

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

Volume 19 Number 28
Council Chambers, Pablo, MT

Held: January 24, 2019
Approved: February 5, 2019

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

MEMBERS ABSENT: Myrna DuMontier (Washington, DC).

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 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Ron Trahan.

The **Tribal Council Meeting Minutes** for January 17, 2019 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 17, 2019, with corrections. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Ron Trahan).

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

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

Anita Matt brought up the district meetings to get clarification on the meals. Jennifer Finley had told her that the Economic Development Office could provide one meal per year for tribal council district meetings as long as EDO is giving a presentation at the district meeting. **Chairman Trahan** told her that Rick Eneas is on today's agenda so the council can discuss that with him.

Robert McCrea and **Chris McCrea**, Division of Fire, requested permission to sell a water tender. The proceeds of the sale would be retained by the department to

purchase radios for the department. The water tender would be turned into Property & Supply and they would handle the sale.

MOTION by Fred Matt to approve by resolution the sale of a 2001 International Water Tender by CSKT Division of Fire and use the revenue to purchase firefighting equipment. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; and 1 not voting (Ron Trahan out of the room).

RESOLUTION 19-078

RESOLUTION APPROVING A SALE OF A 2001 INTERNATIONAL WATER TENDER BY CSKT DIVISION OF FIRE AND USING REVENUE TO PURCHASE FIRE FIGHTING EQUIPMENT

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

WHEREAS, the Confederated Salish Kootenai Tribes Division of Fire wish to sell a 2001 International Water Tender;

WHEREAS, it is the intent of Division of Fire to sell the Tender and use the sale revenue to purchase firefighting equipment for the CSKT Division of Fire; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves that beginning January 24, 2019, the CSKT Division of Fire can sell the 2001 International Tender and use the revenue to purchase firefighting equipment for the CSKT Division of Fire.

Robert McCrea and **Chris McCrea**, Division of Fire, informed council that the Type 2 IA crew went from a 20-person crew to a 10-person crew. There are five tribal members on that crew. The other five positions will be advertised. **Shelly Fyant** thought the request would require going through the federal government shutdown exception process since there is a hiring freeze in effect. Bob will notify Rick Eneas that the program has the funding available and that it is not affected by the government shutdown. **Bob McCrea** informed council that the Division of Fire will be doing a burn for the state this spring.

Teresa Wall-McDonald, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; presented a request to transfer Catherine Addison from a contract as a Guided Care Nurse (position number 3021) to a FTE Clinic Nurse (position number 1043) at her current rate of pay. The request requires council action since the rate of pay is beyond the redlined rate.

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MOTION by Carole Lankford to transfer Catherine Addison from a contract as a Guided Care Nurse (position number 3021) to a FTE Clinic Nurse (position number 1043) at her current rate of pay. Seconded by Anita Matt. Carried, 6 for; 3 abstentions (Charmel Gillin, Shelly Fyant and Ron Trahan).

Len TwoTeeth requested that the council move forward with advertising the Kootenai Culture Committee Director vacancy. **Council** will discuss further.

Jami Pluff, Policy Analyst, informed council that there are some hearings in Helena next week and three of them are specific to the MMIW issue. Hanna Zack needs support from tribes. There will be families testifying. There will be a rally at noon. On Thursday, Shane Morigeau's bill for Indigenous Peoples Day will be presented. They are looking for support for House Bill 21 (Hanna's Act). Shelly Fyant was interested in going, and Jami requested approval to go as well. Jami was contacted by Mary from the Valley Journal regarding this issue and wanting a statement. Jami gave her some basic information that the Tribes are committed to doing this, and it was discussed at the quarterly council meeting. Jami suggested she speak to a council member instead of Jami. The CKN will publish a notice of the community meetings. She told Ron to let her know if he wants a community meeting in St. Ignatius. Jami will direct the reporter to Shelly and Charmel. **Charmel Gillin** reported that Lailani wants to cover the story and would like to ride with someone to Helena if anyone is going. **Chairman Trahan** told her that the council would be discussing the travel requests later today. Ron mentioned a reminder that all travel requests need to go through Rick Eneas.

Tom McDonald and **Dan McClure**, Natural Resources Department, introduced Peyton Alexander, the new Game Warden that was recently hired.

Tom McDonald, **Dan McClure** and **Peyton Alexander**, Natural Resources Department, presented the Fish & Game quarterly report. **Len TwoTeeth** advocated that the boat inspection station remain in Elmo and a strategy developed of who to talk to during this legislative session so it can stay in Elmo.

Tom McDonald and **Germaine White**, Natural Resources Department, informed council that Germaine is retiring, and council was invited to her retirement party at 2:30 p.m. today.

Tom McDonald and **Germaine White**, Natural Resources Department, requested approval of a modification to contractor agreement 17-006 with CW Consulting to extend the contract.

MOTION by Carole Lankford to proceed with the modification to extend contractor agreement 17-006 with CW Consulting. Seconded by Anita Matt. Carried, unanimous (9 present).

Glenn Foust informed council that he is a Volunteer Coach for the Special Olympics at the Charlo Schools. The grant is over and they have a year-round program for Special Olympics. There are five volunteers. The organization is now self-sufficient financially. An outdoor component will be added, which involves hikes and daytime outings. They want to do that year-round. He requested an exemption from the permit requirement for the group. There are 8 or 9 students and up to 4 adults in the group. **Tom McDonald**, Natural Resources Department, advised that the department has the ability to issue free-use educational permits according to the regulations. The group is required to have insurance coverage. It would require council action if there is no educational component to the event and the group just wants a waiver of the cost to do outdoor recreation activities. **Chairman Trahan** requested that the department work with Communications to have the requirements for educational permits published in the Char-Koosta News. **Charmel Gillin** wanted Mr. Foust to work with the NRD and if the request is outside the policy requirements, the NRD staff could bring back the request for council consideration.

Janet Camel, Economic Development Office, requested approval to enter into a noncompetitive negotiated contract with S&K Business Services to assist with the land development project in Arlee.

MOTION by Fred Matt to enter into a noncompetitive negotiated contract with S&K Business Services to assist with the land development project in Arlee. Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (Charmel Gillin).

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

James Lapatka, Lake County Deputy County Attorney, gave a report. 435 new felonies have been filed in District Court. There are currently 145 felonies set for jury trials in the next couple of months. The county processes over 200 felony drug cases a year. Heroin and meth-related cases are the biggest problems. Felonies have increased by about three percent compared to last year. 50 percent of felonies are drug possession and distribution cases. About 200 felonies are property crimes and crimes of violence. The Violence Against Women Act grant was renewed (stalking, rape, and domestic violence). They have staff to provide services to those victims. The office is going through a pretrial risk assessment project. It started last spring and ends in June, unless the legislature authorizes it for another two years. They run a risk assessment tool on every person in jail. The detention center is constantly full. They want to make sure the county is incarcerating the right people instead of just building a new jail. Of the felony citations issued, there are 171 different defendants. 67 percent of them are released without bond. That process is going away from holding people in jail because they cannot pay bail. Of those released without bond one person

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committed a new felony and one failed to appear in court, so the data shows that this process has proven to be successful. Sometimes there is not enough room at the jail when people are issued citations. The county does not keep data on how many tribal members go through the court system, but he estimated that the number is about 40 percent. **Carole Lankford** gave an update on the Drug Court. Salish Kootenai College has interns who work in the Drug Court. She introduced an individual who recently graduated from Drug Court. James reported that the Drug Court has been in place for two years. There are 18 participants in the program. 30 participants is full capacity. There is a graduation scheduled for this afternoon. They are targeting highest risk and highest needs members of the community. The crew went to Blue Bay and cleaned up with Ann Miller's program and had a potluck. It was a good event. The Char-Koosta News staff was at yesterday's graduation and took pictures. It is important to work with tribal members in a culturally relevant manner. Salish Kootenai College, Salish Kootenai Housing Authority and the Tribal Defenders Office have been good partners in accomplishing that. They are working on Suboxone medical treatment. There is no local inpatient treatment facility, so people are sent to Butte, Missoula and Billings and there is a long wait time to get in the program. People come to Drug Court and want treatment and it is usually seven weeks to get a bed date. He is pushing that we need to provide more services to people sooner. Many times people waiting to go to treatment overdose or commit suicide. Regarding Public Law 280, he reviews the retrocession agreement frequently. We are supposed to have an annual meeting with the relevant stakeholders. He has never known that to take place. This spring, James wants to get representatives from the local law enforcement agencies, prosecutors, and defenders together and discuss how it is working, what can be done better, and if anything needs to be changed. James heard the Tribes are considering further retroceding portions of the agreement. Chairman Trahan said we had an overall discussion, but nothing has been decided yet. Mr. Lapatka was willing to discuss different ways it would look like if the Tribes decide to retrocede. There are opportunities for the Tribes to expand their jurisdiction and they could most likely provide similar or better services to the tribal members. Carole wanted to have somebody go through the county records to look at the data on how many tribal members go through the county. James commented that Lake County does not keep track of people's race so the data is not available. There is a form that is used in the court system that identifies a defendant's race. That might be useful data to find out the percentage of tribal member felons. The Department of Corrections only asks a defendant their race, and the court judge asks if they are a member of a federally recognized tribe. **Len TwoTeeth** told him that One Heart was approved for their nonprofit status, and he asked Mr. Lapatka to contact One Heart. A lack of safe sober housing is a problem most drug defendants have. **Charmel Gillin** is on the leadership team at her church and they have opened a place with a couple of rooms available for commercial rent. The old Sunset Motel in St. Ignatius is now the Corner Stone Crossing. They are preparing 8 units for emergency housing. The Corner Stone

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Crossing is a bridge for people who are not chronically homeless but may be in the phase of re-establishing their ability to find a home.

Rick Eneas, Financial Management, discussed the federal government shutdown and impacted and non-impacted programs. The listing of those programs and criteria for what a program would need to meet in order to be impacted versus non-impacted was sent out in an email to all staff, but the highlights of it would be a program is impacted if it is tribal dollar program, a federal program where there is uncertainty to whether we will eventually receive funding, or a combination of that level of uncertainty and the ability for those program funds to be utilized in a different part of the government. Some of the Tribal Health Department funds come in and have the ability to be utilized with the Department of Human Resources Development programs. Anything that is non-impacted is federal, state, or corporate funding that is in hand and is unable to be used for another purpose and otherwise operating as business as usual. **Len TwoTeeth** asked about the Kootenai Culture Committee Director position. Rick said the issue is not whether it is budgeted for or not, or whether we set aside funds, but if the funds are coming from an external source; we have no discretion how and when we can use those funds. That position is tribally funded. Any request to hire positions within an impacted program requires review by Financial Management and presented to council for action. Tribal funded programs are impacted because we are restricting the use of those funds because we have to consider the use of tribal funds since that cash flow may be used to cover the programs that are affected by the shutdown.

Shelly Fyant out of the room.

Rick Eneas did some historical research. There used to be a standard amount of \$75 per district meeting that was reimbursed for meals, if necessary, to a council member. His understanding of last year's budget process was the allowance for district meeting meals was removed. There is room in the budget, but it depends on what rest of the year looks like and if a budget modification would be necessary. If we assume \$75 per meeting is allowed with one meeting per month per district would be about \$6,000 to get through this fiscal year. If the allowance was \$100 per meeting, it is an estimated cost of \$8,000 for the remainder of this fiscal year. There should be funding available to absorb that cost this year. **Fred Matt** commented that years ago the council members offered snacks instead of a full meal at district meetings. Fred was willing to cover the cost of snacks at his district meetings. **Charmel Gillin** wants a report on council expenses; she does not know what the travel, mileage, and costs were for the last quarter. She wants to look at that report on a regular basis. **Carole Lankford** wants to see the report. The report needs to reflect if council's travel is reimbursed and how much mileage council is paid. Charmel wants to know the cost of special meetings and quarterly council meetings. **Len TwoTeeth** commented that we are feeding the people and this discussion should not even

be taking place right now. It helps out the membership knowing they are getting a meal if they go to a meeting. It is irrational to have this discussion since we work for the people. **Rick Eneas** has a copy of the report that shows some of the costs, and he can send it to council. **Council** will discuss this further after a chairman's meeting.

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

Shelly Fyant returned to the meeting.

Michelle Mitchell, American Indian Student Achievement Director for the Montana Office of Public Instruction, gave a presentation on the American Indian student data from all Flathead Reservation Schools. The data reports on student achievement, attendance, graduation rates, and dropout rates. The tribal students are scoring at the novice level on the Smarter Balance testing. Math scores for Native American students are lower than their non-Indian peers. Math scores for the elementary students were: Non-American Indian students scored 41.49% and Native American students scored 18.30%. Some of the schools did not test, and that is why the scores are so low. All schools are required to do the Smarter Balance testing. The Math scores for 7-8 grades were: 12.40% for non-Indian students and 25.73% for Native American students. The discipline data for reservation schools in 2017 was a total of 590 incidents by American Indian students and 271 for non-Indian students. In 2018, there was a total of 250 incidents (total of 138 students) by Native American students compared to 144 for non-Indian students (total of 96 students). The ACT scores were: English Language Arts - 18.85 non-Indian students and 14.06 Native American students; English - 18.87 for non-Indian students and 13.83 for Native American students; Math - 20.05 for non-Indian students and 16.1 for Native American students; Reading - 20.83 for non-Indian students and 16.3 for Native American students; Science - 20.15 for non-Indian students and 15.96 for Native American students; STEM - 20.35 for non-Indian students and 16.29 for Native American students; Writing - 6.44 for non-Indian students and 5.07 for Native American students. The graduation rates for 2016-2017 was 88.20% for non-Indian students and 72.83% for Native American students; 2017 - 2018 was 92.66% for non-Indian students and 84.70% for Native American students. The dropout rates for 2015-2016 were 1.32% for non-Indian students and 1.74% for Native American students; in 2016-2017 it was 2.51% for non-Indian students and 6.35% for Native American students; and in 2017-2018 it was 1.93% for non-Indian students and 3.23% for Native American students. The senior dropout rates for 2015-2016 was 1 non-Indian student and 2 Native American students; 2016-2017 was 3 non-Indian students and 3 Native American students; and in 2017-2018 there were 2 non-Indian students and 2 Native American students.

The Every Student Succeeds Act (ESSA) of 2015 requires state education agencies and affected local education agencies to consult with tribes on various

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education plans affecting American Indian students. Districts required to consult with tribes include districts with an enrollment of 50% or greater American Indian or Alaska Native students; a Title VII Indian Education grant of more than \$40,000 prior to 2016; and a Title VI Indian Education grant of more than \$40,000 after 2016. The Regional Flathead Indian Education Summit will be held at Kwataqnuq Resort February 7 – 8, 2019. The parent committees are invited to attend the summit. Research shows that when culture is integrated into the curriculum that American Indian students have a greater chance of academic success. When tribal communities and families are engaged and when schools and communities work together to increase support for Native Indian students, those students have a greater chance of academic success. She requested the council's support in this effort. She wants us to be the leaders for consultation in the state.

Ann Miller, Tribal Defenders Office, introduced **Reginald Michael**, Director of the Montana Department of Corrections; and **Harlan Trombley**, Tribal Liaison for the Montana Department of Corrections. They attended the Tribal Defenders Office's open house today, and met with council for a meet-and-greet. They have been trying to meet with all tribal leadership throughout the state of Montana to discuss any concerns the tribes may have. 25% of inmates are Native Americans. Mr. Michael would like to reduce the population of Native Americans in the prison system. There are two new wardens at the prison, and they want to look at the programs being offered to inmates, fill the needs of the inmates, and have the staff be culturally sensitive. **Shelly Fyant** commented that one of the barriers people face is they need to get a job, but they do not have a driver's license. There is cultural awareness and sensitivity training that could be provided to the Department of Corrections staff. Because we are Public Law 280, that is partly to blame for the high CSKT population in the prison system and that is something the Tribes are researching. **Charmel Gillin** commented on the requirement for people to find employment. It is difficult for everyone to find a job within 30 days.

Carole Lankford left the meeting for the remainder of the day to go to a Drug Court meeting.

Mr. Michael reported that the Department of Corrections has a program where inmates can earn a CDL. One of the challenges is why the person does not have a driver's license. They can be better at assisting people to get a driver's license. The DOC staff does go through cultural awareness and sensitivity training. He was willing to partner with the CSKT about the needs of the Native American communities they are serving. It is federal law that prohibits convicted felons from possessing firearms. The individuals with a felony conviction would have to file for a pardon in order to possess firearms. A collateral consequence to domestic violence is that if convicted, even if a misdemeanor offense, that person is not allowed to possess firearms. **Wilbert Michel** commented that 30 days is

not long enough for inmates to find a job. Mr. Michael explained that they just need to know the individual is making an effort and are actively searching for employment.

Rick Eneas, Financial Management, handed out a copy of the tribal council travel expenditures report for January and presented an exception request for the tribal council to travel. Fred Matt is requesting approval to travel to San Diego February 4-7, 2019 to attend an Inter-Tribal Timber Council meeting; and Len TwoTeeth is requesting to travel to Helena to attend the Rocky Mountain Tribal Leaders Council quarterly board meeting January 29 through February 1, 2019. A portion of Fred's travel expenses are reimbursed. None of Len's travel is reimbursed. All of the travel expenditures on the January 2019 spreadsheet already occurred but needs council approval after the fact. **Shelly Fyant** informed council that the travel requests for her and Jami Pluff to go to Helena next week were not included in the request. **Council** clarified that those requests would be included in the action.

MOTION by Anita Matt to approve the travel expenses as presented. Seconded by Leonard Gray. Carried, 7 for; 1 abstention (Fred Matt).

Shelly Fyant asked if we got confirmation for Amerra Webster's fellowship. Tomorrow is the deadline. **Rick Eneas** said Amerra needs the name and contact information of who her supervisor would be. They are flexible if more time is needed to determine that. It will be discussed again next Monday.

Simon Paul and **Nicolette Conko** requested to meet with council in **executive session** to discuss a personal matter. **Patricia Courchane** and **Natalie Kenmille**, Department of Human Resources Development; **Clayton Matt**, Tribal Services; **Jami Pluff**, Policy Analyst; and **Tom Johnson**, Council Support; were present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting. Seconded by Fred Matt. Carried, unanimous (8 present).

Council **adjourned** at 3:36 p.m., and is scheduled to meet again on Tuesday, January 29, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary