chance Act, Improving Reentry for Adults with Co-occurring Substance Abuse and Mental Illness in the amount of \$750,000 for three years.

**MOTION** by Shelly Fyant to approve the resolution approving an application for a grant through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Second Chance Act, Improving Reentry for Adults with Co-occurring Substance Abuse and Mental Illness in the amount of \$750,000 for three years. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-134**

**RESOLUTION TO APPROVE APPLICATION FOR A GRANT THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, SECOND CHANCE ACT, IMPROVING REENTRY FOR ADULTS WITH CO-OCCURRING SUBSTANCE ABUSE AND MENTAL ILLNESS**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to seek funding to continue and improve comprehensive and collaborative services that address the challenges posed by reentering adults with co-occurring substance abuse and mental illness. The Flathead Reservation Reentry Program, already established in the Tribal Defenders Office, would be implemented on tribal lands and would continue to collaborate with corrections, community supervision, law enforcement, substance abuse and mental health treatment providers, and other local stakeholders to reduce recidivism of people returning to the Flathead Reservation from tribal, county, or state correctional institutions thereby increasing public safety; and

**WHEREAS**, the Tribal Defenders Office will make the grant application, Category 3, Competition ID: BJA-2018-13988, seeking funding in the amount of \$750,000.00 to support a 36-month program; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Tribal Defenders Office shall make the grant application through the Office of Contracts and Grants to be submitted electronically. The Flathead Reservation Reentry Program is authorized to implement the proposed project on tribal lands; and

**BE IT FURTHER 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.

**Jeanne Christopher**, Early Childhood Services; **Amy Burland** and **Amanda Davis**, Salish Kootenai College; discussed the Montana Early Childhood Tribal Language and Indigenous Games Summit that will take place June 27-29, at the Salish Kootenai College Johnny Arlee/Victor Charlo Theater. They requested that a tribal council representative provide the opening remarks on June 27 at 10:00 a.m. Tribal teams will learn how to support their tribal languages within their early learning classrooms and incorporate indigenous games into their programs and network with other Early Childhood program representatives and Tribal College/University staff to share best practices and stories while learning new techniques and strategies. **Carole Lankford** offered to provide the welcoming remarks and participate in the summit. **Jeanne Christopher** offered to host a meeting next Wednesday to seek input and feedback.

**Brian BigSam**, **Tara Matt** and **Jennifer Cramer**, Tribal Gaming Commission, provided an update. 185 individual licenses were issued for employees this year and 132 of those are currently active; 192 vendor tech licenses were issued and 170 of those are currently active; and 108 charitable permits were issued. The TGC wants more regulations for charitable permits and wants feedback from the tribal council. Permits have been issued to individuals instead of teams. The TGC follows state law because the Tribal Gaming Commission and the Indian Gaming Regulatory Act have no regulations for charitable gaming. Raffles and 50/50s are classified as Class III gaming and were part of the gaming compact. Tara discussed this with Ernie Stevens and Ernie said those should not be considered as Class III gaming. Since we have not had a gaming compact with the state of Montana for Class III gaming since 2007, raffles and 50/50s should not be occurring. The TGC does not want to issue charitable gaming permits for individual personal use, such as someone needing a new roof. **Leonard Gray** asked them to bring in the current regulations and the proposed changes they are discussing. **Council** requested that the Gaming Commission consult with the Commission's legal counsel Jordan Thompson. Council wants our regulations followed. Tara advised that she would follow up with legal counsel and Ernie Stevens and report back. **Council** requested that the report be submitted to Jennifer Trahan. The TGC travel budget was cut and the staff needs to go to some training. On May 14 the Supreme Court ruled that sports betting could be allowed in every state, so the TGC will develop new regulations for that. The staff will need to go to training for sports betting. The new Tribal Gaming Commissioner that council appointed completed the commissioner certification course. The TGC wants to attend the NIGA training; the cost for one person to go to that is \$1,100. There are two commissioners that are voting members for the region and Tara serves on some of those boards. They attend those conferences in the spring and fall and they are four-day conferences. The NIGC trainings are free of charge, but the commissioners have to pay for travel

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costs. The Montana Indian Tribal Gaming Association has started again. The MITGA has a board to address gaming issues. The TGC would like a council member appointed to that work committee.

**MOTION** by Carole Lankford to appoint James Steele, Jr. as the tribal representative to the Montana Indian Tribal Gaming Association Board. Seconded by Leonard Gray. Carried, 8 for; 1 abstention (James Steele, Jr.).

**Tara Matt** informed council that the MITGA board membership fee is \$5,000. She does not know if this will be an annual fee. **Troy Felsman** asked Tara to find out whether or not all tribes pay the fee equally. **Council** also wants to know what the fee is used for. Tara suggested offering our legal counsel to provide legal services to the organization at no cost in lieu of the membership fee. **Council** directed that the Tribal Gaming Commission obtain the requested information and report back to council.

**Shane Morigeau**, Legal Department; **Mike Durglo**, **Kevin Askan** and **Kyle Felsman**, Culture Preservation Department; and **Rosemary Caye**, Kootenai Culture Committee; discussed a NAGPRA and curation issue regarding a collection. There is no formal consultation but there are levels of consultation.

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

The Army Corps of Engineers will be here June 25 and 26. The Kootenai National Forest has been responsive and willing to work with the CSKT. **Leonard Gray** wants to see the original agreement and know how long it has been in place. **Mike Durglo** has been attempting to find a copy of the original agreement; there is currently no contract in place. There has been no discussion on entering into a new agreement or extending the current agreement. The Army Corps of Engineers are talking about revitalization, consolidation and moving the items to Washington State University to complete the curation, which would take two years. **Shelly Fyant** requested a copy of all the correspondence. A copy was sent to the chairman, and Mike will forward the information to all council members. **Len TwoTeeth** suggested contacting the Kootenai Bands to seek input. Chief Louie and Chairman Akin are aware of the situation. Len requested that our chairman send the Kootenai Bands a letter inviting them to a gathering that the Preservation Department could host at the Kwataqnuq Resort. **Shelly Fyant** requested that the council be provided a copy of all correspondence with the Kootenai National Forest and the Army Corps of Engineers, the options that Cheryl Vanderburg discussed, the timelines of the artifacts discussed, and a copy of the draft letter from the tribal chairman. **Shane Morigeau** will follow up.

**Rhonda Swaney**, Legal Department, presented for approval attorney contracts. All the attorney contracts are for a two-year term and include a 3.151 merit increase. **Len TwoTeeth** requested that there be a discussion about the attorney

contracts in the chairman's meeting prior to taking action. A larger discussion needs to take place on pay increases since the Tribes have a pay freeze in effect. The budget request had instructions to include a 3.151 merit increase, so Rhonda included the increase in her budget since the attorneys have not received a pay increase for two years. Mary Price and John Carter would be converted to electronic employees and would only be required to make a quarterly appearance. **No action taken.**

**Rhonda Swaney, Ryan Rusche** and **Daniel Decker**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

**Daniel Decker** and **Jordan Thompson**, Legal Department; **Vern Clairmont**, Financial Management; **Rich Janssen** and **Dan Lozar**, Natural Resources Department; **Teresa Wall-McDonald**, Tribal Health Department; **Miki Lloyd, Charlena Toro, Eli Clarksen, Rob Stapley,** and **Ed Toavs**, Montana Department of Transportation; **Gene Kaufman, Brian Hasselbach,** and **Heidy Bruner**, Federal Highway Administration; and **Holly Hitchcock**, Tribal Lands Department; met with council in **executive session** to discuss highway negotiations.

Council reconvened into **regular session**.

**Teresa Wall-McDonald**, Tribal Health Department, requested approval of a sub-award agreement and contract with the Two Eagle River School in the amount of \$40,000 for TERS to provide a five-week summer suicide prevention program with an additional two weeks of onsite suicide prevention training for the TERS staff. It will be funded from the Reason to Live grant. Contracts & Grants reviewed the agreement and contract.

**MOTION** by Troy Felsman to approve of a sub-award agreement and contract with the Two Eagle River School in the amount of \$40,000 for TERS to provide a five-week summer suicide prevention program with an additional two weeks of onsite suicide prevention training for the TERS staff. Seconded by Carole Lankford. Carried, 7 for; 1 abstention (Shelly Fyant); 1 not voting (Ron Trahan out of the room).

**Teresa Wall-McDonald**, Tribal Health Department, requested approval of a contract with Jennifer Finley in the amount of \$6,370 to provide yoga classes from June 1 through August 31 in Elmo, St. Ignatius, Polson, and Ronan. It will be funded with the Diabetes grant.

**MOTION** by Carole Lankford to approve a contract with Jennifer Finley in the amount of \$6,370 to provide yoga classes from June 1 through August 31 in Elmo, St. Ignatius, Polson, and Ronan. Seconded by Anita Matt. Carried, unanimous (8 present).

**Council** discussed the Tribal Forestry department head position.

**Carole Lankford** left the meeting for the remainder of the day.

**Teresa Wall-McDonald** and **Anna Whiting-Sorrell**, Tribal Health Department; and **Tressie White** and **Aaron Wernham**, Montana Health Care Foundation; met with council to discuss healthcare issues. The foundation funded Tribal Health with the My Health Care grant, which helps recipients gain insurance coverage; and the Integrated Behavioral Health Program grant with medical clinics and mental health. The foundation also funded a grant at Two Eagle River School. The MHCF will be hosting the American Indian Health Leaders Meeting May 30-31, 2018, at the Kwataqnuq Resort.

**Council** discussed a personnel matter.

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

Council **adjourned** at 3:40 p.m., and is scheduled to meet again on Thursday, May 31, 2018, at 9:00 a.m.

### **CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary