

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

Volume 19 Number 63
Council Chambers, Pablo, MT

Held: June 25, 2019
Approved: July 9, 2019

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

MEMBERS ABSENT: Fred Matt (Travel Status).

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 9:06 a.m. Quorum established. **Charmel Gillin** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for June 6, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for June 6, 2019, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Dennis Clairmont to approve the agenda, with changes. Seconded by Leonard Gray. Carried, unanimous (8 present).

Mary Charlo-Crumley and **Joshua Crumley** is raffling a quilt as a fundraiser for Joshua to go to a leadership camp in California. The money is due by Sunday. **Council** asked her to come back on break so they can purchase tickets.

Mignon Harris followed up on her request last week to fund a basketball camp. She had reached out to tribal departments and nobody was willing to help her with this camp. It was brought to her attention that Mignon and other people on the reservation could be able to put on this camp to offset costs, so at this point she is asking that they can get help with the amount for the gym and a

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change of duty for the employees to put on the camp themselves. She can give the list of employees to Jennifer or Jami. It is a short time period which doesn't allow for fundraising. The camp is July 30-31, 2019. **Jami Pluff**, Policy Analyst, informed her that on July 10 there is a TERS board meeting, so maybe the gym usage could be donated or at a reduced cost. Mignon would need to have parents sign a disclaimer for any liability concerns. **No action taken.** Council will take action once the names of the employees volunteering to help with the camp are identified and whether the school board will reduce or waive the cost of the gym.

Brian Lipscomb, Energy Keepers, Inc., informed council that he spoke to the board of directors about a \$6,000 contribution request from Standing Arrow Celebration. In the past, we have followed the draft council policy that the money comes here to be considered by the Tribes rather than the corporation. He does not know that the policy was ever ratified. The board asked him to have a conversation with council about it. If EKI provides a contribution to one celebration, they should give one to both of them. Brian asked if EKI should make the direct contribution or refer the request to the tribal council. **Council** mentioned that the pow wow committee has not provided any reporting that is required. The committees also received money from SKHA, SKC, the Tribes, and SKG. There were issues with the Internal Revenue Service and 1099 reporting requirements that needed to be abided by, and that is why we were having all contributions go through the Tribes. **No action taken.** Council will follow up with Financial Management.

Anita Matt out of the room participating in an IAC Board Meeting by conference call.

Brian Lipscomb, USS Montana, informed council that three of the USS Montana crew will be here on the 4th and will participate in the veterans' honoring and the grand entry at 2:00 p.m. Council was invited to go. Brian asked that the chairman or council representative present them with a flag/blessing to get the USS Montana commissioned. Crew members that will be here are Lt. Aaron Bishop, Assistant Operations Officer; and Petty Officers Marlin Howin and Tyler Fellows. The itinerary planned is Gene Sorrell will host them in his camp for dinner after the commissioning ceremony. They will have breakfast the next morning and then tour the reservation and Bison Range. Then they will be at the veterans' memorial, be in Polson at 11:00 and tour Flathead Lake, hike at Wild Horse, and then get to Bigfork for activities. Brian requested concurrence for participation by the tribal council and a tribal flag. Dennis Clairmont and Chairman Trahan will attend. **Chairman Trahan** directed Jennifer to provide a tribal flag. Brian asked that the Tribes fly the flag for contribution for a couple of days here at the complex.

MOTION by Carole Lankford to fly the flag for contribution to the USS Montana. Seconded by Dennis Clairmont. Carried, unanimous (7 present-Anita Matt out of the room participating in an IAC Board Meeting by conference call).

Brian Lipscomb, Energy Keepers, Inc., thanked the council for attending the recognition of O&M staff for OSHA VPP certification. We are the only tribe that has reached that level of excellence. Brian is willing to return at a later date to provide more extensive information of what the certification is for the Voluntary Protection Program within OSHA.

Dorin Dumont requested to meet with council in executive session to discuss a personal matter. **Delphine Bourdon**; and **Carolee Wenderoth**, Tribal Lands Department; were present for discussion.

Council reconvened into **regular session**.

Corky Sias, Department of Human Resources Development, requested approval of a memorandum of agreement with Salish Kootenai College to provide CDL Class B training. The cost is \$21,744.00 and there is sufficient funding in the budget.

MOTION by Shelly Fyant to approve the memorandum of agreement with Salish Kootenai College in the amount of \$21,744.00 to provide Class B CDL training. Seconded by Leonard Gray. Carried, unanimous (7 present – Anita Matt out of the room participating in an IAC Board Meeting by conference call).

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

Len TwoTeeth gave an update on border crossing. On July 10-11 there is a border meeting in Washington, DC. We need to partake in this meeting due to some of the language in the Immigration Act. A new bill, HR 2496, is being sponsored. It's the tribal border crossing parity act that protects inherent social, political rights to cross the Canadian government without having to prove they are fifty percent of the Native American race to cross the border. All border tribes have been asked to be there that day. Len wants Laurence Kenmille to go. **No action taken**. Council will discuss in further detail this afternoon.

Ron Swaney and **Darrell Clairmont**, Division of Fire, requested approval to increase the rate of pay for two nontribal member RTRL Aide 1 employees. They have been employed for nearly one year and make less wages than the RTRL Aide I position that was classified at a higher rate. The employees being hired now are making more money than the ones already in those positions that work under the same position description.

MOTION by Shelly to approve the stated increased rates of pay for Collen Grinssell and Xavier Matt, the two RTRL Aide 1 positions. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Anita Matt out of the room participating in an AIC Board Meeting by conference call).

Ron Swaney and **Darrell Clairmont**, Division of Fire, requested approval Collen Grinssell was hired on a one-year TEA and they want to extend it to 11/30/2020 so all of the Aide I contracts will expire at the same time.

MOTION by Dennis Clairmont to extend the TEA contract until November 30, 2020. Seconded by Myrna DuMontier. Carried, unanimous (7 present – Anita Matt out of the room participating in an IAC Board Meeting by conference call).

Darrel Clairmont, Division of Fire, requested approval of an agreement between the Tribal Fuels program and Plains District Forest Service for a project that was funded and proposed in 2017. It will cover burning on the reservation on the Forest Service side, and burning on the reservation side. It will help the Forest Service with expenses for the burn on their side. **Carole Lankford** questioned the liability and whether it was covered by tort. Darrell said we are burning on our side as well.

MOTION by Myrna DuMontier to authorize the Fuels program to operate within the USFS and pay for part of the helicopter burn. Seconded by Shelly Fyant. Carried, unanimous (7 present - Anita Matt out of the room participating in an IAC Board Meeting by conference call).

Ron Swaney, Division of Fire, advised that as far as a tort claim, we have an approved plan by the superintendent. We are covered for actions we take on the reservation. We can be held accountable individually if we go outside of that.

Eldena Bear Don't Walk, Appellate Court, presented for approval a contract with Thor Hoyte to serve as Associate Justice for a three-year term.

MOTION by Carole Lankford to approve by resolution the contract with Thor Hoyte to serve as Associate Justice for a three-year term. Seconded by Leonard Gray. Carried, 6 for; 0 opposed; 1 abstention (Shelly Fyant); 1 not voting (Anita Matt out of the room participating in an IAC Board Meeting by conference call).

RESOLUTION 19-146

A RESOLUTION TO ENTER INTO AN ASSOCIATE JUSTICE CONTRACT WITH THOR A. HOYTE

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to enter into a contract with Thor A. Hoyte to provide judicial services needed for the administration of the Confederated Salish and Kootenai Tribes Court of Appeals' authorized activities contained in Ordinance 103-A, as amended, the CSKT Laws Codified; **NOW, THEREFORE**,

BE IT RESOLVED that Thor A. Hoyte shall act as Associate Justice of the Confederated Salish and Kootenai Tribes Court of Appeals providing services in accordance with the terms and conditions of the contract attached hereto.

Jody Perez and **Katie McClure**, Salish Kootenai Housing Authority, requested approval to apply for a competitive grant through the Indian Housing Block Grant for \$2.3 million.

MOTION by Carole Lankford to authorize submission of the Indian Housing Block Grant. Seconded by Myrna DuMontier. Carried, 7 for; 0 opposed; 1 not voting (Anita Matt out of the room participating in an IAC Board Meeting by conference call).

RESOLUTION 19-147

RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2018/2019 COMPETITIVE INDIAN HOUSING BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

WHEREAS, the Confederated Salish and Kootenai Tribes have designated the Salish and Kootenai Housing Authority as their Tribally-Designated Housing Entity, with the authority to administer and participate in housing programs for the benefit of the Confederated Salish and Kootenai Tribes and their members, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

WHEREAS, the Confederated Salish and Kootenai Tribes desire to have an application for a fiscal year 2018/2019 Competitive Indian Housing Block Grant prepared and submitted on behalf of the Tribes in support of affordable housing activities.

NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby delegates the Salish and Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes a Competitive Indian Housing Block Grant application for fiscal year 2018/2019; and

BE IT FURTHER RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby states and acknowledges that the Tribe will not be applying for fiscal year 2018/2019 Competitive Indian Housing Block Grant funds as its own entity; and

BE IT FURTHER RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby delegates the Salish and Kootenai Housing Authority the authority to administer and manage said Competitive Indian Housing Block Grant for fiscal year 2018/2019.

Jody Perez reported what the grant funding would be used for, such as rehabs of existing units and the construction of some new units in the Felsman Addition. Rehabs will include meth cleanup/remediation. SKHA cannot sustain the established process for meth remediation. SKHA has 4 contaminated units right now. SKHA began testing units for meth in 2014, but did not have the means or policy to address those so the units were sitting vacant. Now that there is a process in place, they have been cleaning them up. 30 percent of the units have not yet been tested because they are tested upon move-out. Tenants are charged for those costs.

Charmel Gillin joined the meeting.

Carmelita Matt, Department of Human Resources Development, requested approval to convert Elizabeth Tolbert from a contract to a FTE position. She did not have bachelor's degree at the time of her initial hire, and she has received her degree this year. Elizabeth was on contract until she completed the licensing requirements.

MOTION by Carole Lankford to convert Elizabeth Tolbert from a contract employee to a FTE employee. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Anita Matt out of the room participating in an IAC Board Meeting by conference call).

Joe Durglo, and **Dr. Bernadette Corum**, Tribal Health Department, requested to meet with council in **executive session** to discuss a personnel matter. **Melanie Piedalue**, Personnel Department, was present for discussion.

Council reconvened into **regular session**.

MOTION by Carole Lankford to modify the contract with Dr. Bernadette Corum and provide 12 hours PTO. Seconded by Myrna DuMontier. **MOTION NOT CARRIED**, 4 for (Carole Lankford, Myrna DuMontier, Dennis Clairmont, and Len TwoTeeth); 4 opposed (Charmel Gillin, Leonard Gray, Ron Trahan, and Shelly Fyant); 1 not voting (Anita Matt out of the room participating in an IAC Board Meeting by conference call).

Joe Durglo, Tribal Health Department, sent out the draft agenda for the Health Committee meeting this Friday and confirmed the council's availability. The meeting will begin at 8:30 a.m. at the Tribal Health Clinic in St. Ignatius.

Joe Durglo, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Naomi Plant after the fact on a TEA under the tobacco grant for 44 days to fulfill some of the grant requirements while THD advertises and fills the FTE position. Naomi was already hired with the misunderstanding that she is a tribal member from CSKT. Council action is required to hire nontribal members. **Shelly Fyant** advised that she signed this contract for the chairman last week and now that the contract was officially approved today, she asked if a new contract would be provided for signature.

MOTION by Dennis Clairmont to authorize the hire of Naomi Plant on a TEA for 44 days. Seconded by Len TwoTeeth. Carried, 7 for; 1 opposed (Charmel Gillin); 1 not voting (Anita Matt out of the room participating in an IAC Board Meeting by conference call).

Rick Eneas, Financial Management; and **Renee Joachim**, Personnel Department; requested approval of the Background Investigation Policy which will require background investigations to be completed/adjudicated prior to an employee starting work in a sensitive position. This is in response to an audit finding. It would require council action to waive the policy to get a personal care attendant hired immediately without waiting for the results of the background check. One suggestion by council was to include a special circumstance clause in the policy so the policy would not need to be waived. This should no longer be an issue once the background/fingerprint machine gets here. It should be configured and delivered to the Tribes in two weeks, and then the Personnel staff will be trained how to use it. It is not a federal requirement to have a background check done for the people working with tribal elders; it was a directive from the tribal council to do that years ago. Waivers have been granted in the past for family member personal home care providers that could not pass a background

check. It was recommended that any waivers be determined on a case-by-case basis. **No action taken.** Council will discuss in further detail.

Rick Eneas, Financial Management, requested to meet with council in **executive session** to discuss a departmental matter. **Elizabeth Sheridan, Zack Camel, Bill Bjarko**, and **Wanda Salomon**, Central Accounting; **Renee Joachim, Melanie Piedalue** and **Cory Clairmont**, Personnel Department; were present for discussion.

Council reconvened into **regular session.**

MOTION by Myrna DuMontier to approve the all employee pay date change, with the conditions that Rick is proposing for July pay day, taking effect the pay period ending July 27 moving the pay date back one week effective with that pay period and implementing a onetime only fifty percent advance take home pay for that pay period, with the first half to be paid July 30 and the second half paid August 6, and the communication notice being approved to be sent out. Seconded by Shelly Fyant. Carried, 7 for; 1 opposed (Len TwoTeeth); 1 not voting (Anita Matt out of the room in conference call).

Dan Decker and **Brian Upton**, Legal Department, gave an update on Bison Range film issues. The documentary film has been shared on a private link with film festivals. Now that the major screenings are over, there is interest in having folks see it and make it public. The YouTube link could be made public. The Office of Public Instruction will include the film in the Indian Education For All across the state. They could do that by accessing that link if it is made public. Some folks want a copy of the film in DVD format. Brian can look into the costs of doing that and report back to council. Legal will move forward with updating the website. Those costs should remain within the existing budget. The Reconnecting Roots show will film at the Bison Range next month. They shared a script of it and there were some concerns in general how it is being presented on the history of buffalo and being on a reservation. Brian will report back to council on how that is going. The Ninepipe and Pablo Refuge signs should be posted this fall. Legal will keep council updated. Brian discussed reaching out to any buffalo group to see if they want to screen the film. The American Bison Society should be contacted to see if they want to view it. The Tribes will probably be hearing from a representative from the Wilderness Society on the drafted legislation. This would allow for a Q&A session with tribal council. Amy Coffman is the new supervisor of the National Bison Range. They did some hiring at the Bison Range. Amy wants to have her staff meet with tribal staff, so they are working to get a staff meeting scheduled. Amy also wants to meet with council for an introduction. This will be on the agenda the end of July. Brian had a memo from Tom France, National Wildlife Federation, who is proposing to present on bison reintroduction in Montana and have a tribal role in that and how tribes

should be part of this. There will be a panel in November. They want to know if council supports it. If so, Brian will send them an email that it is fine.

Dan Decker and **Shane Morigeau**, Legal Department, discussed the draft letter regarding the regalia issue with the Polson High School and a letter to all reservation schools.

Dan Decker, Legal Department, discussed the Big Arm litigation and seeking a consultant trial attorney to work on it. James Goetz is interested in the case. Dan requested approval of a contract with Mr. Goetz.

MOTION by Carole Lankford to approve by resolution the attorney contract with James Goetz. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 1 not voting (Anita Mat out of the room participating in an IAC Board Meeting by conference call).

RESOLUTION 19-148

A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH JAMES H. GOETZ

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to enter into an Attorney Contract with James H. Goetz, Attorney at Law, to provide general legal counsel, advice and representation needed for the conduct of the Tribal Council's authorized activities, as well as preparation of documents, agreements, studies, research and recommendations for Tribal departments and the Tribal Council; and

WHEREAS, it is the intent of all the contracting parties that James H. Goetz shall commence working under the approved contract with the Tribes according to the terms and conditions stated therein; and

WHEREAS, that beginning June 21, 2019, James H. Goetz shall act as legal counsel to the Tribal Council providing services at the Council's direction in accordance with the terms and conditions of the Attorney Contract attached hereto.

NOW THEREFORE BE IT RESOLVED, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

Dan Decker, John Harrison and **Shane Morigeau**, Legal Department, requested to meet with council in **executive session** to discuss litigation.

Council reconvened into **regular session**.

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

Jessie Berner, Idaho Panhandle National Forest District Ranger for Sandpoint Ranger District; **Kim Pierson**, Deputy Forest Supervisor; and **Beth Bigalow**, North Zone Heritage Staff Officer; discussed shared stewardship. The Idaho Panhandle National Forest and State of Idaho are working together to identify a priority landscape on the IPNF by July 1 as outlined in the agreement for Shared Stewardship that was signed on December 18, 2018. The intent of the agreement is to set landscape-scale priorities, leverage resources, and work across boundaries to improve forest and watershed conditions, and protect communities. The pilot project areas will be identified by July 1, 2019.

Chairman Trahan out of the room.

Melissa Shannon, Scott Gerkin and **Donny Fifer** requested input on design alternatives on the potential safety improvements to the intersection of Highway 93 and Old Highway 93 located one mile south of Pablo. The Montana Department of Transportation is in the process of redesigning the intersection to reduce fatal and serious injury crashes. There was discussion about submitting a request for a reduction of speed through that area. The process is MDT would have to do a speed study and a recommendation made to the Transportation Commission. One recommendation was to install a stop light. The volume of traffic on the approaching road would need to be evaluated.

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

Carolee Wenderoth, Tribal Lands Department; and **Rick Eneas**, Financial Management; requested to meet with council in **executive session** to discuss a land issue. **Renee Joachim**, Personnel Department, was present for discussion.

Rick Eneas, Financial Management; and **Renee Joachim**, Personnel Department; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Charmel Gillin to approve the Character Investigation and Background Policy, effective July 31, 2019. Seconded by Myrna Dumontier. Carried, unanimous (8 present – Anita Matt out of the room participating in an IAC Board Meeting by conference call).

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 3:50 p.m., and is scheduled to meet again on Thursday, June 27, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary