

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

Volume 20 Number 14  
Council Chambers, Pablo, MT

Held: November 14, 2019  
Approved: November 21, 2019

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

**MEMBERS ABSENT:** Shelly Fyant, Secretary (Personal Time Off); and Carole Lankford (Casey Family – Washington, DC).

**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 Myrna DuMontier.

The **Tribal Council Meeting Minutes** for November 5, 2019 were presented for approval. **Anita Matt** requested that the Legal Department provide an update on the Farm Bill with the Good Neighbor Authority regarding the revenue.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for November 5, 2019, with corrections. Seconded by Anita Matt. Carried, unanimous (8 present).

The **Tribal Council Meeting Minutes** for November 7, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for November 7, 2019, with corrections. Seconded by Fred Matt. Carried, unanimous (8 present).

**Len TwoTeeth** discussed an issue that Lands brought in about easements. With that specific issue, we have always had lengthy discussions about those easements in those villa site areas, specifically Kings Point and Rocky Point Road. He wants us to meet with the Superintendent regarding those issues because there are no recorded easements on those roads for those fee landowners to use our tribal roads. He understands why we continue the use,

but the Superintendent needs to be part of this conversation so he has an understanding.

The **agenda** was presented for approval.

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

**Joey Finley** met with council. **Len TwoTeeth** inquired about the status of the MMIW issue we have been dealing with regarding Joey's daughter and her IIM account. We cannot drop the ball on this issue. Len has always questioned the judge's decision that he made and how that impacted this family. There will never be closure to this. Joey's request is going to help him and his family, and Len wants to see us move forward more swiftly so we are able to help Joey get some closure on this. Council made the commitment to support MMIW and MMIP and we have this opportunity in front of us right now to do something about it. He understands there are policies we need to change where we are able to change these policies for specific situations like this. Len wants this closed out by the end of this calendar year, because Joey has been working on this for a long time and wakes up each morning wondering about his daughter. **Rick Eneas**, Financial Management, gave an update. Rick, Rhonda and Joey had a meeting. There is a list of other individuals still enrolled but have long-term whereabouts unknown. There will potentially be a larger group. There are legal logistics to get the people no longer enrolled. We are still at the point where the staff needs council engagement and direction to go forward, whether it is specific to this circumstance or looking at the bigger picture. **Rhonda Swaney** commented that the information Rick pulled together indicates what a much larger issue this is. Rick reported we have about 15 people in this expanded group. Some of them are on the MMIW list and some are unknown their location. In some cases, people do not want to be found, so it is difficult to know if this is the final list of missing people. There are about 15 family members that would be affected by the policy change. **Fred Matt** supports the request for Joey, and then suggests discussing an overall policy in the future. **Myrna DuMontier** wants this opened up to the public so we can get their input. This will impact all tribal people as we move forwarding making these decisions. **Charmel Gillin** commented that on August 27 we had this discussion with Joey and the larger policy issue includes people who have been dis-enrolled. She thinks that will be an aspect of the conversation that we can talk about with the policy discussions. This is one aspect of one type of closure. She hopes we have properly attended to the death benefit and the burial. There is that aspect of the declaration of death. Ceremonially and rightfully we set aside that type of assistance to support the family. She hopes that will be addressed as soon as possible. **Anita Matt** thinks the membership should be brought in as well and the probate code needs to be reviewed and approved and people need to know what process the process is after the death of a loved one. She thinks we should have a meeting for the

membership; they do not always understand what they need to do. Anita wants more meetings and public input on this issue. **Rhonda Swaney** suggested that further discussion is needed; some things brought up are not covered by code or regulation. **Chairman Trahan** scheduled this matter for Monday's chairman's meeting.

**Rhoda Couture** discussed a lease issue. She spoke to Rick and CloAnn. She has lived in a three-bedroom house at KHJCC since 2013. When she moved in, she had no paperwork to sign and the rent was \$200.00 per month. Then she received some paperwork in mid-October informing her that she needed to sign a lease and rent was increased to \$750.00 per month with no maintenance/upkeep, effective October 1, 2019. That is more than half her paycheck. She is on the housing waiting list and does not plan on living at the KHJCC site for a long time. She hopes to relocate within the next year. **Rick Eneas**, Financial Management, added that when he met with Rhoda he suggested that she make the request to council because he would need council action to reduce the rental amount since the tribal council approved the rental rates to be set at fair market value. Fair market value rent is much higher than subsidized housing. **Fred Matt** wants to leave the rent for Rhoda at \$200.00 per month and then look at the rental rate once the house is vacant. **Charmel Gillin** thought there was relevant action giving those residents some time. **Anita Matt** thinks the lessee should have some time. The Tribes are creating a property management program. She agrees with holding the rent where it is until we get things straightened out and look at the repairs of the house. **CloAnn Westerman**, Tribal Lands Department, joined the discussion. The Bigby lease is completed and the rental amount is set at \$700.00 per month. The Frank lease is completed and the rental amount is set at \$750 (three-bedroom house). Malia and Randy have not brought in their lease yet because Randy was on a fire. That one is a different rental rate because it is a trailer. Those lessees have all paid their October rent. Once the leases are in effect, then an inspection and evaluation can be completed.

**MOTION** by Fred Matt to leave the rent where it's at until she gets further housing. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

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

**Tony Incashola, Jr., Joe Vanderburg** and **Steve McDonald**, Tribal Forestry, discussed the proposed changes to the Timber Use Policy Statement (TUPS) and requested approval of the revised resolution. Meetings were held to obtain public comments. The woodcutters wanted three changes: (1) remove the 200-foot requirement; (2) allow use of heavy equipment for commercial use; and (3) allow use of heavy equipment for personal use. Tony did not recommend approval of mechanical use for personal use. **Len TwoTeeth** acknowledged that tribal

members would be allowed to use skidding equipment and not adhere to the 200-foot requirement.

**MOTION** by Len TwoTeeth to approve by resolution the revised Timber Use Policy Statement, as presented. Seconded by Fred Matt. **MOTION NOT CARRIED**, 3 for (Len TwoTeeth, Fred Matt and Dennis Clairmont); 4 opposed (Myrna DuMontier, Ron Trahan, Leonard Gray, and Charmel Gillin); 1 abstention (Anita Matt).

*Anita Matt, for the record, "The reason I abstained is either way it's because of the clarity on it. We heard one thing and then another. I want a meeting to make sure. I read it one way, but then it comes out differently."*

**Tony Incashola, Jr., Joe Vanderburg and Steve McDonald**, Tribal Forestry, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**Tony Incashola, Jr.**, Tribal Forestry; **Rick Eneas**, Financial Management; **Vern Clairmont** and **Jeff Clairmont**, Raven Consulting; discussed Forest Development Enterprise. Raven Consulting was contracted to assist with the development of this enterprise. Phase one is to create some organic documents for the establishment of the enterprise. Council took action to establish a limited liability company. The action included the direction that the tribal council will be the LLC member and would elect a board of directors to be the managing member and oversee the General Manager of the enterprise. Most of the documentation has been prepared. There are a number of issues needing council decisions before the articles of organization and operations plan documents can be finished, such as how many board members do they want; the makeup of the board; whether the members of the board must be CSKT enrolled tribal members or allow others to serve on the board; and the required qualifications of the board members. Tony prepared a slideshow to show the vision of what the Enterprise would be, which is a forest development enterprise and a marketing program that can handle timber sales and put small and big loggers to work. It will have a council-appointed board. There would be three employees: a General Manager, an Accountant, and a Woods Boss. The General Manager would be supervised by the Board of Directors, and the other two positions would be supervised by the General Manager. **Chairman Trahan** requested that this be discussed at next Monday's chairman's meeting.

**Myrna DuMontier** wants to provide a comprehensive report on her trip to a treatment facility in KY. It was an excellent trip. It is the perfect model to introduce to our communities here. There are many facets, including the Drug Court in Polson and One Heart. One Heart was represented by Mary Antiste.

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from Safe Harbor for a one-year revocable permit to place a 3x5 business sign up at the Marvin Camel building in Ronan on Tract 4127-A and a waiver of the insurance requirement. The options discussed were: (1) grant a one year revocable permit so long as all permitting requirements are met, along with a one-time payment of \$50.00 and a \$1.00 admin fee, and waiver of insurance requirement; (2) deny request; and (3) further discussion.

**MOTION** by Anita Matt to go with option one to grant Safe Harbor a revocable permit to place a 3x5 business sign up at the Marvin Camel building in Ronan on Tract 4127-A, so long as all permitting requirements are met, along with a one-time payment of \$50.00 and a \$1.00 admin fee, and waiver of insurance requirement. Seconded by Charmel Gillin. Carried, unanimous (7 present – Myrna DuMontier out of the room).

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from Rose O'Bennick for a one-year revocable permit for T4067 located in Hot Springs. The permit is 64 acres and utilized for recreational activities, such as soaking plunge, disc golf, and horseback riding. Options discussed were: (1) grant a one-year revocable permit as long as all permitting requirements are met, along with a one-time payment of \$750.00 and required insurance/bond; (2) deny request; and (3) further discussion. Janet Camel had contractors go out there and provide an estimate to get things back up to par, but Lands has had not update from Janet since that time. **Charmel Gillin** would like to have that information before proceeding with a request.

**MOTION** by Len TwoTeeth to grant Rose O'Bennick a one-year revocable permit for T4067 located in Hot Springs, as long as all permitting requirements are met, along with a one-time payment of \$750.00 and required insurance/bond. **MOTION DIED DUE TO LACK OF A SECOND.** The request was tabled.

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from Two Eagle River School for a four-month revocable permit to utilize the former Kicking Horse Job Corps Center gymnasium for basketball practice, located on tribal tract T995-A. Options discussed were: (1) grant a four-month revocable permit, as long as all permitting requirements are met, including zero rental, required insurance, and a waiver of the bond; (2) deny request; and (3) further discussion. Maintenance will lock and unlock the facility and ensure the facility is taken care of.

**MOTION** by Anita Matt to grant Two Eagle River School a four-month revocable permit to utilize the former Kicking Horse Job Corps Center gymnasium for basketball practice, located on tribal tract T995-A, as long as all permitting requirements are met, including zero rental amount, required

insurance, and a waiver of the bond. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Myrna DuMontier out of the room).

**Mark Couture**, Tribal Lands Department, discussed a potential purchase or fee patent. Charles Sanders is offering his interest in a portion of Allotment 1528, Allotment 2376-A, and Allotment 2376-B, containing 200 acres in the Valley Creek area, with a lease back option. If the Tribes show disinterest, then Mr. Sanders is requesting a letter of disinterest so he can put the land in fee status. In 2018, the Tribes showed interest but Mr. Sanders was requesting a sale amount above appraised value. When it went back to the Land Committee in 2019, it was recommended that it come back to council for a letter of disinterest. **Len TwoTeeth** commented that Chuck is an elder and he recommended paying above appraised value to purchase this land. **Anita Matt** agreed with Len's comments and does not want to lose this parcel. This will not be the first one; we will be seeing a transition in the next ten years of people aging out. **Fred Matt** wants to discuss the impacts of this in the future. We are driving the price up on ourselves by doing this. **Charmel Gillin** clarified that if we show interest, then a new appraisal would be ordered and we would find out the current fair market value.

**MOTION** by Charmel Gillin to show interest in the property. Seconded by Anita Matt. Carried, unanimous (7 present – Myrna DuMontier out of the room).

**Mark Couture**, Tribal Lands Department, presented a request from Diane Grant for a letter of disinterest in a portion of Flathead Tract 2106, creating Flathead Tract 2106-A, containing 5.17 acres, so she can gift deed in fee to her nontribal member son. Diane is aware that her son can inherit trust land, but the concern is that her son could not build a home on the land if it is in trust because he would be unable to obtain a mortgage on trust land since he is a nontribal member. **No action taken.** The request was tabled.

**Mark Couture**, Tribal Lands Department, requested approval of a resolution authorizing the purchase of the Post Office fee property located in Polson.

**MOTION** by Fred Matt to approve by resolution the purchase of the Post Office located on fee property in Lake County. Seconded by Len TwoTeeth. Carried, 7 for; 0 opposed; 1 not voting (Myrna DuMontier out of the room).

## **RESOLUTION 20-016**

### **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 (PL90-402);

**WHEREAS**, Heritage Development Properties, LP has offered to sell their all right, title and interest in Lots 4, 5, 6, 7, 8, 9 and 10 of Block 15 of the Original Townsite of Polson, Lake County, Montana, according to the official map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana, containing 1.12 acres, more or less, together with appurtenances and improvements located thereon; and together with and subject to easements, reservations, restrictions, covenants, conditions and rights of way apparent or of record.

**WHEREAS**, Heritage Development Properties, LP 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 Heritage Development Properties, LP, 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.

**Rob McDonald**, Communications, introduced Ta’Jin Perez, Western Native Voice and Montana Native Voice. **Mr. Perez** handed out a packet of information, discussed Get Out The Vote Campaign, and informed council that a letter needs to be sent to Lake County by January 31, 2020 to request satellite-voting locations. **Chairman Trahan** questioned the cost of having satellite voting locations. Ta’Jin advised that the costs for operating a location Monday through Friday, from 8:00 a.m. to 5:00 p.m. has not been calculated. **Charmel Gillin** was in favor of sending letters to Lake County and Sanders County. There has been issues with people not receiving a ballot in the mail. Ta’Jin is documenting these cases for the record.

**MOTION** by Charmel Gillin to adjourn the meeting.

Council **adjourned** at 12:39 p.m., and is scheduled to meet again on Tuesday, November 19, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary