

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

Volume 18 Number 76
Council Chambers, Pablo, MT

Held: July 3, 2018
Approved: July 26, 2018

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

MEMBERS ABSENT: Arlee District (Vacant).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager/Recording Secretary; and Tom Johnson, Council Support.

The meeting was called to **order** at 9:05 a.m. Quorum established.

The meeting was opened with a **prayer** by James Steele, Jr.

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

MOTION by Shelly Fyant to approve the agenda, with changes. Seconded by Charmel Gillin. Carried, unanimous (9 present).

Art McNair, Tribal Member, requested approval to have his nontribal member family assist him with hunting since he is disabled. **Calvin Bourdon** advised that council action is required and if approved, then Mr. McNair must carry the permit with him at all times. **Council** will follow up with Tom McDonald.

Calvin Bourdon, Tribal Member, requested permission to receive some gravel from the Evaro gravel pit, due to flooding in the area of his residence. Calvin and his neighbor need gravel to repair the road they live on. The Lands Department staff told him that each tribal member is allowed 10 yards of gravel at no cost. If additional gravel is needed, then the tribal member is required to pay for it. Due to the road washing out, Calvin needs about 40 yards. It would be expensive for Calvin to hire someone to haul the gravel from Pablo to Evaro. There is a gravel pit in Evaro that is closed, and it would require council action to open it up so Calvin can get some gravel from that pit. **Carolee Wenderoth**, Tribal Lands Department, advised that she would need to research whether an environmental assessment would be required to open the gravel pit. She can

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reach out to some resources to haul the gravel. **Carolee Wenderoth** will follow up on options to assist Calvin and report back.

Council discussed the form for disabled hunters. A physician statement is required for those types of requests. **Jennifer Trahan** will give the form to Art McNair to fill out.

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

Jordan Thompson, Tribal Legal Department; and **Janet Camel**, Economic Development Office; requested approval of the Comment Letter to Lake County regarding Draft 4 of the Lake County Growth Policy. The County Commissioners recently repealed the Density Map and Regulations. They are proposing that the Density Map be included in their revised growth policy as an advisory document. The Tribal Planning Director has been attending County Planning Board meetings and providing comments on the past drafts. CSKT has not had a chance to submit comments on this final draft until this week. The final was available for review late in the day on June 27, 2018.

MOTION by Shelly Fyant to approve the comment letter to Lake County regarding Draft 4 of the Lake County Growth Policy and to authorize Rob McDonald to distribute it to the appropriate media. Seconded by Anita Matt. Carried, unanimous (9 present).

Jordan Thompson, Tribal Legal Department; **Vern Clairmont**, Office of Financial Management; and **Jason Adams**, Salish Kootenai Housing Authority; requested direction on moving forward with the design of the Tribal Health and Wellness Facility using only Federal Highway monies, or a design using Federal Highway monies and monies from other sources such as third party funds and tax credits. They requested further guidance from the Council on how to proceed with the Ronan/Urban Highway 93 project after meeting with the Montana Department of Transportation and the Federal Highway Administration on May 29, 2018 and with Tribal Council on June 19, 2018. They applied for a grant to fund the development of a master plan for the site. The process can be started with McArthur Means & Wells (MMW) and then figure out the funding source for that at a later date. Council gave a consensus for the direction to take.

MOTION by Carole Lankford to approve the request to engage McArthur Means & Wells to work out a contract to begin the project. Seconded by Shelly Fyant. Carried, unanimous (9 present).

Jean Matt, Mission Valley Power, requested approval of the fiscal year 2019 budget and approval of budget modification number 1 to add \$900,000 to the fiscal year 2018 budget. A press release will be issued to explain how the rates

will not be increased this year through the CSKT's decision on the low cost block of power.

MOTION by Anita Matt to approve budget modification number 1 to add \$900,000 to the Fiscal Year 2018 Budget. Seconded by Shelly Fyant. Carried, unanimous (9 present).

MOTION by James Steele, Jr. to approve the Mission Valley Power Fiscal Year 2019 Budget. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

John Neiss, Facilities Maintenance, requested approval of a contract with BBC for an amount not to exceed \$50,673 to complete phase two of the Longhouse remodel project. This project will complete the spending of the balance of the grant monies.

MOTION by Len TwoTeeth to approve the contract with BBC for an amount not to exceed \$50,673 to complete phase two of the Longhouse remodel project. Seconded by Anita Matt. Carried, unanimous (9 present).

Arlene Templer, Corky Sias and **Carrie Antoine**, Department of Human Resources Development; and **Vern Clairmont**, Office of Financial Management; requested authorization to purchase capital equipment consisting of a F'Real Blending Machine at a cost of \$11,770 for Quicksilver. The vendor is working with Quicksilver to extend a \$1,500 discount on any machine once approved to move forward with the purchase. The vendor requires an initial payment of \$2,500 to purchase and a zero percent interest rate if paid within 12 months. Monthly payments would need to be paid for by credit card. Quicksilver would like to purchase the Blending Machine option, at the estimated cost of \$10,200. Property & Supply has a credit card that could be used to make the payments. **Chairman Trahan** would like to wait until further information is obtained on why the company only accepts payment by credit card.

MOTION by Shelly Fyant to approve the purchase of capital equipment consisting of a F'Real Blending Machine for Quicksilver. Seconded by Anita Matt. Carried, 7 for; 2 opposed (Ronald Trahan and Charmel Gillin).

MOTION by Anita Matt to allow the purchase of the F'Real Blending Machine this fiscal year since the department is past the June 30 cutoff date. Seconded by Leonard Gray. Carried, 7 for; 2 opposed (Ronald Trahan and Charmel Gillin).

MOTION by Dennis Clairmont to authorize Quicksilver to make the initial payment and the monthly payments for the F'Real Blending Machine with the Property and Supply credit card. Seconded by Carole Lankford. Carried, 7

for; 2 opposed (Ronald Trahan and Charmel Gillin).

Arlene Templer and **Carrie Antoine**, Department of Human Resources Development, requested approval of a resolution authorizing the submission of an application to the Department of Justice for the Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims grant. This grant will enhance our community's efforts to address the needs of children/youth who have become crime victims due to the growing opioid and substance abuse crisis in our community. The grant will provide trauma-informed direct services to newborn-age 18 children/teens who have become crime victims due to substance abuse. It will also provide funds to continue the new CASA Program and continue the efforts to form a Drug Endangered Children Alliance as a multidisciplinary response to the needs of drug-endangered children. The funding would be used to hire two trauma informed social workers, and continue the Drug Endangered Children program and the CASA program for two years. The grant would provide funding of \$750,000 over a three-year period and would begin on October 1, 2018.

MOTION by Anita Matt to approve by resolution submission of an application to the Department of Justice Office for Victims of Crimes for the Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims grant. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 18-149

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF JUSTICE (DOJ) OFFICE FOR VICTIMS OF CRIMES (OVC) FISCAL YEAR 2018 ENHANCING COMMUNITY RESPONSES TO THE OPIOID CRISIS: SERVING OUR YOUNGEST CRIME VICTIMS GRANT

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes is the dully recognized governing body of the Flathead Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes are committed to the sound planning management of the Flathead Reservation resources; and

WHEREAS, the Confederated Salish and Kootenai Tribes have directed the Department of Human Resource Development to continue efforts to address the needs of children/youth who have become crime victims due to the growing opioid and substance abuse crises in the community, as the Tribes strive to create a healthy community; and

WHEREAS, the grant will provide trauma-informed direct services to newborn-age 18 children/teens who have become crime victims due to substance abuse.

WHEREAS, the grant will provide funds to continue the new CASA Program and continue the efforts to form a Drug Endangered Children Alliance as a multidisciplinary response to the needs of drug endangered children.

NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation approves the application submission to the Department of Justice, Office for Victims of Crime: 2018 Fiscal year, Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims to be administered for three (3) years beginning October 1, 2018.

NOW, THEREFORE BE IT FURTHER RESOLVED, that this project will be placed organizationally under and managed by The Department of Human Resource Development.

Arlene Templer, Tasha Birthmark, and Carrie Antoine, Department of Human Resources Development; **Robert McCarthy**, Prosecutors Office; and **Rhonda Swaney**, Legal Department; followed up on the discussion about the per capita holds for child support payments that was discussed at yesterday's chairman's meeting and discussed options. Arlene recommended taking the limitations off the Child Support Enforcement Program and take up to 100 percent of the per capita, which would match what the Code says. The Policies & Procedures authorize a hold of 50 percent of the per capita. This would affect 118 families. **Len TwoTeeth** asked the department to look at the grandparents that are raising kids and make sure the child support goes to the grandparents. **Carole Lankford** commented that it would require a policy change. The Code does not specify a percentage of the per capita payment to be withheld. The department should work with the fathers. **Council** has received complaints from fathers who are paying child support and the program has refused to work with them. Holding per capita payments is not the only form of support that fathers can provide to their children in accordance with the Code. Some fathers are not delinquent on child support payments, but their per capitass are still being withheld for child support. The Code has not been put out for public comment, and Carole would like the public to be given an opportunity to provide comments. The Code does not specify a percentage of per capitass to be withheld for delinquent child support payments; the Policies & Procedures specify holding up to 50 percent of the per capita. The program has been withholding 100 percent of the per capita payments for child support. **Charmel Gillin** would like the department to follow the Policies and Procedures that are currently in effect. **Leonard Gray** would like the fathers represented in the process. **Chairman Trahan** directed the department to provide an issue paper and all necessary

information in writing in the future when meeting with tribal council.

MOTION by Carole Lankford to put the Child Support Enforcement Code out for public comment and direct the department to follow the current Policies & Procedures as it is written now. Seconded by James Steele, Jr. Carried, 6 for; 3 abstentions (Len TwoTeeth, Leonard Gray and Ron Trahan).

Willie Keenan, Natural Resources Department, requested approval of Modification 2 to the New/BrownFields contract in the amount of \$107,364.00 to implement additional tasks at the Former Dupuis Smoke Signal, former Flathead Post & Pole Yard, former Ronan Landfill, and the McLeod Lease.

MOTION by Anita Matt to approve modification 2 to the New/BrownFields contract in the amount of \$107,364.00 to implement additional tasks at the former Dupuis Smoke Signal, former Flathead Post & Pole Yard, former Ronan Landfill, and the McLeod Lease. Seconded by Charmel Gillin. Carried, unanimous (9 present).

Dale Becker and **Willie Keenan**, Natural Resources Department; and **Tom Bansak**, Assistant Director of Flathead Lake Biological Station; presented a request for a Scientific Collection Permit from the Yellow Bay Biological Station to collect biological specimens of small mammals and minnows on their property at Yellow Bay. The projects assist as teaching tools for students at the station.

MOTION by Len TwoTeeth to grant the Yellow Bay Biological Station a collection permit to collect biological specimens of small mammals and minnows on their property at Yellow Bay. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Dale Becker and **Willie Keenan**, Natural Resources Department; and **Xiong Xiong**, Flathead Lake Biological Station; presented a request for a collection permit for the Yellow Bay Biological Station to investigate microplastics pollution in Flathead Lake.

MOTION by Len TwoTeeth to grant a collection permit to the Yellow Bay Biological Station to investigate microplastics pollution in Flathead Lake. Seconded by James Steele, Jr. Carried, unanimous (9 present).

Dale Backer, Natural Resources Department, brought up the Grizzly Bear conservation strategy. A schedule will be developed to review the document. A meeting will be scheduled with the Culture Committees and Dale will return to council in the near future.

Gabe Johnson, Natural Resources Department, discussed the bids that were received for the 2018 Patching Project. Sealed bids were opened last week and

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two responsive bids were received from Smith Paving & Contracting and Jeff D. Smith Construction. Shadow Asphalt submitted a nonresponsive bid after the deadline. The responsive bid amounts exceeded the engineer's estimate. Gabe recommended not awarding the project, due to the bid amounts that were received. The patching project would not be a good use of funds at this time, and the project could be bid out again next year along with another project.

MOTION by Len TwoTeeth to go with the recommendation of the department. Seconded by Anita Matt. Carried, unanimous (9 present).

Gabe Johnson, Natural Resources Department; and **John Carter**, Legal Department; discussed renewal of a CSKT-Lake County Roads Agreement pending legal review. It is an umbrella agreement that allows the Tribes to do projects on Lake County facilities if the projects benefit the tribal membership. It is an approved expenditure in the Code of Federal Regulations. Lake County is in agreement with renewing the agreement. The agreements are approved every five years. There are a number of projects in the Transportation Improvement Program Plan that are located on county roads. This agreement has significantly benefited Lake County. **No action taken.**

Gabe Johnson, Natural Resources Department, discussed a grant opportunity that is due by July 19. The department would like to wait until next year to apply for this grant. **Council** agreed to wait until next year to apply for the funding.

Rhonda Swaney, **John Carter**, **Christina Courville**, and **John Harrison**, Tribal Legal Department, requested to meet with council in **executive session** to discuss legal matters.

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

Council reconvened into **regular session**.

MOTION by Carole Lankford to direct the Department of Human Resources Development to include the Tribal Defenders Office in the review of the Child Support Enforcement Policies & Procedures. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Shelly Fyant presented a request from Eldena Bear Don't Walk for travel assistance in the amount of \$600 for nonmember burial assistance to go to her father's funeral services. He was living with Eldena on the reservation at the time of his death.

It was the **consensus** of council to authorize burial assistance in the amount of \$600 for Eldena Bear Don't Walk to travel to her father's funeral

services.

Carolee Wenderoth, Tribal Lands Department, requested approval of a resolution authorizing the continuation of a parcel-for-parcel land exchange with the Dayton School District, pending a clear title. **No action taken.** Council requested a copy of the resolution and will discuss the request this afternoon.

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

Vern Clairmont, Office of Financial Management, requested approval of the reprogramming request and Amendment 3 to the Multi-Year Funding Agreement for the Chairman's signature and transmit it to the Department of Interior Office of Self-Governance for final signature.

MOTION by Shelly Fyant to approve the reprogramming request and Amendment 3 to the Multi-Year Funding Agreement for the Chairman's signature and transmit it to the Department of Interior Office of Self-Governance for final signature. Seconded by Anita Matt. Carried, unanimous (8 present).

Vern Clairmont, Office of Financial Management, requested approval of Amendment 3 to the fiscal year 2016-2020 Multi-Year Funding Agreement with the Indian Health Service to estimate the funding available for fiscal year 2019 to be signed by the chairman and forwarded to the Indian Health Service Office of Tribal Self-Governance for final signature.

MOTION by James Steele, Jr. to approve Amendment 3 to the fiscal year 2016-2020 Multi-Year Funding Agreement with the Indian Health Service to estimate the funding available for fiscal year 2019 to be signed by the chairman and forwarded to the Indian Health Service Office of Tribal Self-Governance for final signature. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Vern Clairmont asked when would be the best time to schedule a budget meeting. The meeting was scheduled for Wednesday afternoon.

Carolee Wenderoth, Tribal Lands Department; and **Carolyn Hall**, Lake County Superintendent of Schools; requested approval a resolution authorizing the process to continue a parcel-for-parcel land exchange with the Dayton School District. Block 6 in Dayton would be conveyed to the Dayton School in exchange for Block 23 in Big Arm being conveyed to the Tribes. The land exchange would be contingent upon getting a clear title. The Dayton School needs to own the property in order to apply for funding, procuring a modular, and updating the septic system.

MOTION by James Steele, Jr. to approve the resolution authorizing

a parcel-for-parcel land exchange with the Dayton School District, including a clean transfer. Seconded by Carole Lankford. Carried, 7 for; 0 opposed; 1 abstention (Dennis Clairmont – wants to see a clear title before taking action).

RESOLUTION 18-148

RESOLUTION AUTHORIZING THE EXCHANGE OF CONFEDERATED SALISH AND KOOTENAI TRIBES FLATHEAD TRIBAL TRACT NO. T 6005 FOR LAKE COUNTY FEE PARCEL 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);

WHEREAS, Lake County has offered to exchange all right, title and interest in Block 23 (Public Reserve) of the Townsite of Big Arm, Lake County, Montana, according to the map or plat thereof on file in the Office of the Clerk and Recorder of Lake County, Montana, Section 33, Township 24 North, Range 21 West, P.M.M., Lake County, Montana, containing 2.75 acres, more or less, for Tribal Tract T6005, described as follows: Lots 1 thru 12, Block 6 of Dayton Town-site, Section 3, Township 24 North, Range 21 West, P.M.M., Lake County, Montana, containing 1.93 acres, more or less;

WHEREAS, Lake County and the Confederated Salish and Kootenai Tribes have agreed to a parcel to parcel exchange; and

WHEREAS, the Tribal Council has determined the exchange is within its best interest; as Tribes will acquire acreage bordering other Tribal property;

WHEREAS, Lake County has determined the exchange is within their best interest;

WHEREAS, the Tribal Council has agreed to exchange the above-mentioned properties with the Lake County;

BE IT RESOLVED, that the above-described property be exchanged with Lake County, 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.

Carolee Wenderoth and **Tara Irvine**, Tribal Lands Department, presented a request from HaeOk Newman, Oak's Korean Kitchen, for a one-year revocable permit to operate a food take-out stand on Tribal Tract T4481 in Polson. Options presented were: (1) approve the permit so long as all the permit requirements are met, including a rental payment of \$300 per month, providing receipts and pictures of all improvements completed to the site; required insurance; and required bond; (2) deny the request; and (3) further discussion needed.

MOTION by Len TwoTeeth to go with the recommendation and grant a one-year revocable permit to HaeOk Newman, Oak's Korean Kitchen, as long as all requirements for permitting are met, including the following: (1) rental rate of \$300 per month, providing receipts and pictures of all improvements completed to the site with required food inspections; (2) required insurance; and (3) required bond. Seconded by James Steele, Jr. Carried, unanimous (8 present).

Carolee Wenderoth and **Tara Irvine**, Tribal Lands Department, discussed a revocable permit request from Roxanne Hamann, Who Spilled the Beans, to operate a coffee shop on Tribal Tract T4481 in Polson. Options presented were: (1) approve the permit so long as all the permitting requirements are met, including the following: rental rate of \$350 per month; required insurance; and required bond; (2) deny the request; and (3) further discussion needed. The department recommended approval of the permit.

MOTION by Dennis Clairmont to go with option 1 and grant a one-year revocable permit to Roxanne Hamann, Who Spilled the Beans, as long as all requirements for permitting are met, including the following: (1) rental rate of \$350 per month; (2) required insurance; and (3) required bond. Seconded by Charmel Gillin. Carried, unanimous (8 present).

MOTION by Dennis Clairmont to adjourn the meeting. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Council **adjourned**, and scheduled to meet again on Friday, July 6, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary