

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

Volume 14 Number 54
Council Chambers, Pablo, MT

Held: May 20, 2014
Approved: May 27, 2014

MEMBERS PRESENT: Ron Trahan, Chairman; Carole Lankford, Vice-Chairman; James “Bing” Matt, Secretary; Leonard TwoTeeth, Treasurer; Lloyd Irvine; Shelly Fyant; Patty Stevens; Vernon Finley; Leonard Gray; and Terry Pitts.

OTHERS PRESENT: Sharon Silberman, Council Support; 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 Michael Durglo Sr.

The **Tribal Council Meeting Minutes** for May 13, 2014 were presented for approval.

MOTION by Carole Lankford to approve the Tribal Council Meeting Minutes for May 13, 2014, with corrections. Seconded by Patty Stevens. Carried, 8 for; 2 abstentions (Terry Pitts and Bing Matt).

The **agenda** was presented for approval.

MOTION by Carole Lankford to approve the agenda, with additions. Seconded by Lloyd Irvine. Carried, unanimous (10 present).

Michael Durglo Sr., Kevin Askan and Ira Matt, Preservation Office, requested approval to hire Keisha Etches on a temporary employment contract to work on tribal projects as a cultural field technician, due to a staff member being on extended leave. There are sufficient funds in the budget. The contract would be in effect for up to 90 days or until the employee returns to work, whichever occurs first.

MOTION by Carole Lankford to approve the hire of Keisha Etches on a temporary employment contract as a cultural field technician for 90 days with the option to renew if needed. Seconded by Leonard Gray. Carried, 7 for; 2 opposed (Leonard TwoTeeth and Patty Stevens); 1 abstention (Terry Pitts).

Magic McDougall, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

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

Chairman Trahan out of the room.

Felicity McDonald, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Jami Hamel**, Policy Analyst, joined the discussion.

Council reconvened into **regular session**.

Chairman Trahan returned to the meeting.

Vern Clairmont and **Ruth Swaney**, Financial Management, requested approval of modification 10 to the fiscal year 2014 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked FY 2014 funding for Noxious Weeds has been awarded and needs to be allocated to the budget.

MOTION by Terry Pitts to approve by resolution modification 10 to the fiscal year 2014 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Carole Lankford. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 14-148

RESOLUTION APPROVING MODIFICATION 10 TO THE FISCAL YEAR 2014 BIA SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, earmarked FY 2014 funding for Noxious Weeds has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	New Budget Authority
13-503-4503	TLD Weed Management	116,765.11	40,649.00	157,414.11
	Total Increase/(Decrease)		40,649.00	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2014 BIA Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that the modification increases the total FY 2014 BIA Self-Governance Compact Budget from \$23,065,894.45 to \$23,106,543.45.

Council **recessed** the regular meeting at 10:06 a.m. to conduct an Energy Keepers Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 12:48 p.m.

Brian Lipscomb, Energy Keepers Inc.; **Tom Farrell**, **Lon Topaz**, **Dan Decker**, and **Thomas Babineau**, Energy Keepers Inc. Board of Directors; **Angelo Muzzin**, Muzzin & Associates; discussed capital needs of EKI.

MOTION by Patty Stevens to direct Vern Clairmont to prepare a proposal to provide EKI with a term sheet for consideration that will establish a loan to provide the necessary capital by June 10, 2014. Seconded by Leonard Gray. Carried, unanimous (8 present – Leonard TwoTeeth and Vernon Finley out of the room).

Joe Hovenkotter, Energy Keepers Inc., requested approval of a letter regarding the transition agreement for how PPL and NorthWestern Energy will deal with the CSKT over transitional items for the transfer of the Kerr facility to the CSKT in 2015. The Federal Energy Regulatory Commission wants a two week extension to work on the agreement. The letter does not object to the extension.

MOTION by Lloyd Irvine to approve the letter not objecting to a two-week extension for the Federal Energy Regulatory Commission to work on the transition agreement. Seconded by Patty Stevens. Carried, unanimous (8 present – Leonard TwoTeeth and Vernon Finley out of the room).

Chairman Trahan out of the room participating in a conference call.

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

Corky Sias, Department of Human Resources Development, discussed a bus that was given to the CSKT Transit Department by the Superior Hospital. All the paperwork was completed and the CSKT picked up the bus. Then it was discovered that the Montana Department of Transportation owns that bus and has a contract with the Crow Nation. The CSKT needs to sign the title to release the bus back to the Crow Nation. Corky requested action to release the vehicle.

MOTION by Patty Stevens to release the bus to the Crow Nation. Seconded by Bing Matt. Carried, unanimous (8 present – Ron Trahan out of the room participating in a conference call; Vernon Finley out of the room).

Penny Kipp, Education Department, requested authorization to enter into a noncompetitive contract with Renee Dubay, Education Consultants, for a NCAI grant that will look at communication with the schools on the reservation. It would be a one year contract for an amount not to exceed \$50,000. It was not advertised due to the time line and nobody else having the qualifications to meet the needs. It was the **consensus** of council to direct the Education Department to advertise.

Ann Sherwood and **Justin Kalmbach**, Tribal Defenders Office; and **Anthony Chaney**; requested to meet with council in **executive session** to discuss a legal matter.

Council reconvened into **regular session**.

MOTION by Leonard Gray to proceed with joining the federal lawsuit alleging civil rights violations of tribal members by the Ronan Police Department. Seconded by Patty Stevens. Carried, 7 for; 1 abstention (Carole Lankford); 2 not voting (Ron Trahan out of the room participating in a conference call; Vernon Finley out of the room).

Doug Dupuis, Tribal Lands Department, requested approval to close Range Unit 54 and Agriculture Leases 5038 and 5020 to recreational use to help reduce the spread of medusahead during the plants seeding and dormant seasons. Access would be limited to the public to off road locations. The closure would be in effect from June 1 to August 1. **Clayton Matt**, Tribal Services, reported that several years ago there was a proposal to close all areas to recreational use and set up a specific place that people could use for off-roading, but the proposal was rejected by the Tribal Council. The Tribal Lands Department and the Natural Resources Department could collaborate and present back some options. **Council** asked Clayton to bring that proposal back in for discussion.

MOTION by Leonard Gray to approve by resolution the closure of Range Unit 54 and Agriculture Leases 5038 and 5020 to recreational use to help reduce the spread of medusahead during the plants seeding and dormant seasons, effective June 1 to August 1. Seconded by Shelly Fyant. Carried, 6 for (Leonard Gray, Shelly Fyant, Lloyd Irvine, Carole Lankford, Terry Pitts, and Patty Stevens); 2 opposed (Leonard TwoTeeth and Bing Matt); 1 abstention (Vernon Finley); 1 not voting (Ron Trahan out of the room participating in a conference call).

RESOLUTION 14-149

RESOLUTION APPROVING A RECREATIONAL CLOSURE TO HELP PREVENT THE SPREAD OF THE INVASIVE SPECIES MEDUSAHEAD

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

WHEREAS, the invasive species medusahead has been detected on the north Valley Creek area of the Flathead Reservation, and to date this is the only genetically-confirmed finding of medusahead in Montana; and

WHEREAS, medusahead, if allowed to spread, can disrupt the ecology of native rangelands and diminish the biological and economic importance of these ecosystems; and

WHEREAS, medusahead seeds are easily picked up by humans, motorized and non-motorized vehicles, and animals and transported to other locations; and

WHEREAS the Confederated Salish and Kootenai Tribes desire to close Range Unit 54 and agriculture leases 5038 and 5020 to recreational use to help reduce the spread of medusahead from its Valley Creek location, and the intent of this closure is to restrict human access, including access by motorized and non-motorized vehicles, to off-road locations within these management units; **NOW, THEREFORE,**

BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes approves closure of recreational use on Range Unit 54 and agriculture leases 5038 and 5020, and this closure shall be in effect from June 1 to August 1 each year and shall remain in effect until management objectives are achieved;

BE IT FURTHER RESOLVED, that this closure will not apply to individuals holding a valid grazing permit or agriculture lease on these premises, or to those individuals who have authorization to access the area for administrative or management purposes.

Holly Hitchcock, Tribal Lands Department; and **Daniel J. Decker**, Legal Department; discussed a request from Autumn Marquardt Diller to hold a tribal homesite lease lot for her tribal member minor child until her eighteenth birthday. Autumn was the personal representative of Kim Marquardt's estate and the home located on this homesite was part of the estate.

MOTION by Patty Stevens to deny the request from Autumn Marquardt Diller to hold a tribal homesite lease lot for her tribal member minor child until her eighteenth birthday. Seconded by Vernon Finley. Carried, unanimous (9 present – Ron Trahan out of the room participating in a conference call).

It was the **consensus** of council to allow Autumn Marquardt Diller up to 90 days to vacate the homesite lot.

Holly Hitchcock, Tribal Lands Department; and **Daniel J. Decker**, Legal Department; discussed a request from Isaac Dupuis for a 2.5-acre homesite lease lot to be taken out of Agricultural Lease 5784. The ag lessee is opposed to this request.

MOTION by Patty Stevens to deny the request from Isaac Dupuis for a 2.5-acre homesite lease lot to be taken out of Agricultural Lease 5784. Seconded by Vernon Finley. Carried, 6 for (Patty Stevens, Vernon Finley, Leonard Gray, Terry Pitts, Carole Lankford, and Shelly Fyant); 2 opposed (Leonard TwoTeeth and Lloyd Irvine); 1 not voting (Ron Trahan out of the room participating in a conference call); 1 abstention (Bing Matt).

Carolee Wenderoth, Tribal Lands Department; and **Daniel J. Decker**, Legal Department; discussed extended research for the Sunny Shores underground storage tank. There is a corrective action plan in place. The property is currently in remediation status. The property is eligible for the Petroleum Tank Reimbursement Fund to assist with the cost of clean-up and there is about \$800,000 left in that fund that can be used for clean-up.

Steven Buffalo and **Bear Malatare** requested approval to bring back the sobriety celebration campout next year that was held many years ago by the Alcohol Program, and requested approval to send a letter to all the vendors that the Tribes purchase goods and services from requesting a cash contribution to help provide supplies, food and sobriety rewards. They would also like to find a grant writer to write a grant to fund this event each year. **Council** suggested having a sobriety celebration event to kick off the Arlee Pow Wow this year.

MOTION by Leonard TwoTeeth to provide funding in the amount of \$5,000 to help fund the 2015 Celebration of Sobriety event, to be paid from the Revenue Sharing Fund. Seconded by Patty Stevens. Carried, unanimous (9 present – Ron Trahan out of the room participating in a conference call).

Steven Buffalo and **Bear Malatare** requested that the tribal council approve the Celebration of Sobriety event, authorize the use of the Arlee Pow Wow Grounds, hold the campout on an annual basis, find out if in-kind contributions can be tax deductible, assistance with facilities and maintenance

Tribal Council Meeting Minutes
May 20, 2014

costs, use the Char-Koosta News for advertisements and information, authority to discuss the event with various tribal departments, permission for vendors to be at the event and charge them a fee, and have schools assist with events.

MOTION by Patty Stevens to offer support of the efforts of the Celebration of Sobriety and seek assistance from tribal departments, tribal corporations and vendors to kick off next year's four day Celebration of Sobriety. Seconded by Leonard TwoTeeth. Carried, unanimous (9 present – Ron Trahan out of the room participating in a conference call).

John Campbell, Public Service Commission Candidate, requested permission to post political campaign signs on tribal property. It was the **consensus** of council to approve the request.

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

Chairman Trahan returned to the meeting.

Brian Upton, Legal Department, requested approval of a proposed amendment to extend the memorandum of understanding with Bonneville Power Administration for Hungry Horse Dam Resident Fish Mitigation in 2015.

MOTION by Lloyd Irvine to approve the amendment to extend the memorandum of understanding with Bonneville Power Administration for Hungry Horse Dam Resident Fish Mitigation in 2015. Seconded by Bing Matt. Carried, unanimous (10 present).

Rhonda Swaney, Legal Department; **Sandy Welch** and **Bruce Tutvedt**, Republic Senator from Senate District 3; discussed the PAC-Republicans for Responsible Government. They requested funding to cover some of the costs of the upcoming campaign. The request was referred to the budget committee. **Carole Lankford** will contact the tribal corporations for a possible contribution.

Rhonda Swaney, Legal Department, discussed a request from the Coeur d'Alene Tribe to support their position on the self-governance amendments, and requested approval of letters to the Senate and House.

MOTION by Lloyd Irvine to send the letters to the Senate and House. Seconded by Terry Pitts. Carried, unanimous (9 present – Leonard Gray out of the room).

Rhonda Swaney, **John Carter** and **John Harrison**, Legal Department, discussed a request from Ranald McDonald to approve a proposal from Mercury to help with the water rights compact passage. **Council** requested that

Rhonda Swaney, Mark Baker and Ranald McDonald provide further information at the budget committee meeting on May 28 at 8:00 a.m.

Rhonda Swaney discussed the educational opportunity for legislators and state of Montana staff on the compact event that will take place in Helena on June 11. A final agenda will be sent to council.

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

Council reconvened into **regular session**.

Clayton Matt, Tribal Services, requested direction on an issue. **Council** will discuss again next week.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Leonard Gray. Carried, unanimous (10 present).

Council **adjourned** at 4:53 p.m., and is scheduled to meet again on Thursday, May 22, 2014, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

James V. Matt
Tribal Secretary