

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

Volume 19 Number 48
Council Chambers, Pablo, MT

Held: April 11, 2019
Approved: April 30, 2019

MEMBERS PRESENT: Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Shelly Fyant, Secretary; Anita Matt, Treasurer; Charmel Gillin; Myrna DuMontier; Fred Matt; Carole Lankford; and Leonard TwoTeeth.

MEMBERS ABSENT: Dennis Clairmont (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

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

The meeting was opened with a **prayer** by Shelly Fyant.

The **Tribal Council Meeting Minutes** for March 28, 2019 were presented for approval. **Charmel Gillin** requested that some of the statements in the draft minutes be stricken from the record. The proper protocol and laws are to hold that back until the allegations are affirmed or dismissed. The information should be confidential. **Carole Lankford** explained that this is the employee coming in to explain why she thought there was vindictiveness and to make the formal charges against Charmel for a Code of Conduct violation, so the statements should be included, and the comments that had been made by Charmel were on the record. **No action taken. Chairman Trahan** wants to have a discussion about this issue. The draft minutes were tabled for further discussion.

The **Tribal Council Meeting Minutes** for April 2, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for April 2, 2019, with corrections. Seconded by Myrna DuMontier. Carried, 7 for; 2 abstentions (Shelly Fyant and Fred Matt).

The agenda was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Len TwoTeeth attended yesterday's elders meeting and heard that the community put together an agenda for a Kootenai Language Summit scheduled for April 24-26. He wants the tribal council to host a dinner. It was the **consensus** of council to host a dinner during the Kootenai Language Summit.

Council met in **executive session**.

Council reconvened into **regular session**.

Dan Depoe, Francis Cahoon and **Art Caye** discussed a response they received regarding their request from last Thursday. Dan wanted to know if the entire council reviewed the response. There was no signature on it so they wanted to know who wrote the response and requested that everyone involved sign it. **Chairman Trahan** will follow up. **Council** explained that they are trying to get them back to work, but there are regulations that need to be followed. **Tony Incashola, Jr.**, Tribal Forestry, has attempted to do small projects but has run into conflicts with other resources through the IDT process. **Mr. Cahoon** requested that the Tribes provide the woodcutters and loggers group with a legal advocate so they will have an attorney on their side. **Len TwoTeeth** thought there was council action to approve a 200-foot waiver in place until the Timber Use Policy Statement could be amended. Tony requested clarification because he thought the waiver was only in place until the spring breakup.

Rick Eneas, Financial Management, requested approval of modification 8 to the fiscal year 2019 Indian Health Service Self-Governance Compact Budget. Earmarked fiscal year 2019 funding for the final amount of Facilities has been awarded and adjustments need to be made to the current budgets.

MOTION by Anita Matt to approve by resolution modification 8 to the fiscal year 2019 Indian Health Service Self-Governance Compact Budget. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-112

RESOLUTION APPROVING MODIFICATION 8 TO THE FY 2019 IHS SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, earmarked FY 2019 funding for the final amount of Facilities has been awarded and adjustment needs to be made to the current budgets; and

WHEREAS, the budgets will be allocated as follows:

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Account Number	Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
11-501-4150	SKHA Program Environmental Health	497,941.62	165,476	663,417.62
11-502-4115	Maintenance and Improvement	251,000.00	(1,000)	250,000.00
	TOTAL INCREASE/(DECREASE)		164,476	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2019 IHS Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that prior year unexpended funds shall be made available to provide for the expenditure of the FY 2019 IHS Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

BE IT FURTHER RESOLVED that the FY 2019 IHS Self-Governance Compact Budget is increased from \$29,565,506.99 to \$29,729,982.99.

Tony Incashola, Jr. and **Ron Swaney**, Tribal Forestry, requested approval to renew a contract with Jim Steele to provide fire investigative services.

MOTION by Carole Lankford to renew a contract with Jim Steele to provide fire investigative services. Seconded by Anita Matt. Carried, unanimous (9 present).

Tony Incashola, Jr. and **Joe Vanderburg**, Tribal Forestry, requested approval to advertise the Camas WUI Logging Unit Timber Sale.

MOTION by Carole Lankford to approve by resolution the advertisement of the Camas WUI Logging Unit Timber Sale. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-113

RESOLUTION APPROVING SALE OF TIMBER ON THE CAMAS WUI LOGGING UNIT

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

WHEREAS, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Camas WUI Logging Unit,

<u>Sale Information</u>					
<u>Sale</u>	<u>Volume</u>	<u>Advertised</u>			
<u>RDs</u>		<u>Bid Rate</u>	<u>TSI</u>		
Camas WUI Logging Unit	2,593 TONS	\$16.00/TON -DF & O	\$3.00/TON		
\$2.00/TON		\$ 9.00/TON- PP	\$3,00/TON	\$2.00/TON	

WHEREAS, the sale will provide for the salvaging of mature, overmature and diseased trees; and

WHEREAS, the minimum acceptable bid rate for sawlogs on the Camas WUI Logging Unit is \$9.00 per Ton for Ponderosa Pine and \$16.00/Ton for Douglas-fir and Other Species, and

WHEREAS, an additional amount will be collected to cover Timber Stand Improvement and Road costs on this unit;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council, and

BE IT FURTHER RESOLVED that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

Tony Incashola, Jr., Tribal Forestry, requested approval to purchase capital equipment consisting of a forklift for the north greenhouse. The program is working with Property & Supply to follow the procurement policy.

MOTION by Leonard Gray to authorize the purchase of capital equipment consisting of a forklift for the north greenhouse. Seconded by Shelly Fyant. Carried, unanimous (9 present).

Shelly Fyant requested that there be a fieldtrip or a report on the greenhouse and the different projects they do. **Tony Incashola, Jr.** advised that he would accommodate a fieldtrip anytime council wants one. There is one scheduled for next Friday, if council wants to join that one.

Leonard Michel requested that the council take action with Tony in the room this morning to direct Tribal Forestry to assist with burials. It was the

consensus of council to approve the request. **Tony Incashola, Jr.** informed council that the only reason he requests council permission when he receives those requests is because it is an allocation of tribal funds.

Joe Durglo, Tribal Health Department, requested approval to renew a two-year contract with Brittany Ironmaker to fill the Dental Assistant position, with a pay increase.

MOTION by Anita Matt to renew a two-year contract with Brittany Ironmaker to fill the Dental Assistant position, with the pay increase as recommended by Dr. Pitts. Seconded by Shelly Fyant. Carried, unanimous (8 present – Fred Matt out of the room).

Joe Durglo and **Brenda Bodnar**, Tribal Health Department, requested approval of a resolution authorizing the WIC application for fiscal year 2020. **Shelly Fyant** requested the data on the health outcomes for the Tribal Health Department be provided to the tribal council. Brenda advised that they use the state system and she can obtain that data.

MOTION by Charmel Gillin to approve by resolution the WIC application for fiscal year 2020. Seconded by Leonard Gray. Carried, 8 for; 0 opposed; 1 not voting (Fred Matt out of the room).

RESOLUTION 19-114

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

WHEREAS, the Confederated Salish and Kootenai Tribes consider the health of tribal people to be one of the most important responsibilities of tribal government; and

WHEREAS, in meeting this responsibility, the Tribes have established a Tribal Health Department (THD) to provide and manage health care in the Flathead service area; and

WHEREAS, one of the health and family concerns facing the Tribes and Indian people in general is the health outcomes for Women, Infants and Children (WIC); **NOW THEREFORE**,

WHEREAS, the Tribes qualify for the WIC program funds to support eligible families to these services; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council authorizes that Tribal Council Chairman and his designated representative to negotiate and execute the award

from Montana Department of Health and Human Services (DPPHS) for the Tribal Health Department and the CSKT and any amendments thereto.

Joe Durglo and **Brandon Burke**, Tribal Health Department, requested approval to purchase capital equipment consisting of 2 hoop master portable basketball systems and a collapsible batting tunnel.

MOTION by Len TwoTeeth to approve the purchase of capital equipment consisting of 2 hoop master portable basketball systems and 1 collapsible batting tunnel. Seconded by Charmel Gillin. Carried, unanimous (8 present- Fred Matt out of the room).

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

Patricia Courchane and **Corky Sias**, Department of Human Resources Development, requested approval to place 3 vans and 1 bus on the auction list since they have all exceeded the 200,000 miles limit. If the sale exceeds \$5,000 then the money has to go to the FTA.

MOTION by Charmel Gillin to place 3 vans and 1 bus on the auction list since they have all exceeded the 200,000 miles limit. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Carole Lankford).

Patricia Courchane and **Corky Sias**, Department of Human Resources Development, requested approval to accept a noncompetitive bid from Safety Vision to purchase and install 3 vehicle cameras per vehicle. There were no tribal member businesses on the Indian Preference list and Information Technologies does not do vehicle camera installation.

MOTION by Anita Matt to go with the recommendation and accept a noncompetitive bid from Safety Vision to purchase and install 3 vehicle cameras per vehicle. Seconded by Charmel Gillin. Carried, unanimous (9 present).

Patricia Courchane and **Whitney Danz**, Department of Human Resources Development, gave an update on the Project Launch grant. The Project Launch program is in its third year. 60 parents have received services. They have been collecting data on parenting stress. The data indicates that parent stress levels are less when people receive mental health counseling. Group meetings are scheduled on a regular basis and the tribal council is invited to attend those meetings. This resource is a great benefit. DHRD recommended having the Tribal Health Department, Tribal Education Department, and Early Childhood Services be part of this collaboration and enter into a memorandum of understanding with those programs. There is another cycle of five-year funding that DHRD can apply for. April 19 is the deadline to submit the grant

application. DHRD will be scheduled on next week's agenda to seek approval of the grant application.

Charmel Gillin out of the room.

Dale Becker, Natural Resources Department, requested approval of the 2019-2020 Migratory Waterfowl, Pheasant, and Gray Partridge Hunting Seasons and Regulations for Nontribal Members.

MOTION by Fred Matt to approve the 2019-2020 Migratory Waterfowl, Pheasant, and Gray Partridge Hunting Seasons and Regulations for Nontribal Members. Seconded by Carole Lankford. Carried, unanimous (7 present – Chairman Trahan and Charmel Gillin out of the room).

Dale Becker, Natural Resources Department, requested approval to transfer the 2018 off-reservation moose harvest data to the Montana Fish, Wildlife & Parks. **Shelly Fyant** requested that the tribal council be provided a copy of the data that is sent to the MFWP.

MOTION by Fred Matt to transfer the 2018 off-reservation moose harvest data to the Montana Fish, Wildlife & Parks. Seconded by Shelly Fyant. Carried, unanimous (8 present – Charmel Gillin out of the room).

Shelly Fyant discussed a permit that Dale had wanted her to sign and informed him that council needs to take action to approve the permit before she can sign it. **Dale Becker** advised that he needs to follow up with Rich Janssen.

Rich Janssen, Natural Resources Department, requested a change of duty, with supervisor approval, for employees to conduct the Highway 93 cleanup on Wednesday, April 24, 2019, from 9:00 a.m. to 1:00 p.m.

MOTION by Carole Lankford to approve a change of duty, with supervisor approval, for employees to conduct the Highway 93 cleanup on Wednesday, April 24, 2019, from 9:00 a.m. to 1:00 p.m. Seconded by Fred Matt. Carried, unanimous (8 present – Charmel Gillin out of the room).

RoseMary Morigeau, Natural Resources Department, requested approval of modification 3 to contractor agreement number 17-170 with NewFields to add an additional scope of work and budget of \$65,940.00.

MOTION by Anita Matt to go with the department's recommendation and approve modification 3 to contractor agreement number 17-170 with NewFields to add an additional scope of work and budget of \$65,940.00. Seconded by Myrna DuMontier. Carried, unanimous (8 present – Charmel Gillin out of the room).

Greg Wilson, Natural Resources Department, requested approval to modify the Crow Dam Spillway Modification Project, Area 2 CSKT/SOD 1801 to extend the term to April 24, 2019 and increase the amount by \$81,242.61.

MOTION by Shelly Fyant to modify the Crow Dam Spillway Modification Project, Area 2 CSKT/SOD 1801 to extend the term to April 24, 2019 and increase the amount by \$81,242.61, as recommended by Safety of Dams. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Len TwoTeeth); 1 not voting (Charmel Gillin out of the room).

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

Council met in **executive session** to conduct a Code of Conduct hearing.

Council reconvened into **regular session**.

Chairman Trahan requested a roll call vote on whether the allegations of unfair employment practices by Charmel Gillin rose to the level of vindictiveness. A vote of yes indicates it rose to a level of vindictiveness; a vote of no indicates that it did not rise to the level of vindictiveness. **Charmel Gillin** requested that she be allowed to cast a vote. **Council** thought it would be a conflict of interest for Charmel to cast a vote in this matter since it was about her, and advised that it would require legal review to see if it would be a conflict of interest for her to cast a vote.

Roll call vote: Carole Lankford voted yes; Shelly Fyant voted no; Myrna DuMontier voted no; Leonard Gray voted yes; Fred Matt voted yes; Anita Matt voted no; Len TwoTeeth voted yes; Ron Trahan voted yes; and Charmel Gillin did not cast a vote. The vote was 5 for; 3 opposed; and 1 not voting.

Chairman Trahan advised that the council could attach consequences today or at a later date.

MOTION by Carole Lankford to determine sanctions at a later date to be determined by the chairman when all of the tribal council members who are here today at the hearing are present. Seconded by Leonard Gray. Carried, 6 for; 3 abstentions (Charmel Gillin, Shelly Fyant and Myrna DuMontier).

Charmel Gillin, for the record, *“Your resolution references a majority of the ten members would vote on the Code of Conduct, so that’s why I requested to vote.”*

MOTION by Carole Lankford to adjourn the meeting.

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Council **adjourned** at 3:06 p.m., and is scheduled to meet again on Tuesday, April 16, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary