

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

Volume 18 Number 6
Council Chambers, Pablo, MT

Held: October 24, 2017
Approved: November 2, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Leonard Gray; Carole Lankford; Dennis Clairmont; and Patty Stevens.

MEMBERS ABSENT: Ronald Trahan (Personal Time Off); and Shelly Fyant (Judicial Engagement Team (JET) Conclave, Casey Family Foundation, Kansas City, MO).

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

The meeting was called to **order** at 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Dennis Clairmont.

The **Tribal Council Meeting Minutes** for October 12, 2017 were presented for approval.

MOTION by Troy Felsman to approve the Tribal Council Meeting Minutes for October 12, 2017, with corrections. Seconded by Patty Stevens. Carried, unanimous (8 present).

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

MOTION by Patty Stevens to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (8 present).

Thomas “Sonny” Lozeau, Jr. discussed a loan he received through Eagle Bank on October 10, 2008 that he believed to be a HUD 184 Loan, which turned out to be a two-year conventional loan. **Vern Clairmont** was present for discussion. Vern will follow up and report back.

Stacy Slocum met with council on behalf on her grandchildren and son-in-law. Her grandson has a rare disability and needs financial assistance, but he needs to get SSI status before he qualifies for assistance through any

Tribal Council Meeting Minutes
October 24, 2017

programs. The family needs help for their basic necessities and travel expenses to Seattle for medical care. The father is a first generation descendant and the baby is a second generation descendant.

MOTION by Carole Lankford to make a \$300 contribution to the family. Seconded by Leonard Gray. Carried, 6 for; 1 opposed (Patty Stevens); 1 abstention (Vernon Finley).

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

Council reconvened into **regular session**.

Joe Durglo and **Brenda Bodnar**, Tribal Health Department, requested authorization to hire Darren Finley on a two-year contract to fill the Reason to Live Native Case Manager II position. The vacancy was advertised.

MOTION by Troy Felsman to authorize the hire of Darren Finley on a two-year contract to fill the Reason to Live Native Case Manager II position. Seconded by Patty Stevens. Carried, unanimous (8 present).

St. Ignatius Middle School Students requested permission to cut boughs in the Jocko area for the Dogs With Wings service project. The students make wreaths and then sell them to raise money to buy gifts for veterans and children from the reservation. They received permission from the Salish Pend d'Oreille Elders and Tribal Forestry.

MOTION by Patty Stevens to approve the permit for cutting boughs for the Dog With Wings group from St. Ignatius Middle School. Seconded by Anita Matt. Carried, unanimous (8 present).

Jean Matt, Mission Valley Power; and **Gordon Fyant**, Mission Valley Power Utility Board; requested renewal of the 93-638 contract with the Bureau of Indian Affairs. The contract must be renewed every three years. This contract has not been updated since 2011. The contract needs to be renewed to continue the draw down process. **Len TwoTeeth** discussed a homesite project in Elmo and requested that Jean work with the Salish Kootenai Housing Authority and Tribal Roads Program to provide some lighting at the playground. **Troy Felsman** will forward Jean a copy of the broadband proposal from Native Networks.

MOTION by Troy Felsman to approve by resolution the renewal of the 93-638 contract with the Bureau of Indian Affairs. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-011

A RESOLUTION REQUESTING A CONTRACT WITH THE BUREAU OF INDIAN AFFAIRS FOR THE OPERATION OF THE ELECTRIC POWER UTILITY KNOWN AS MISSION VALLEY POWER

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

WHEREAS, the Confederated Salish and Kootenai Tribes currently contract with the Bureau of Indian Affairs under Public Law 93-638 for the operation of the electric power utility known as Mission Valley Power, and

WHEREAS, it is the desire of the Tribal Council to continue operating this program under contract with the Bureau of Indian Affairs, and

WHEREAS, the current contract, as operated by the Tribes for a period of twenty-one (21) years, has not had any significant or material audit exceptions in the annual audit and, therefore, has qualified for “mature status” with an indefinite term.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Bureau of Indian Affairs is requested to award a Mature Status contract to the Tribes for the operation of the electric power utility on the Flathead Reservation known as Mission Valley Power.

BE IT FURTHER RESOLVED that the Bureau of Indian Affairs is requested to provide contract support funds for indirect costs associated with the contract.

BE IT FURTHER RESOLVED that the Chairman of the Tribal Council and the Tribal Secretary are hereby authorized to negotiate and execute the contract and any modifications thereof during the term of the contract.

***** **Break** *****

Rhonda Swaney and **Ryan Rusche**, Legal Department, discussed a request from Keith Rennie regarding a tax issue and the Flat Center Farms case. There was a court decision issued that reversed the ruling that members of other tribes do not have to pay state taxes for businesses located on trust land. Mr. Rennie is five years behind on his state taxes and is in the process of an administrative appeal, and he is requesting assistance from the CSKT with his defense. **Len TwoTeeth** wanted to know how many of our tribal members would be affected by this case prior to committing any of our tribal resources to this appeal. It was the **consensus** of council to send a letter to Mr. Rennie.

Rhonda Swaney and **Ryan Rusche**, Legal Department, discussed a letter that was published by Gale Decker on October 18, 2017, regarding testimony provided by Ryan Rusche to the Taxation and Revenue Interim Committee of the Montana legislature regarding the impact of trust lands on local governments.

MOTION by Dennis Clairmont to not respond to Gale Decker's comments. Seconded by Anita Matt. Carried, unanimous (8 present).

Rhonda Swaney and **Ryan Rusche**, Legal Department, informed council that there is an organization that is interested in compiling an analysis of the water compact and economics of it. They would do it on their own and we would not retain them.

Rhonda Swaney, Legal Department, informed council that she contacted individuals that would be interested in a temporary appointment to assist the Tribal Court. The discussion will continue when Judge Pluff is available.

Rhonda Swaney, Legal Department, requested approval of a consultation and professional services contract with Christopher Frissell, Frissell & Raven, LLC, to produce a final report regarding fisheries on and off the reservation.

MOTION by Troy Felsman to approve by resolution a consultation and professional services contract with Christopher Frissell. Seconded by Leonard Gray. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-012

A RESOLUTION TO ENTER INTO A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH CHRISTOPHER FRISSELL (FRISSELL & RAVEN, LLC)

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes, and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes, and

WHEREAS, the Confederated Salish and Kootenai Tribes wish to secure, and Christopher Frissell (Frissell & Raven, LLC) wishes to provide personal, professional and scientific expertise, services, consultation, and testimony on instream flow water rights claim development, filing and defense, and

WHEREAS, Christopher Frissell (Frissell & Raven, LLC) intends to take all steps necessary to collaborate with Dr. Thomas Hardy to produce an expert witness report that addresses the criteria contained in Rule 26 (a) (2) of the Federal Rules of Civil Procedure for the entire Flathead Indian Reservation, and

WHEREAS, Christopher Frissell (Frissell & Raven, LLC) has agreed to provide their personal professional services according to the terms and conditions of a contract for consultation and professional services.

THEREFORE BE IT RESOLVED, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

Rhonda Swaney and **Daniel J. Decker**, Legal Department, gave an update on the National Congress of American Indians (NCAI) sessions that Dan attended. There was a consultation on the proposed changes to the fee-to-trust conveyance regulations. Chairman Finley provided testimony in opposition to the regulations. Next month there is a session scheduled. **Chairman Finley** requested that written opposition be prepared and a council representative to provide that testimony. Dan attended the tribal-state relations session and a meeting with the Farm Bill Coalition. Dan will draft a resolution for the CSKT to join the coalition and present back for approval on Thursday. **Chairman Finley** requested that the Lands, DHRD and Forestry department heads be provided this information.

Rhonda Swaney and **John Harrison**, Legal Department, gave an update on the Bi-Op appeal. The appeal is moving forward and is currently in the briefing period. Stu is working on the administrative process. The Makah Tribe is seeking tribal support for treaty whale hunting. The Legal Department recommends supporting the request. The Council approved signing a letter that Stu Levit will bring for signature on Thursday. John gave an update on the Herrera case, involving a Crow tribal member's citation for hunting elk in the Big Horn National Forest. Herrera brought a treaty hunting defense and lost, and now he is petitioning the U.S. Supreme Court to hear the case. Mr. Herrera and the Crow Tribe are asking other tribes to sign onto an inter-tribal amicus that might be drafted in support of the Supreme Court petition. John recommended signing onto any inter-tribal amicus in support of treaty rights. Council had no objection. John let the Council know that the Nez Perce Tribe signed the Beattie Gulch Inter-Tribal Memorandum of Agreement. Within the next week all the Stevens tribes should have the agreement signed and in place. John asked if Council wanted to consider a

signing ceremony or other formal inter-tribal commemoration of the Beattie MOA, and will follow up depending on what he hears from the other tribes.

Chairman Finley would like to have the Legal Department draft language for some issues to be placed on the ballot of the general election seeking the membership's opinion. It would be a straw poll opinion only and would not be binding. The straw vote would be used as a tool to find out what the membership's opinion is. The questions Vernon wants asked on the ballot are: including blood from other tribes for enrollment; include other Salish and/or Kootenai blood for enrollment; and redistricting options, such as having 5 districts based by population with 2 representatives per district with alternating terms. **Leonard Gray** does not want to piecemeal changes to the constitution for issues that just affect certain individuals. He would like a question on the ballot to ask the membership whether or not tribal members residing off the reservation should be allowed to vote. **Carole Lankford** thinks there is a long educational process that needs to take place before there are any questions placed on a ballot for the membership to vote on. She wants a discussion with council before placing anything on the ballot. **Rhonda Swaney** will draft language and present back for consideration.

Mark Alfreds, Assistant Regional Census Manager; and **Fred Stevens**, Montana Tribal Partnership Specialist; gave a report on the 2020 Census. The constitution mandates that a complete census be conducted every 10 years. The American Community Survey is an ongoing survey that provides vital information on a yearly basis about our nation and its people. Information from the survey provides more current demographic, social, economic, and housing data throughout the decade. The U.S. Census Bureau conducts more than 130 surveys each year. Ways to respond to the surveys include telephone, internet, paper form, and in-person interview. All data collected on the census form is protected under Title 13 U.S. Code Privacy and Confidentiality. They would like to have a count committee for the tribal government and a letter from the chairman to encourage the membership to participate in the census.

Chairman Finley presented a request to assist Don Gingras and his two sisters by using the Tribes' air miles.

MOTION by Len TwoTeeth to assist Don Gingras and his two siblings by using the Tribes' air miles for the family to travel home from Houston. Seconded by Troy Felsman. Carried, unanimous (8 present).

***** **Lunch** *****

Dennis Clairmont out of the room.

David Strohmaier, **Jean Curtiss** and **Nicole Rowley**, Missoula County

Tribal Council Meeting Minutes
October 24, 2017

Commissioners; **Pat O’Herren**, Missoula County Community & Planning Services; met with council for the annual intergovernmental meeting. **Janet Camel**, Economic Development, discussed the Land Planning Agreement that has been in effect since 1987. The agreement is renewed every five years. **Chairman Finley** signed the new agreement. **Mary Price**, Legal Department, gave an update on Smurfit-Stone. **Jean Curtiss**, Commissioner; and **Rich Janssen**, Natural Resources Department; gave an update on the Crown of the Continent. **Ron Swaney**, Division of Fire, gave a report on the local fire season. **Ryan Rusche**, Legal Department, gave an update on the water compact. **Thompson Smith**, Salish-Pend d’Oreille Culture Committee, gave an update on projects and discussed a parcel of land that is for sale. **Chairman Finley** expressed his appreciation for the Missoula County Commissioners working in cooperation with the Tribes.

Leonard Gray left the meeting for the remainder of the day.

Brad Pluff, Tribal Court; and **Rhonda Swaney**, Legal Department; requested to meet with council in **executive session** to discuss departmental issues.

Dennis Clairmont returned to the meeting.

Council reconvened into **regular session**.

MOTION by Patty Stevens to appoint Brad Pluff as Acting Chief Judge of the Tribal Court. Seconded by Anita Matt. Carried, 4 for (Patty Stevens, Anita Matt, Dennis Clairmont, and Troy Felsman); 2 opposed (Len TwoTeeth and Carole Lankford); 1 abstention (Vernon Finley).

MOTION by Carole Lankford to adjourn the meeting. Seconded by Patty Stevens. Carried, unanimous (7 present).

Council **adjourned** at 3:40 p.m., and is scheduled to meet again on Thursday, October 26, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary