

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

Volume 18 Number 61  
Council Chambers, Pablo, MT

Held: May 8, 2018  
Approved: May 15, 2018

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

**MEMBERS ABSENT:** Anita Matt, Treasurer (Farm Bill Coalition – Washington, DC).

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

The meeting was called to **order** at 9:04 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for May 1, 2018 were presented for approval.

**MOTION** by Troy Felsman to approve the Tribal Council Meeting Minutes for May 1, 2018, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

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

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

**Mr. & Mrs. Leon Fisher** requested to meet with council in **executive session** to discuss a personal matter. **Mark Couture** and **Carolee Wenderoth**, Tribal Lands Department, were present for discussion.

**Len TwoTeeth** joined the meeting.

Council reconvened into **regular session**.

**MOTION** by Dennis Clairmont to reassign the two year lease contract to Jack and Susan Lake. Seconded by Shelly Fyant. Carried, unanimous (9 present).

**Art Caye** followed up with his request on those buildings. He requested that council take action to approve his request. **Carolee Wenderoth** and **Mark Couture**, Lands Department, reported there was some activity identified from the cameras that are monitoring the area. Law and Order will be following up on that. Fish & Game is also patrolling the area. A gate was installed and the property is now locked. Work will need to be done on that building if it remains in the lease for the lessee's use. Because of its historic value, consideration needs to be given whether to leave the building there or allow removal. **Len TwoTeeth** said this process has put 4 tribal member families out of work. He supports helping Art move forward with this project. **Charmel Gillin** wanted to know the volume of lumber, and the structure of the payment that Art is proposing before she makes a decision. Carolee reported that there are 16 other properties that Lands has identified that are in the same situation. Charmel asked for council's consensus to have Lands negotiate an agreement and present back for council consideration. She also wanted to verify whether Culture Preservation considers it to be an historic building. Council wants to Lands to follow up with Law & Order to make sure that removing the building would not be an issue with the investigation. **Council** directed the Lands Department to bring forth the information requested and present options back to council on Thursday.

**Dan Durglo**, Salish Kootenai College; and **Dr. Stacey Sherwin**, Coordinator of Technical Programs; requested approval of a resolution approving a mutual limited waiver of sovereign immunity for a contract with the Department of Transportation. The contract has been in place for the past 10 years, but this year's contract added this new clause. The Legal Department reviewed and approved the resolution language. All state contracts will now contain this new clause. **Carole Lankford** requested that Abby retype the resolution to put it in its proper format and insert the correct certification.

**MOTION** by Carole Lankford to approve by resolution a mutual limited waiver of sovereign immunity for a contract with the Department of Transportation. Seconded by James Steele, Jr. Carried, 8 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

*Shelly Fyant, for the record, "I would like us to further investigate why the State Department of Transportation is adding this clause. But I wonder if we had known this last week when the Governor and MDOT were here we could have asked that. I would like us to further research why."*

**RESOLUTION 18-127**

**RESOLUTION APPROVING MUTUAL LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR SKC CONTRACT #312768 WITH THE MONTANA DEPARTMENT OF TRANSPORTATION**

**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 Highway Construction Training Program to provide education and training for tribal members; and

**WHEREAS**, Salish Kootenai College has received a contract to receive funding for maintenance and repair of training vehicles under the On-the-Job Training Support Services Program; **NOW, THEREFORE**,

**BE IT RESOLVED** that the Tribal Council agrees to a mutual limited waiver for the sole purpose of enforcing provisions of Contract No. 312768 between Salish Kootenai College and the Montana Department of Transportation.

**Ron Swaney**, Division of Fire, informed council that the department has two squad leader vacancies. The position was advertised and 1 qualified applicant. He requested approval to hire Daniel Blackwolf on a one year TEA.

**MOTION** by Shelly Fyant to approve the contract with Daniel Blackwolf on a one year TEA to fill the Squad Leader position. Seconded by Carole Lankford. Carried, unanimous (8 present – Len TwoTeeth out of the room).

**Ron Swaney** informed council that Josh Fisher will be hired in the other vacancy; there should also be some tribal members who will be eligible to apply for those positions next year.

**Ron Swaney**, Division of Fire, requested approval to purchase a copy machine. It is capital equipment since it costs in excess of \$5,000. Property & Supply did not provide the quote costs to Ron, but said P&S needed council action for the capital equipment purchase. **No action taken.** Council requested that the quote be provided.

**Ron Swaney**, Division of Fire, informed council that the Flathead Hot Shots crew wants to do some training of our crew and construct some summer fire lines on the reservation. It was the **consensus** of council to approve the request.

**Vern Clairmont**, Financial Management, requested approval of modification 5 to the fiscal year 2018 Indian Health Service Self-Governance Compact Budget.

**MOTION** by Troy Felsman to approve by resolution modification 5 to the fiscal year 2018 Indian Health Service Self-Governance Compact Budget. Seconded by Dennis Clairmont. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 18-128**

**RESOLUTION APPROVING MODIFICATION 5 TO THE FY 2018 IHS SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, final FY 2018 funding pursuant to the Omnibus appropriations has been awarded for a total of \$11,158,759 identified for Tribal Health operations and \$12,108,446 allocation for Purchased and Referred Care and adjustment needs to be made to the amount currently allocated to the budget; and

**WHEREAS**, earmarked FY 2018 funding for Dental Support has been awarded and needs to be allocated to the budget

**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>
11-502-4117	Dental Prevention	223,899.19	155,000	378,899.19
11-502-4130	Tribal Health Department	23,091,000.00	176,205	23,267,205
	<b>TOTAL INCREASE/(DECREASE)</b>		<b>331,205</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 IHS Self-Governance Compact Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the FY 2018 IHS Self-Governance Compact Budget is increased from \$26,730,884.90 to \$27,062,089.90.

**Craig McClure**, Lake County Democrats Chairman, requested the use of placing some candidate signs. If he can get the permits for the out of area candidates, it would be easier for them. It was the **consensus** of council to approve the request and require the candidates to obtain a permit.

**Stu Levit**, Legal Department; and **Rob McDonald**, Communications; followed up the directive for Rob to develop a social media policy. Stu said the issue before council is how we can realistically manage personal social media posts and what is it that council wants to achieve. Stu can come back with a final draft policy once this discussion takes place and he gets more information from council. The National Labor Relations Board has restrictions on social media. Developing a policy on harassment and bullying could address the issue of employees bashing other employees on social media. The harassment and bullying laws are pretty strong. **Shelly Fyant** would like the employee code of ethics and professionalism addressed within the organization. **Stu Levit** will continue to work on the policy and present back.

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

**Serra Hoagland**, US Forest Service SKC; **Adrian Leighton**, Salish Kootenai College; **Colin Hardy**, US Forest Service; **Steve McDonald**, Tribal Forestry; discussed a memorandum of understanding between the SKC, CSKT and USDA Forest Service to support developing educational programs and strategies for Forest Management and Indigenous Knowledge. **Council** will sign the MOU after they obtain legal review of the document. **Shelly Fyant** asked questions and discussed the possibility of having in-school internships. The BIA Forestry has over 800 vacant positions. Forestry graduates have several job options. There are 20 internships for students through the REP program. **Council** requested that the Legal Department review the MOU.

**Rhonda Swaney** and **Mary Price**, Legal Department, gave a report on the grand opening of the Milltown State Park on June 23. The Montana Fish, Wildlife & Parks would like the CSKT to participate in the event and have a speaker from the Tribes speak at the grand opening. They are also requesting that the CSKT sponsor a drum group to perform at the opening ceremony. **Council** authorized the requests. **Carole Lankford** asked about the name of the park and if that could be changed; she would also like the native language on the park's name. Mary commented that there will be some interpretive signs so there will be a tribal presence. She will follow up with Salish Culture Committee for input.

**Rhonda Swaney** and **Daniel Decker**, Legal Department, reported on the Sunny Shores fee-to-trust appeal through the Interior Board of Indian Appeals. It was recommended that it be come back down for a new application and the

Tribal Council Meeting Minutes  
May 8, 2018

time line would start all over again, due to the alleged change in use of the site based on the new construction taking place at the Big Arm Marina after all the briefs were filed. **Troy Felsman** raised concern about the Tribes being denied the ability to place land from fee to trust. Dan informed council that we are only an amicus party to the application, so we are not a party to this action. The Legal Department will be following up with the Solicitor.

**John Harrison**, Legal Department, thanked council for taking time for his family and friends visiting here last week. They were impressed by the Tribal organization.

**Rhonda Swaney** and **John Harrison**, Legal Department, discussed the amicus motion that was filed in the McCoy vs SKC case. The motion was granted, and we filed an amicus brief in this case.

**Rhonda Swaney**, **John Harrison** and **Mary Price**, Legal Department, discussed The Wave in Missoula. Another party wants to have a wave in the river. One of the co-applicants is the City of Missoula and they requested that the Tribes speak to the city council about the process. We just received the application and are reviewing it. John will draft a letter providing comments to be submitted to the City of Missoula. John will inform them of tribal consultation and the obligation to consult with the Tribes. Council was invited to participate. We are looking at fish passage. The Preservation and Culture Committees will be contacted to provide comments. The meeting with the city council is scheduled for tomorrow at 2:00 p.m. in the council chambers.

**Rhonda Swaney**, Legal Department, requested to meet with council in **executive session** to discuss budget and legal matters. **Daniel Decker**, **John Harrison**, and **Mary Price**, Legal Department; **Wilbert Michel** and **Leonard Michel**, Tribal Members; were present for discussion.

Council reconvened into **regular session**.

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

**Dan Lipscomb**, Natural Resources Department, returned to council regarding Ken Pitt's contract to serve as the hearings judge for the Shoreline Protection Board. Contractor's public liability insurance, malpractice insurance and professional liability coverage is required in the contract. Last year the contract was signed without a waiver or the insurance. Dan requested approval to waive the insurance requirements. The Tribes would be liable if the waiver is approved. It is too expensive for Mr. Pitt to purchase the insurance coverage. Dan wanted to know how the board members were covered without insurance. **Lissa Peel**, Contracts & Grants, explained that board members are not contractors. **No action taken**. Council requested legal review.

**Willie Keenan**, Natural Resources Department, requested approval of changes to the organizational chart for the Environmental Division. 2 Water Quality positions would be moved under Willie's direct supervision. Clint Folden's position requires certification so it would be easier to have him under her direct supervision. The changes would remove the Water Quality Environmental Specialist position from the Program Manager. Testing and reporting functions would be separated. There would be no financial impacts to the budget.

**MOTION** by Carole Lankford to go with the recommendation of the Division Manager and Department Head and approve the revised organizational chart. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

**Rusty Sydnor**, Natural Resources Department, discussed weed management. He developed a RFP and went through the Indian Preference Office. It was advertised in the Char-Koosta News. Bids were due April 19, and one bid was received from Bill Summers, Western Weed Control. He requested approval of a contract with Western Weed Control for compensation not-to-exceed \$40,000. The program has not coordinated weed management services with the Lands Department for the past 10 years. Lands does not have the staffing or the time to manage weeds on mitigation properties. **Len TwoTeeth** questioned why this service is contracted out instead of going through the Lands Department.

**MOTION** by Charmel Gillin to approve the pursuit of a contract with Western Weed Control on mitigation properties. Seconded by Shelly Fyant. Carried, unanimous (9 present).

**Rich Janssen**, Natural Resources Department; **Paul Larson** and **Rob Roberts**, Trout Unlimited; gave a presentation on a project that NRD is in favor of. Trout Unlimited wants to remove the Rattlesnake Creek Dam and open the creek. The dam was built in 1901 and has not been used since the 1983. They have received public support for the project. They will continue consulting with the Culture Preservation Office and the Culture Committee. They would like to offer an internship for a tribal member to work on this project.

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

**Craig Couture** and **Louis Fiddler**, Law & Order, provided orientation on Law & Order. The department has 100% tribal member employees. There are currently 13 Patrol Officers on staff and all officers are academy certified. The department also has 1 School Resource Officer, 1 Housing Officer, 1 Detective, 2 Drug Task Force Officers, 1 Chief of Police, 1 Patrol Captain, 1 Police Clerk, 7 Detention Officers, 5 Dispatchers, and 1 Cook. The department tries to be proactive as much as possible and out in the community. They do a lot of drug presentations at schools. Community members donate quilts and care

Tribal Council Meeting Minutes  
May 8, 2018

packages for the officers to give to children when they are on a call. Law & Order used to have a garden that the inmates took care of, and the food was used for meals at the jail. That no longer happens due to budget cuts. They also provide Clandestine Lab and Haz-Mat Safety presentations. The department promotes community policing philosophy that promotes and supports organizational strategies to addresses the causes and reduce the fear of crime and social disorder through problem solving tactics and police-community partnerships. Tribal Officers work 12 hour shifts. They provide coverage to the public 24 hours a day 7 days a week 365 days per year. We are the lowest paid law enforcement agency in the area. All other law enforcement agencies have a better benefits package for its employees. Office retention is difficult due to the low wages offered. In 2017 Lake County arrested and booked in 1349 people and the Tribal Police arrested and booked 1450 people with 1/3 the staff and budget of Lake County. The Montana Board of Crime Control nominated Tribal Law & Order for a Lifetime Achievement Award in 2013.

**James Steele, Jr.** informed council that he will be gone on Thursday.

**Nancy Schall** informed council that William has a belt for sale. **Council** looked at the belt.

**Council** met in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to adjourn the meeting. Seconded by James Steele, Jr. Carried, unanimous (9 present).

Council **adjourned** at 4:35 p.m., and is scheduled to meet again on Thursday, May 10, 2018, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

---

Troy Felsman  
Tribal Secretary