

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

Volume 20 Number 21
Council Chambers, Pablo, MT

Held: December 17, 2019
Approved: December 24, 2019

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

MEMBERS ABSENT: Leonard TwoTeeth (Rocky Mountain Tribal Leaders Meeting – Billings, Montana).

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 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Anita Matt.

The **Tribal Council Meeting Minutes** for December 5, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for December 5, 2019, with corrections. Seconded by Charmel Gillin. Carried, 7 for; 2 abstentions (Ron Trahan and Fred Matt).

The **agenda** was presented for approval.

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

Constance Morigeau and **Diane Matt**, DHRD, requested approval to submit a continuation grant to Title VI.

MOTION by Carole Lankford to approve by resolution submission of the Title VI continuation grant. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 2 not voting (Charmel Gillin and Shelly Fyant).

***Shelly Fyant**, for the record, “I’m abstaining because I have not seen the resolution.”*

RESOLUTION 20-037

Resolution supporting Authorization of Continuation of Elder Services funding from the Administration for Community Living/Administration on Aging Older Americans Act Title VI Nutrition, Supportive Service and Caregiver Grants (Parts A and C)

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

At a duly called meeting of the Tribal Council of the Confederated Salish and Kootenai Tribes, the following resolution was passed:

WHEREAS, Confederated Salish and Kootenai Tribes is a federally recognized Tribe existing and acting pursuant to its inherent and retained sovereignty; and

WHEREAS, the Confederated Salish and Kootenai Tribes (CSKT) received funds from the HHS Administration for Community Living/Administration on Aging Title VI in past years for both elder meals in a congregate setting and also for home delivered meals and for elder home modifications and for elder respite care giving; and,

WHEREAS, the Tribal Council recognizes and designates through its sovereign inherent right to serve individuals age 60 and older,

WHEREAS, the CSKT Department of Human Resources Development (DHRD) is able to administer the funds and provide the appropriate supervision of the funds and will apply for both Part A and C funds for the period April 1, 2020 through March 31, 2023 for the Flathead Indian Reservation (service area);

WHEREAS, the Tribal Council acknowledges that the grant will be prepared and administered by the CSKT Department of Human Resource Development (DHRD);

NOW THEREFORE BE IT RESOLVED THAT, The Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant and/or contact documents and any amendments thereto.

BE IT FURTHER RESOLVED:

Confederated Salish and Kootenai Tribes declares that the elder population meets the eligibility requirements required by the Administration for Community Living/Administration on Aging Older Americans Act Title VI grants for Nutrition and Supportive Services (Parts A), Family Caregiver Program (Part C).

Confederated Salish and Kootenai Tribes assures that the compliance requirements as well as the rules and regulations associated with the Title VI Parts A and C of the Older Americans Act shall be met.

Michelle Mitchell, Tribal Education Department, requested approval of retro pay for Miranda Burland for the four months she was the acting department head.

MOTION by Dennis Clairmont to approve retro pay for four months for Miranda Burland. Seconded by Anita Matt. Carried, unanimous (9 present).

Ruth Swaney, Financial Management, requested approval of modification 5 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget.

MOTION by Anita Matt to approve by resolution modification 5 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Charmel Gillin. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-038

RESOLUTION APPROVING MODIFICATION 5 TO THE FISCAL YEAR 2020 BIA SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, unexpended earmarked FY 2019 funding was allocated to the budget for various programs via Modification 3 (Resolution 20-024, 12/3/2019); and

WHEREAS, there were erroneous calculations of the increase for the programs listed below and correction is needed; and

WHEREAS, the budget will be allocated as follows:

Programs, Functions, Services, and Activities	Budget Account	Current FY 2020 Budget Authority	Increase/ (Decrease)	Revised FY 2020 Budget Authority
Tiwahe Initiative	13-502-4554	101,160.58	11,644.00	112,804.58
Tribal Justice Support	13-509-4529	40,734.76	8,644.00	49,378.76
FMIP	13-510-4539	605,395.79	111,079.00	716,474.79
Timber Harvest Initiative	13-510-4545	323,170.06	19,434.00	342,604.06

Total		150,801.00
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BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2020 BIA Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that the FY 2020 BIA Self-Governance Compact Budget is increased from \$45,016,766.49 to \$45,167,567.49; and

BE IT FURTHER RESOLVED that prior years' unexpended funds are available to appropriate for budget expenditures pending final Congressional approval of the federal budget and subsequent obligation of funds.

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

Clayton Matt and **Chelsea Kleinmeyer**, Tribal Health Department, requested approval to hire Kaelen Wall to fill Polson Community Health Care Manager on a two year contract at the agreed upon rate of pay.

MOTION by Dennis Clairmont to approve the hire of Kaelen Wall to fill the Polson Community Health Care Manager position on a two year contract at the discussed rate of pay. Seconded by Carole Lankford. Carried, unanimous (9 present).

Clayton Matt and **Dr. Garry Pitts**, Tribal Health Department, requested approval to hire Sirraya Swank to fill the Dental Assistant position on a three year contract.

MOTION by Carole Lankford to approve the hire of Sirraya Swank to fill the Dental Assistant position on a three year contract. Seconded by Shelly Fyant. Carried, unanimous (9 present).

Clayton Matt informed council that there is a Tribal Health Department Advisory Committee meeting today and the group will meet with council this Thursday.

Renee Joachim and **Melanie Piedalue**, Personnel Department; and **Rick Eneas**, Financial Management; informed council that the additional holidays council approved for December 26 and December 27 has been causing issues. Some departments have different work schedules. All employees get paid for December 25 since it is a federal holiday. If an employee's normal work schedule does not require that employee to work Thursday or Friday, that employee does not receive the additional holiday. The employees that are still required to work the holidays will be compensated with regular and holiday pay. Personnel has received many phone calls from employees complaining that it is not fair since

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some employees will receive more holiday time off than the employees that are required to work. **Council** commented that the intent was to do something special for the employees during the holiday season. It was supposed to be a good thing and it is unfortunate it has ended up this way. **No action taken.** Past council action stands. All complaints about the holiday should be referred to the tribal council.

Brit Salois, Tribal Member, commented on the water compact. He read the constitution which states the treaties will become law of the land. The Hellgate Treaty is a powerful document and is to be followed by the people. We traded off our rights for that treaty and it turned out to be a bad deal. He is opposed to the water compact. This is a bad way to go about it. We have passed that threshold where we cannot do anything about it. He wants to look at it again and remember this belongs to our grandchildren. It does not even say anything in it that the tribal membership will receive anything for it and we are giving up a lot. People will sell anything and regret it later on. The tribal membership should have been thought of more. **Charmel Gillin** told Brit that the Polson District meeting in January will cover this topic and discuss the give and take. The CSKT will be the last party to ratify the agreement. Brit believes it should be ratified by the people instead of the tribal council.

Mali Matt and the **Pablo Head Start Class** sang some Christmas songs to the tribal council.

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

Mark Couture, Tribal Lands Department, met with council in **executive session** for a land committee meeting. The Lands staff was present for discussion.

Council reconvened into **regular session**.

Shelly Fyant out of the room to participate in a conference call.

Rhonda Swaney, Legal Department, introduced Mike Wheeler, who transferred to Legal Department from the Defenders Office. Mike appreciates the opportunity for the new position and the support he has received. **Carole Lankford** expressed her appreciation for the good work Mr. Wheeler did at the Defenders Office. **Fred Matt** commented that Mike's father would be very proud of him.

Rhonda Swaney and **Jordan Thompson**, Legal Department, informed council that Jordan was selected to serve on the Headwaters Foundation Board and requested approval from the council. It is a volunteer board so he would not receive compensation. **Council** had no objection so long as Jordan has

department head support and that it would not cause a conflict of interest. Rhonda confirmed her support.

Rhonda Swaney, Legal Department, informed council that since the council is behind schedule this morning John Carter has requested that the Personnel Ordinance be rescheduled to the week of January 6, 2020. **Council** had no objection.

Rhonda Swaney, John Harrison, Ryan Rusche, and Daniel Decker, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Shelly Fyant returned to the meeting.

Chauncey Means, Natural Resources Department, requested approval of a one-year consultation contract with Springbrook Consulting, LLC in the amount of \$65,000.00 to provide consulting services for the Environmental Protection Division.

MOTION by Anita Matt to approve a one-year consultation contract with Springbrook Consulting, LLC in the amount of \$65,000.00 to provide consulting services for the Environmental Protection Division. Seconded by Charmel Gillin. Carried, unanimous (9 present).

Chauncey Means, Natural Resources Department, requested approval of a one-year consultation contract with Energy Laboratories, Inc. in the amount of \$19,944.00 to perform laboratory analysis for the program.

MOTION by Charmel Gillin to approve a one-year consultation contract with Energy Laboratories, Inc. in the amount of \$19,944.00 to perform laboratory analysis for the program. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Rusty Sydnor, Natural Resources Department, requested approval of a MOU between the CSKT Fisheries Program and the Tribal Forestry Department for a not to exceed amount of \$25,000.00 for fiscal year 2020 to purchase native plant, and the use of equipment or personnel for restoration projects on an as-needed basis.

MOTION by Dennis Clairmont to approve a MOU between the CSKT Fisheries Program and the Tribal Forestry Department in the amount of

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\$25,000.00 for fiscal year 2020 to do environmental restoration work. Seconded by Fred Matt. Carried, unanimous (9 present).

Tom McDonald, Natural Resources Department, requested approval of the annual 44D regulations for 2019-2020. The staff and advisory board made proposed changes to the regulations.

MOTION by Fred Matt to approve the annual 44D regulations, with changes. Seconded by Leonard Gray. Carried, unanimous (9 present).

Tom McDonald addressed the exiting tribal council members and told them it has been a pleasure working with them and thanked them for stepping up and serving the membership.

Dale Becker, Natural Resources Department, requested authorization to use the fiscal year 2019 contract number for the payment of an outstanding invoice of \$1,945.00 to Montana Air Adventures for flight services that were performed in fiscal year 2019. The oversight is due to an oversight thinking the invoice was already paid.

MOTION by Charmel Gillin to authorize the use of the fiscal year 2019 contract number for the payment of an outstanding invoice of \$1,945.00 to Montana Air Adventures for flight services that were performed in fiscal year 2019. Seconded by Anita Matt. Carried, unanimous (9 present).

Dale Becker thanked the outgoing council members for all they have done for the Tribal Wildlife program and wished them well in the future.

April Charlo and **One Heart Board Members** requested a waiver of the \$3,600.00 bond for the lease of the Black Bear Ranch. **Mark Couture**, Tribal Lands Department, explained that the performance bond guarantees the rental, operations maintenance, irrigation, etc. costs are covered to protect the assets on behalf of the Tribes. The Lands Department has been paying the O&M costs due to a directive by the tribal council. One Heart will be required to have insurance.

MOTION by Fred Matt to waive the \$3,600.00 bond for the lease of the Black Bear Ranch. Seconded by Charmel Gillin. Carried, unanimous (9 present).

April Charlo thanked Ron Trahan and Leonard Gray for their service on tribal council and wished them well in the future.

MOTION by Charmel Gillin to adjourn the meeting.

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Council **adjourned** at 2:05 p.m., and is scheduled to meet again on Thursday, December 19, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary