

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

Volume 20 Number 1
Council Chambers, Pablo, MT

Held: October 1, 2019
Approved: October 15, 2019

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

MEMBERS ABSENT: Charmel Gillin.

OTHERS PRESENT: Abby Dupuis, Recording Secretary; and James Steele, Sr., Sergeant at Arms.

The meeting was called to **order** at 9:10 a.m. Quorum established. **Len TwoTeeth** will join the meeting later.

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

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

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for September 17, 2019, with corrections. Seconded by Leonard Gray. Carried, unanimous (8 present).

The **agenda** was presented for approval. **Shelly Fyant** added a change of duty request from last week, and a letter on the Farm Bill that is included in the packet. **Leonard Gray** asked about October 10. Senator Tester will be at the meeting in Hot Springs. Leonard will be there the 6-9th. He does not know if we will have a quorum that week if we go to that meeting. **Council** will let the chairman know. **Shelly Fyant** plans to attend the Montana Conservation Voters meeting this evening.

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

Len TwoTeeth joined the meeting.

Rick Eneas, Financial Management, requested approval of modification 1 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2018 and fiscal year 2019 funding for the Tiwahe Initiative, earmarked fiscal year 2019 funding for Irrigation projects, earmarked fiscal year 2019 funding for Tribal Justice Support, and earmarked fiscal year 2019 funding for Forestry projects has been awarded and needs to be allocated to the budget.

MOTION by Anita Matt to approve by resolution modification 1 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Dennis Clairmont. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-001

RESOLUTION APPROVING MODIFICATION 1 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, earmarked FY 2018 and FY 2019 funding for the Tiwahe Initiative, earmarked FY 2019 funding for Irrigation projects, earmarked FY 2019 funding for Tribal Justice Support, and earmarked FY 2019 funding for Forestry projects has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
13-502-4554	Tiwahe Initiative	11,644	28,367	40,011
13-503-4550	Flathead PPR	0	7,000,000	7,000,000
13-503-4551	FIIP	0	2,808,000	2,808,000
13-507-4529	Tribal Justice Support	8,644	564	9,208
13-510-4539	FMIP	111,079	50,000	161,079
13-510-4545	Timber Harvest Initiative	19,434	226,000	245,434
Total Increase/(Decrease)			10,112,931	

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 total FY 2020 BIA Self-Governance Budget is increased from \$17,550,248 to \$27,663,179.

Rick Eneas, Financial Management, requested approval of a contract with Raven Consulting to assist Tribal Forestry with the Forest Development Enterprise proposal and process.

MOTION by Dennis Clairmont to approve the contract with Raven Consulting. Seconded by Fred Matt. Carried, 6 for; 2 opposed (Shelly Fyant and Myrna DuMontier); 1 abstention (Anita Matt).

Anita Matt, for the record, "I am abstaining due to relatives."

Myrna DuMontier, for the record, "I am opposed due to the improprieties that are wrapped around this and the relatives, and there was no advertisement of this to be fair. It just doesn't look right."

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

Joe Durglo, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Barbara Schott to fill the Opioid Response Program Manager position on a two-year contract at the negotiated rate of pay. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Fred Matt to approve the hire of Barbara Schott to fill the Opioid Response Program Manager position on a two-year contract at the negotiated rate of pay. Seconded by Leonard Gray. Carried, unanimous (8 present – Len TwoTeeth out of the room).

Joe Durglo, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Kara Clinkenbeard to fill the Dental Hygienist position on a three-year contract at the negotiated rate of pay. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Anita Matt to approve the hire of Kara Clinkenbeard to fill the Dental Hygienist position on a three-year contract at the negotiated rate of pay. Seconded by Leonard Gray. Carried, unanimous (8 present – Len TwoTeeth out of the room).

Joe Durglo, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval of a modification to the contract with Raelena Whitesell to fill the Optical Technician position to extend the term for two years. All other terms of the contract remain the same. Raelena's current contract expires today. **Anita Matt** followed up on her previous request regarding

impacts. **Joe Durglo** is still working on that task and will provide the requested information to council.

MOTION by Dennis Clairmont to approve a modification to the contract with Raelena Whitesell to fill the Optical Technician position to extend the term for two years, with all other terms of the contract remaining the same. Seconded by Carole Lankford. Carried, 7 for; 1 abstention (Anita Matt); 1 not voting (Len TwoTeeth out of the room).

Anita Matt, for the record, "I abstained because the acting department head did not have performance evaluation and other information requested Monday at the chairman's meeting."

Joe Durglo, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; discussed a request from Property & Supply to move the Property & Supply Technician stationed at THD to the Tribal Health Department's organizational chart. THD currently pays for the position but Property & Supply supervises the employee. **No action taken.** Joe Durglo will follow up with Rick Eneas.

Renee Joachim, Personnel Department; and **Dallas Fleming**, Administrative Services; presented a request from Laurence Kenmille, Enrollment Office, for an incentive award for Chasity Haynes in amount of \$1,000.00. Personnel recommended approval. Laurence made the request for an incentive award for Chasity due to the per capita direct deposit process going smoothly for the last per capita distribution.

MOTION by Fred Matt to approve a \$1,000.00 incentive award for Chasity Haynes. Seconded by Anita Matt. Carried, 7 for; 2 abstentions (Shelly Fyant and Myrna DuMontier).

Renee Joachim and **Melanie Piedalue**, Personnel Department, requested to meet with council in **executive session** to discuss personnel matters.

Council reconvened into **regular session**.

Dan Lozar and **Greg Wilson**, Natural Resources Department; and **Rick Eneas**, Financial Management; discussed recycled steel and how to utilize those funds. Rick recommended depositing the funds into the General Fund since it is a tribal resource and if funding is necessary in the future that the program make the request for funds and a budget modification be done. **No action taken.**

Dan Lozar and **Greg Wilson**, Natural Resources Department, requested approval of a modification to Contractor Agreement No. 17-090 with Stantec Consulting.

MOTION by Carole Lankford to approve modification 7 to Contractor Agreement No. 17-090 with Stantec Consulting to complete task order number 7. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Rich Janssen and **Chauncey Means**, Natural Resources Department, requested approval to hire Tabitha Espinoza on a two-year contract to fill the Wetlands Coordinator position. The vacancy was advertised and she was the only applicant. Tabitha applied for funding for the development of an Assessment of Jocko Watershed and she has completed the assessment.

MOTION by Myrna DuMontier to approve the hire of Tabitha Espinoza on a two-year contract to fill the Wetlands Coordinator position. Seconded by Fred Matt. Carried, unanimous (9 present).

Mike Durglo and **Kevin Askan**, Preservation Department; and **Rick Eneas**, Financial Management; discussed a request to move the NAGPRA Coordinator position from the Kootenai Culture Committee to the Preservation Department. Mike wants both Culture Committees to identify a NAGPRA Coordinator Trainee. Once trained, those positions could get certified. The position needs to be advertised.

MOTION by Myrna DuMontier to move the NAGPRA Coordinator position to the Preservation Department. Seconded by Anita Matt. Carried, unanimous (9 present).

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

Rhonda Swaney and **Brian Upton**, Legal Department, informed council that 200 posters for the Bison Range film went to The People's Center to sell and they wanted to know if The People's Center keeps the revenue. **Council** directed staff to follow up with Rick Eneas.

Rhonda Swaney and **Brian Upton**, Legal Department, discussed the Montana Steer Water Blackfoot Stewardship support letter to be sent to the Montana delegation.

MOTION by Fred Matt to send the support letter to the Montana delegation. Seconded by Anita Matt. Carried, unanimous (9 present).

Rhonda Swaney and **Brian Upton**, Legal Department; and **Dan Lipscomb**, Natural Resources Department; discussed an agreement with Montana Rail Link. They need the contract approved by resolution. **Council** requested a copy of the agreement and resolution.

Shelly Fyant has a letter requesting tribal consultation regarding the USDA consultation on hemp and wants legal review. Shelly directed Abby Dupuis to provide the information to the Legal Department.

Rhonda Swaney, Shane Morigeau and **Brian Upton**, Legal Department, discussed the Tribal Education Code. Legal has reached out to schools to remind them of the laws. There is a resolution prepared to approve the Code when council is ready to approve the final document. **No action taken.** Council wants additional time to review it prior to taking action.

Fred Matt commented that Shane Morigeau did an awesome job in Evaro for that dedication and he appreciates Shane's hard work coordinating that dedication event. **Shane Morigeau** thanked council for their support in this effort.

Rhonda Swaney and **Brian Upton**, Legal Department, requested approval of the Montana Rail Link contract.

MOTION by Anita Matt to approve by resolution the Montana Rail Link contract. Seconded by Myrna DuMontier. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-002

A RESOLUTION

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

WHEREAS, the Tribal Council 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, the Tribes conduct wetland mitigation projects for the purpose of providing ecological mitigation to compensate for unavoidable direct and indirect impacts to wetlands and other aquatic resources resulting from various projects and activities;

WHEREAS, the Tribes generate Wetland Mitigation Credit by preserving unique wetlands, restoring degraded wetlands, enhancing existing wetlands and creating new wetlands;

WHEREAS, the Tribes' Wetland Mitigation Credit has been approved for sale by the Tribal Shorelines Protection Office pursuant to Tribal authority;

WHEREAS, Montana Rail Link, Inc. (MRL) has need to compensate for unavoidable direct and indirect impacts to Tribally-regulated wetlands resulting from an MRL railroad siding extension project west of Dixon;

WHEREAS, MRL would like to fulfill its mitigation obligations under Tribal law and secure the necessary Wetland Mitigation Credits, consistent with the Tribes' Aquatic Lands Conservation Ordinance 87A (ALCO), through a purchase of such Credits from the Tribes; and

WHEREAS, MRL has been approved by the Tribal Shoreline Protection Office to purchase Wetland Mitigation Credit as compensatory mitigation under ALCO Permit #19-3737-359;

NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Tribal Chairman is authorized to sign the attached agreement titled "Contract for Sale of Wetland Mitigation Credits".

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

Alexandra Plant, Tribal Education Department, presented a request for a change of duty for the Ronan IEC members for the Backpack Event, and requested a change of duty for throughout the year for the IEC members to participate in any IEC special events and trainings.

MOTION by Anita Matt to grant a change of duty, with supervisor approval, for Linda Farris, Stephanie Gillin, Susan Perez, and Justin Benn to participate in the Ronan Indian Education Committee Backpack Event. Seconded by Leonard Gray. Carried, 8 for; 1 abstention (Ron Trahan).

Alexandra Plant, Tribal Education Department, informed council that she will not be presenting the change of duty request from The People's Center Native American Wellness Week because the list of individuals that was provided to the Education Department was not correct. **Shelly Fyant** advised that she got the list of names from Maggie Sheridan, so the tribal council can take action today. The employees requesting a change of duty are: Patty Stevens, Willie Stevens, Howard Walker, Naomi Robinson, Paul Phillips, Kelly Woodcock, and Bob Woodcock.

MOTION by Shelly Fyant to grant a change of duty, with supervisor approval, for the staff to participate in the Native American Wellness Week event: Bob Woodcock, Kelly Woodcock, Patty Stevens, Willie Stevens, Paul Phillips, Howard Walker, and Naomi Robinson for September 24-26, 2019. Seconded by Anita Matt. Carried, unanimous (9 present).

Alexandra Plant continued the discussion on her request for a change of duty for all year for all special events/trainings that the Indian Education Committee members participate in. **No action taken.** Council directed that the individual requests be presented each time an event/training comes up.

Jessica Johnson, Indian Education Director; **Mark Johnston**, Superintendent; and **Joan Brown**, Coordinator; presented the Annual Indian Education Report for the Ronan School District No. 30. The school offers an afterschool program, and 6 weeks of summer school will be offered which will be targeting Math and Reading subjects in Ronan and Pablo. The school works with the Bread Basket and provide services through the Backpack Program to 15-20 students in each building.

MOTION by Carole Lankford to accept the Annual Indian Education Report for the Ronan School District No. 30. Seconded by Anita Matt. Carried, unanimous (9 present).

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

Dana Grant, Salish Kootenai College, gave an update on the Headwaters Foundation and upcoming projects. There is a community project November 5-6, 2019, and council was invited. The project is called Voices & Visions. It will bring together 200 people (ages teens to elders) and over two days will talk about some of the greatest health challenges and disparages and come up with some solutions. The Foundation will provide funding to move those solutions forward.

Corky Sias, Department of Human Resources Development, requested approval of a contract with Great Western Petroleum, Inc. through June 22, 2024. The gas companies usually enter into ten-year contracts since they upgrade the pumps/stations.

MOTION by Anita Matt to approve the contract with Great Western Petroleum, Inc. through June 22, 2024. Seconded by Myrna DuMontier. Carried, unanimous (8 present – Len TwoTeeth out of the room).

Dallas Fleming and **Lissa Peel**, Contracts & Grants, discussed the contract policy and process. Contracts & Grants provides trainings to departments on a regular basis. The department processes all service contracts except for personnel contracts. Policy requires departments to submit their paperwork/requirements to Contracts & Grants at least 14 days in advance to allow time for review and processing. **Council** will review the policy.

Shelly Fyant received two messages intended for the chairman from the Director of Office of Indian Energy. **Chairman Trahan** will find out if the messages went through.

Len TwoTeeth informed council that at the elders meeting, a tribal elder brought up her enrollment issue and he wants to set up a meeting with the Enrollment staff to go through this matter. **Chairman Trahan** set up a meeting for Monday.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 3:05 p.m., and is scheduled to meet again on Thursday, October 3, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary