

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

Volume 19 Number 31  
Council Chambers, Pablo, MT

Held: February 7, 2019  
Approved: February 14, 2019

**MEMBERS PRESENT:** Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Anita Matt, Treasurer; Dennis Clairmont; Carole Lankford; Myrna DuMontier; Leonard TwoTeeth; and Charmel Gillin.

**MEMBERS ABSENT:** Shelly Fyant, Secretary (Personal Time Off); and Fred Matt (Inter-Tribal Timber Council Meeting – San Diego, CA).

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; James Steele, Sr., 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 Carole Lankford.

The **Tribal Council Meeting Minutes** for January 29, 2019 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 29, 2019, with corrections. Seconded by Anita Matt. Carried, unanimous (8 present).

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

**MOTION** by Charmel Gillin to approve the agenda, with changes. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

**Carole Lankford** informed council that Don Roberts wants to use a vacant building in Ronan to hold the Recovery Hall meetings on a temporary basis due to the current building having a leaky roof. The building will be torn down because of the Highway 93 project. This is in conjunction with the Drug Court. **Don Roberts** reported that the group meetings are open to the public. There is a core group of 30 people. They serve up to 10 people a day and serve walk-ins. 14 out of 22 of the participants at last night's meeting were tribal members. A percentage of the participants are required to attend the meetings through the

Tribal Council Meeting Minutes  
February 7, 2019

Drug Court. **Carolee Wenderoth**, Tribal Lands Department, informed council that the blue building that was vacated by the Boys & Girls Club is available. The building has heat, electricity and parking. The building needs to be vacated by August 1, due to the highway project. **Dan Decker**, Legal Department, reported that the tribal building does need to be vacated by August 1. Dan will be providing an update on the highway project later today. **Anita Matt** questioned liability. Carolee advised that insurance is part of the lease requirements and it would require council action to waive the general liability insurance requirement.

**MOTION** by Carole Lankford to pursue a revocable lease with Mr. Roberts for one dollar. Seconded by Anita Matt. Carried, unanimous (7 present – Len TwoTeeth out of the room).

**Myrna DuMontier** thanked Mr. Roberts for providing this service for people seeking wellness and support. She wants people to know it is there for them, and she will be recommending his spot to other people.

**Vern Clairmont** and **Rick Eneas**, Financial Management, requested to meet with council in **executive session** to provide an update.

Council reconvened into **regular session**.

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

**Daniel Decker**, Legal Department, requested approval of a letter to Senator Lisa Murkowski, Chairperson of the United States Senate Committee on Energy and Natural Resources, and Senator Joe Manchin, Ranking Member of the United States Senate Committee on Energy and Natural Resources, for the nomination of David Bernhardt as the next Secretary of Interior.

**MOTION** by Carole Lankford to approve the letter to Senator Lisa Murkowski, Chairperson of the United States Senate Committee on Energy and Natural Resources, and Senator Joe Manchin, Ranking Member of the United States Senate Committee on Energy and Natural Resources, for the nomination of David Bernhardt as the next Secretary of Interior. Seconded by Anita Matt. Carried, unanimous (8 present).

**Kelly Parker** and **Roberta Asencio**, Department of Human Resources Development, requested approval of a facilitator agreement with CBI Consulting in the amount of \$5,500 to provide a two-day training on recognizing and preventing child abuse. **Council** advised that it would be a noncompetitive contract, not a facilitator agreement, since it was not advertised.

**MOTION** by Charmel Gillin to approve a noncompetitive contract with CBI Consulting in the amount of \$5,500 to provide a two-day training on recognizing and preventing child abuse. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, presented a request from Terry Pitts and Ken Wabaunsee to change Range Unit 15 from an advertised rental rate to an allocated rental rate. Terry met the minimum bid rate and was awarded the lease. When Terry's son was added to the lease he was no longer given Indian Preference and the rental amount increased to the advertised rate. Zanen has now been removed from the lease and Terry is requesting the lower allocated rate. The land committee recommended approving the request.

**MOTION** by Anita Matt to approve the request from Terry Pitts to change Range Unit 15 from an advertised rental rate to an allocated rental rate. Seconded by Dennis Clairmont. Carried, 6 for; 2 opposed (Myrna DuMontier and Leonard Gray).

*Leonard Gray, for the record, "To my recollection in 2015, this tribal member received preference bidding on a range unit, and then before utilizing the unit was given permission to allow a nonmember to run his cattle on the lease. I opposed this action. Now the tribal member is requesting a reduced rate as the nonmember will no longer be utilizing the unit. This action gives the appearance of a manipulation of the tribal member preference policy."*

**Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department, presented a request from Shirley Tanner to relinquish Range Unit 20. The land committee recommended approving the request.

**MOTION** by Myrna DuMontier to approve the request from Shirley Tanner to relinquish Range Unit 20. Seconded by Anita Matt. Carried, unanimous (8 present).

**Joe Durglo**, Tribal Health Department; and **Jason Adams** and **Katie Miller**, Salish Kootenai Housing Authority; requested approval of a memorandum of understanding. The purpose of the MOU is to establish the terms and conditions under which the Tribal Health Department will be transferring funds to the Salish Kootenai Housing Authority for the intent to secure a Tax Credit Development Consultant for the LIHTC Supportive Housing project to be located in Ronan.

**MOTION** by Myrna DuMontier to approve the memorandum of understanding between the Tribal Health Department and the Salish Kootenai Housing Authority. Seconded by Leonard Gray. Carried, unanimous (8 present).

**Gabe Johnson** and **Dan Lozar**, Natural Resources Department; and **Daniel Decker**, Legal Department; requested approval of a CM/GC contract with Dick Anderson Construction and approval of indemnification clauses. Edits were made to the language contained in the contract.

**MOTION** by Carole Lankford to approve the CM/GC contract with Dick Anderson Construction and approval of indemnification clauses. Seconded by Leonard Gray. Carried, unanimous (7 present – Len TwoTeeth out of the room).

**Jay Preston, Jr.** and **Brandy Chism**, Access Montana; and **Joe McDonald**, Board of Directors; met with council for the annual telecommunications engagement meeting to discuss current telecommunications deployment and future plans. Mr. Preston would like to continue having a dialogue on the long-term prosperity in our community. **Charmel Gillin** was grateful for the affordable services offered to the community. **Anita Matt** would like to have a meeting with Mr. Preston about program availability and services.

**Mike Cashwell** and **Mary Sullivan**, NorthWestern Energy; **Glen Herrington**, Technical Advisor; and **Kyle Felsman**, Preservation Department; discussed the NorthWestern Energy Hot Springs – Anaconda 230 kV transmission line mitigation. The original right of way was for the transmission line constructed on the Flathead Reservation by MPC and was authorized by CSKT in 1964. The easement had a 50-year term. There was 27.4 miles of right of way and 20.6 miles of associated road access. The right of way renewal took place on September 16, 2014 for a term of 20 years at a cost of \$4.2 million. It required a cultural resource protection ordinance permit. The Tribal Historic Preservation Officer determined that the renewal of the right of way was an undertaking requiring compliance with Section 106 of the National Historic Preservation Act and the CRPO. A programmatic agreement was executed to allow compliance with these provisions and fund stipulations were effective September 2014. A determination of the direct and indirect effects of the power lines on the reservation land had to be done. Direct effects were past, present and future ground disturbance within a 100-foot wide corridor. Indirect effects were visional impacts that may change the character of the use or features that contribute to its cultural significance. 5 newly recorded sites in the direct APE: Kelly Ridge Trail, Vanderburg Trail, Jocko Indian Trail, Traditional Cultural Property – Hunting and Gathering area, and historic debris dump near Little Bitterroot River. There was 1 site previously recorded within the direct APE expanded – Cedar scarred trees in the Jocko; and 2 new sites found just outside the direct APE (Moss burial site and historic stone foundations); 9 name places within either the direct or the indirect APE; 8 cultural sites within the view shed; 3 sensitive areas crossed were the Jocko River, the Little Bitterroot River, and Flathead River. The agreement required a training plan to protect the resources.

Tribal Council Meeting Minutes  
February 7, 2019

Part of the treatment plan included worker training conducted by CSKT and NorthWestern Energy in August 2017, prior notification, tribal monitoring in specific areas, limited access or avoidance, restricted tree trimming, emergency repair procedures, unanticipated discovery plan, and annual reporting. Studies were done. The mitigation priorities and strategy have not been finalized yet. **Len TwoTeeth** commented on the amount for mitigation, and instead of one lump sum, look at what the Tribes are needing for language preservation efforts on an annual basis. He would like to keep it open and the CSKT should be able to reach out to NorthWestern Energy when we need funding for language revitalization and attending language conferences. It is difficult for the council to place a dollar value on our culture and he wants to keep it open-ended for when we need funding for something. **Rosemary Caye** wanted clarification on whether the \$150,000 payment was a yearly payment or one lump sum payment. She asked about review/edits of the document. **Mary Sullivan** said the documents are a living document and she would not put any time frames on them. That is how they were intended. It would be appropriate if substantive information was added. The payment to the Tribes is a one-time payment. **Art Caye** talked about putting the culture in high school. Language is a big part of us. Our kids would be speaking the language if it was in the schools. This is a good opportunity of what is going to be coming here. We need money to put into the schools for the native language. **Stu Levit**, Legal Department, commented that the payment is tailored to the appropriate mitigation and there is no value placed on our cultural resources. **Myrna DuMontier** told Art that there is a school funding bill in the legislature.

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

Council **recessed** the regular meeting at 1:36 p.m. to conduct an S&K Electronics shareholder meeting.

Council **reconvened** into the regular meeting at 2:06 p.m.

**Rosemary Caye** and **Francis Auld**, Kootenai Culture Committee, gave an update on the Montana Indian Language grant. The KCC got an extension on the grant and is writing a storybook and CD. They will be going to a language summit next week. The Kootenai Language Apprentices gave a presentation on the Ksanka Language. **Myrna DuMontier** thought it would be beneficial if everyone had Smart Boards.

**Daniel Decker**, Legal Department, requested to meet with council in **executive session** to discuss a legal matter.

Council reconvened into **regular session**.

**Leonard Michel**, Tribal Member, 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**.

**Jami Pluff** and **Rob McDonald** discussed an email that Jami sent out to council this afternoon advising that a producer contacted Jami about doing a live radio interview on the Coast to Coast Radio Show about the MMIW issue. Rob had contacted the producer and told her that it was not a good fit for us and declined the interview.

**Anita Matt** asked why there is no agricultural section in the Tribes' annual report. **Rob McDonald** said the information contained in the annual report is determined by the department head. He can inform the Tribal Lands Department that there is interest in providing information on agricultural producers.

**Council** discussed the Internal Auditor position. They will discuss further next week.

**Vern Clairmont** and **Rick Eneas**, Financial Management, requested to meet with council in **executive session** to provide an update.

Council reconvened into **regular session**.

**Council** reviewed a resolution for the April per capita distribution.

**MOTION** by Carole Lankford to approve by resolution the April per capita distribution. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 0 not voting.

## **RESOLUTION 19-082**

### **RESOLUTION AUTHORIZING THE APRIL 3, 2019 PER CAPITA DISTRIBUTION**

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

**WHEREAS**, The Tribal Council established policy by Resolution 96-83 to make per-capita payments to tribal members three times annually during the months of December, April and August for each fiscal year; and

Tribal Council Meeting Minutes  
February 7, 2019

**WHEREAS**, said policy states that three equal per capita payments of \$400.00 will be made annually and that one-half (1/2) of each per capita distribution for each minor child enrolled in the Tribes is to be issued to said minor's parent or legal guardian and the other one-half (1/2) is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age; and now, therefore,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Northwest Regional Director is requested to authorize the \$400.00 per capita distribution to be made during the month of April 2019; and

**BE IT FURTHER RESOLVED**, that the Director of Financial Management is directed and authorized to request sufficient tribal monies on deposit in the United States Treasury to be advanced to local status to effect said distribution; and

**BE IT FURTHER RESOLVED**, that the Superintendent, Flathead Agency, and the Director of Financial Management are authorized to apply these funds to judgments held by Tribal Court, to assignments through Tribal Credit, and voluntary child support and to those accounts under the control of the Superintendent; and

**BE IT FURTHER RESOLVED**, that the April 3, 2019 per capita distribution will be made to those members enrolled in the Tribes as of March 14, 2019 at 5:30 p.m., and

**BE IT FINALLY RESOLVED** that the deadline for claims to be withheld from individuals' April 3, 2019 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than March 14, 2019 at 5:30 p.m.

**Jennifer Trahan** informed council that the Internal Auditor position needs to be added to the organizational chart.

**MOTION** by Anita Matt to add the Internal Auditor to the organizational chart. Seconded by Leonard Gray. Carried, unanimous (8 present).

**MOTION** by Anita Matt to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Council **adjourned** at 3:50 p.m., and is scheduled to meet again on Tuesday, February 12, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

---

Shelly R. Fyant  
Tribal Secretary