

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

Volume 18 Number 54
Council Chambers, Pablo, MT

Held: April 10, 2018
Approved: April 17, 2018

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

MEMBERS ABSENT: Anita Matt, Treasurer (Indian Land Tenure Foundation Land Management Meeting – Tulsa, Oklahoma); and Carole Lankford (Equal Work for Equal Pay Task Force – Helena, Montana).

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

The meeting was called to **order** at 9:06 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for April 3, 2018 were presented for approval.

MOTION by Dennis Clairmont to approve the Tribal Council Meeting Minutes for April 3, 2018, with corrections. Seconded by Charmel Gillin. 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 Dennis Clairmont. Carried, unanimous (8 present).

Ann Miller, Tribal Defenders Office, requested approval of an application to the U.S. Department of Justice for the Second Chance Act Comprehensive Community Based Adult Reentry Program Grant in the amount of \$1,000,000 over a 36-month time period to provide services to the membership.

MOTION by Troy Felsman to approve by resolution submission of the application to the U.S. Department of Justice for the Second Chance Act

Comprehensive Community Based Adult Reentry Program Grant in the amount of \$1,000,000 over a 36-month time period to provide services to the membership. Seconded by Shelly Fyant. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-114

RESOLUTION TO APPROVE APPLICATION FOR A GRANT THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, SECOND CHANCE ACT COMPREHENSIVE COMMUNITY-BASED ADULT REENTRY PROGRAM

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to seek funding to continue and improve comprehensive and collaborative services that address the challenges posed by reentry. The Flathead Reservation Reentry Program, already established in the Tribal Defenders Office, would be implemented on tribal lands and would continue to collaborate with corrections, community supervision, law enforcement, and other local reentry stakeholders to reduce recidivism of people returning to the Flathead Reservation from tribal, county, or state correctional institutions thereby increasing public safety; and

WHEREAS, the Tribal Defenders Office will make the grant application, Competition ID: BJA-2018-13992, seeking funding in the amount of \$1,000,000.00 to support a 36-month program; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Tribal Defenders Office shall make the grant application through the Office of Contracts and Grants to be submitted electronically. The Flathead Reservation Reentry Program is authorized to implement the proposed project on tribal lands; and

BE IT FURTHER RESOLVED that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant and or contract documents and any amendments thereto.

Art Caye discussed six structures located on a piece of property in Rattle Snake Gulch that are being torn down by people and he showed the council some pictures. Art presented an offer to remove the buildings. **Carolee Wenderoth**, Tribal Lands Department, informed council that the Lands Department just received Art's proposal this morning. The request was staffed. The wood is highly desired in the industry and if the Tribes chose to do this on

their own it could generate some significant income to the Tribes. In fairness of this kind of financial opportunity, she recommended advertising it for all tribal members. The buildings are located on a current lease. If council wants to pursue removal Lands could research the potential for all six buildings. The department recommendation was to advertise if council wants the buildings removed. Advertising would allow all tribal members an opportunity. This is an asset that belongs to the entire membership. Art informed council that he and his workers have been out of work for a year and a half and he asked council to approve his request without advertising. **Leonard Gray** recommended referring the request to the Land Committee for a complete review and consideration. **Charmel Gillin** wanted to know from Lands what the procedures would be if it was put out for bid and what the qualifications and requirements would be. She would like to know what the precedence has been in these types of requests. She wants to be consistent and diligent in managing these properties. **Dennis Clairmont** would like to see it advertised for bid so it would be fair to everybody. **Troy Felsman** would like to know what the value of the wood is. **James Steele, Jr.** commended Art for attempting to find employment for his crew. **Len TwoTeeth** strongly supports Art's request, especially since his crew has been out of work for a long time. Len requested that the process be expedited. **Council** tabled the request until Thursday to allow the Lands Department sufficient time to obtain all the necessary information.

Ron Swaney, Jacques Graham, Chris McCrea, and Darrell Clairmont, Division of Fire, requested authorization to purchase capital equipment consisting of a UTV for the Fuels Program, to be purchased from Regional Office funding. The UTV will replace the current ATV because at the end of 2018 ATVs will no longer be able to be used for wildland fire or prescribed fire. The request requires council action since the cost exceeds \$5,000. The division obtained 3 bids and they want to accept the bid from S&S Sports for the Canam. The low bid would require maintenance that is not local, and the Polaris has had recall issues.

MOTION by Troy Felsman to authorize the purchase of capital equipment from S&S Sports consisting of a Canam UTV for the Fuels Program in the amount of \$20,700, to be purchased from Regional Office funding. Seconded by Shelly Fyant. Carried, unanimous (8 present).

***Charmel Gillin,** for the record, "The high bid is about 10 percent higher than the low bid, and the reasons provided for preferring the high bid were, in my opinion, qualified."*

Ron Swaney, Jacques Graham, Chris McCrea, and Darrell Clairmont, Division of Fire, requested approval to hire Kyle Blackman to fill the Mission Valley Fire Crew Squad Boss position. The crew will be standing up nationally

beginning next week and this position is critical. The vacancy was advertised and two tribal members were interviewed. Based on the outcome of the interviews, a member of another tribe was selected. The Type 2 Initial Attack Crew's contracts expire in June 2019. **Chairman Trahan** reminded the department that when requesting renewal of contracts, all contracts need to be submitted at least 30 days in advance of the contract expiring.

MOTION by Shelly Fyant to approve the hire of Kyle Blackman to fill the Mission Valley Fire Crew Squad Boss position. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

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

Renee Camel, Information Technologies; and **Dallas Fleming**, Administrative Services Acting Director; requested to meet with council in **executive session** to discuss personnel matters. **Renee Joachim**, **Shelley Grenier** and **Cory Clairmont**, Personnel Department, were present for discussion.

Council reconvened into **regular session**.

Renee Camel, Information Technologies; and **Dallas Fleming**, Administrative Services Acting Director; requested authorization to hire Matthew Beasley on a five-year contract to fill the Network Administrator position. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Charmel Gillin to approve the hire of Matthew Beasley on a five-year contract to fill the Network Administrator position, as requested. Seconded by Leonard Gray. Carried, 5 for; 3 opposed (James Steele, Jr., Troy Felsman, and Len TwoTeeth).

***Troy Felsman**, for the record, "I just feel 5 years is too long of a length of time for a contract."*

***Len TwoTeeth**, for the record, "The reason I opposed is because many of our tribal members on contract don't get an opportunity for five years."*

Renee Camel, Information Technologies; and **Dallas Fleming**, Administrative Services Acting Director; requested authorization to convert Chuck Reese, Kenji Kobayashi, and Chuck Sanger from contract status to full-time status. Chuck Reese and Kenji Kobayashi have worked for IT for the past 10 years and Chuck Sanger has worked there for 8 years.

MOTION by Leonard Gray to take the recommendation of the department head and convert Chuck Reese from a contract employee to full-time status, based on his employment record and working 10 years for the

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Tribes. Seconded by Dennis Clairmont. **MOTION NOT CARRIED**, 4 for (Ron Trahan, James Steele, Jr., Leonard Gray, and Dennis Clairmont); 4 opposed (Shelly Fyant, Troy Felsman, Len TwoTeeth, and Charmel Gillin).

No action taken on the request to convert Kenji Kobayashi from contract status to full-time status; **REQUEST DEEMED DENIED**.

No action taken on the request to convert Chuck Sanger from contract status to full-time status; **REQUEST DEEMED DENIED**.

***Charmel Gillin**, for the record, "I want to go on record about Mr. Beasley and the important need for the network administrator is undeniable, and the contract terms are in line with the other employee contracts."*

***Troy Felsman**, for the record, "My position on this has to do with the fact that the reason for these positions to stay contracted for nonmembers is to provide employment opportunities for tribal members that may want to go into those fields."*

Joe Durglo, Tribal Health Department, requested approval of the hire of Deborah Farris on a two-year contract to fill the Guided Care Nurse position. The position is exempt from the classification pay scale. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Leonard Gray to approve the hire of Deborah Farris on a two-year contract to fill the Guided Care Nurse position, due to no qualified tribal member applicants. Seconded by Troy Felsman. Carried, 7 for; 1 opposed (James Steele, Jr.).

Joe Durglo, Tribal Health Department, requested approval of the hire of Melissa Main on a two-year contract to fill the Guided Care Nurse position. The position is exempt from the classification pay scale. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Shelly Fyant to approve the hire of Melissa Main on a two-year contract to fill the Guided Care Nurse position, due to no qualified tribal member applicants. Seconded by Charmel Gillin. Carried, 7 for; 1 opposed (James Steele, Jr.).

Council questioned the rates of pay for the position. **Shelly Fyant** requested additional information on the pay schedule for the Guided Care Nurse positions. **Joe Durglo** will follow up.

Joe Durglo, Tribal Health Department, requested approval of the hire of Diamond Courville on a three-year contract to fill the Community Health Nurse

position. The position is exempt from the classification pay scale. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Troy Felsman to approve the hire of Diamond Courville on a three-year contract to fill the Community Health Nurse position, due to no qualified tribal member applicants. Seconded by Dennis Clairmont. Carried, 6 for; 1 opposed (James Steele, Jr.); 1 abstention (Charmel Gillin – wants information on the rates of pay).

James Steele, Jr., for the record, “My reason for voting no is the exempt issue.”

Joe Durglo, Tribal Health Department, requested approval of a two-year contract with Lakeshore Pharmacy to provide after hour, weekend, holiday, and emergency prescription fills in the Polson community for the time period of May 1, 2018 through May 1, 2020.

MOTION by Len TwoTeeth to approve a two-year contract with Lakeshore Pharmacy to provide after hour, weekend, holiday, and emergency prescription fills in the Polson community for the time period of May 1, 2018 through May 1, 2020. Seconded by Troy Felsman. Carried, unanimous (8 present).

Shelly Fyant requested that this be advertised in the Char-Koosta so the membership will know that service is available. **Joe Durglo** advised that an article will be published in the papers.

Joe Durglo, Tribal Health Department, requested approval of a one-year contract with MedaSource for a not-to-exceed amount of \$60,000 to provide ongoing support for the EPIC transition. The department continues to work through problems with the transition and training the staff. **Charmel Gillin** commented on the need for project and contract management within the Tribal Health Department for EPIC, the budget to purchase EPIC and costs of transition, and implementation of the system. She raised concerns about the department entering into contracts after the fact; those usually affect the budget costs and the department has very little negotiation power in that circumstance. **James Steele, Jr.** questioned the value of this system and how this is going to improve services to the membership.

MOTION by Leonard Gray to approve a one-year contract with MedaSource for a not-to-exceed amount of \$60,000 to provide ongoing support for the EPIC transition. Seconded by Troy Felsman. Carried, 6 for; 1 opposed (Charmel Gillin); 1 not voting (Dennis Clairmont out of the room).

Charmel Gillin, for the record, “My reason for opposing the contract

is I don't wish to support additional investment into this EPIC implementation at this time, especially considering the small percentage of tribal members it is benefiting."

Rob McDonald, Communications, discussed a request for billboards about the Arlee Warriors suicide prevention movement and requested clarification of the next step. Zanen Pitts brought forward a proposal to put up three billboards on the reservation. There would be 3 billboards at a cost of \$9,000 for 12 months. Teresa Wall-McDonald was approached about supporting the request, and Tribal Health is willing to pay \$7,000 towards the project. That would leave a need for the remaining \$2,000. Rob was willing to allocate the remaining amount from the communications budget. Rob requested approval to proceed with a sole source noncompetitive vendor. **Shelly Fyant** would like a billboard to be placed in the Elmo area. **James Steele, Jr.** supports the effort and recommended reducing the amount of wording on the billboards. Len TwoTeeth questioned why we cannot put up the billboards on tribal land. Council will follow up on that option. Council asked Rob to follow up on the option to have a fourth billboard in Elmo.

MOTION by Troy Felsman to go with the recommendation. Seconded by Shelly Fyant. Carried, unanimous (8 present).

James Steele, Jr., for the record, "I think the message is good. There is a need to condense it for a billboard."

Renee Joachim, Evelyn Charlo, Tyshina Whitworth, Shelley Grenier, Jan Gardipe, and **Cory Clairmont**, Personnel Department, provided orientation on the Personnel Department. The Personnel Assistant position remains vacant at this time. **Council** asked about the length of time to complete background checks. Jan Gardipe informed council that it takes about four weeks to complete the background checks and explained that security clearance and a license is required to purchase a machine and it must be under surveillance. This may be an option to pursue to make the process quicker. Personnel processes about 350 background checks per year. **Wilbert Michel**, Tribal Member, asked about employees being terminated if they are eligible for reapply for employment with the Tribes. He wanted to know if the application for employment needs to show why they were terminated from a job. **Charmel Gillin** commented on the salary survey and pay scales. She wanted an overview of the department's strengths and weaknesses. **Renee Joachim** thinks the strength is that all staff members are cross-trained and the weakness is there are not enough staff members to oversee all the departments and employees. 221 positions were advertised last year and 589 interviews were conducted. Renee will perform all duties when needed within the department. **James Steele, Jr.** commented on the resolution from the 1980s to have 100% tribal member employment and wanted to know how to achieve

that goal. Renee suggested developing a work group consisting of Personnel, Enrollment and the Tribal Enterprises.

Rhonda Swaney, Legal Department, informed council of an announcement from the Bureau of Indian Affairs scheduling consultation on the Water Infrastructure Improvement Act on May 2 at Mission Valley Power. There is a questionnaire that council needs to fill out prior to the meeting.

Stu Levit, Legal Department; **Brian Lipscomb**, Energy Keepers, Inc.; and **Rich Janssen**, Natural Resources Department; discussed the Columbia River Treaty funding. Council wants the letter to be signed by the chairman. Stu discussed the upcoming meeting in Spokane. John Marsh will be at that meeting. **Dennis Clairmont** will attend the meeting on behalf of the tribal council. Stu was willing to set up meetings for council if anyone is travelling to Washington, DC.

John Carter, Legal Department, requested approval of a consultant and professional services contract with Historical Research Associates, Inc.

MOTION by Shelly Fyant to approve by resolution a consultant and professional services contract with Historical Research Associates, Inc. Seconded by Leonard Gray. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-115

A RESOLUTION TO ENTER INTO A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH HISTORICAL RESEARCH ASSOCIATES

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 Historical Research Associates wishes to provide professional historical research expertise, services, consultation in regard to On-Reservation Aboriginal Use and, if requested, expert testimony on historical issues researched under this contract; and

WHEREAS, Historical Research Associates has previously worked for the Confederated Salish and Kootenai Tribes on portions of the water rights adjudication preparation; and

WHEREAS, Historical Research Associates 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.

Daniel J. Decker, Legal Department, informed council of a meeting in Missoula. It is on a council day, but council will try to attend.

Rhonda Swaney, Brian Upton and Ryan Rusche, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **John Harrison, Stu Levit, and Daniel J. Decker**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

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

Rhonda Swaney and Ryan Rusche, Legal Department; **Dan Villa**, Governor's Budget Director; and **Jason Smith**, Governor's Staff; met with tribal council to discuss tribal issues. Rhonda discussed funding for implementation. Ryan discussed the federal ratification process of the compact. Dan gave an overview of the state budget. Medicaid expansion will go before the legislation next session. A tobacco tax increase of \$2 will be proposed as well. **Troy Felsman** discussed gaming regulations and the state gaming machines paying out jackpots in excess of \$800 and nothing happening to them. There are more regulations on Indian gaming than state gaming. The Tribes have video evidence of the state paying out jackpots above the payout limit. Gaming is under the purview of the attorney general, but Dan will follow up. **James Steele, Jr.** provided the history on the Tribes' negotiating a gaming compact with the state for Class III gaming. Dan suggested having another meeting during the budget process. There is a fund for fire suppression.

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

Ron Swaney and Darrell Clairmont, Division of Fire, provided orientation on the Division of Fire. There are currently 80 employees in the division. The division is required to use the best value system to hire contractors and equipment for fires. The top two causes of fires on the reservation are person

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caused and arson. The staff works on fire prevention and education activities. Revising the fire management plan would take council direction and action. There were 45 person caused and 13 lightning caused fires last year.

Troy Felsman met with Francis Cahoon about a housing issue and demo project in Hot Springs. Mr. Cahoon questioned if the ordinance is being followed by the Indian Preference Office. Troy wants to see what council thinks on these issues he has. The ordinance requires subcontractors to be in order when a bid is submitted, and that did not happen. Some of the subcontractors were non-Indian owned businesses. 65% is the maximum of a job that can be done by a subcontractor. He questioned if the contractor met the criteria. Jobs are supposed to be made available for tribal member contractors. Troy requested this issue be further investigated. The IPO only has one staff member, so compliance checks are not done. There is no compliance mechanism. **Charmel Gillin** explained the specific issue brought up by Mr. Cahoon was to submit a customer request form to Housing and request a review. The bids could be reviewed again to look at the location they would need to dispose the materials. The other issue was the compliance aspect of the Indian Preference Ordinance. **Chairman Trahan** will follow up with the Director of Salish Kootenai Housing Authority.

Stu Levit, Legal Department, requested approval of a letter to Jill Smail, United States Department of State regarding the Columbia River Treaty negotiations and proposing that the 15 tribal sovereigns should each have a representative on the US negotiating team. **Charmel Gillin** pointed out grammar and punctuation mistakes that need to be corrected in the letter.

It was the **consensus** of council to approve the letter, with corrections, to Jill Smail, United States Department of State regarding the Columbia River Treaty negotiations and proposing that the 15 tribal sovereigns should each have a representative on the US negotiating team.

Len TwoTeeth informed council that he received a call from the Shakopee Tribe wanting to meet with him next Wednesday at the NIGA meeting in Las Vegas regarding planning the project that was proposed in Elmo. Before awarding any more grants to CSKT, they want the Elmo project completed.

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

Council **adjourned** at 3:50 p.m., and is scheduled to meet again on Thursday, April 12, 2018, at 9:00 a.m.

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/sgnd/

Troy Felsman
Tribal Secretary