

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

Volume 19 Number 42
Council Chambers, Pablo, MT

Held: March 26, 2019
Approved: April 9, 2019

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

MEMBERS ABSENT: Anita Matt, Treasurer (Ninth Annual Tribal Land Staff Meeting).

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. **Carole Lankford** on personal time off this morning and will join the meeting this afternoon.

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

The **Tribal Council Meeting Minutes** for March 12, 2019 were presented for approval. **No action taken.** The draft minutes were tabled.

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

MOTION by Leonard Gray to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (7 present).

Charmel Gillin joined the meeting.

Jami Pluff, Policy Analyst, introduced some of the trainers that were at the Missing & Murdered Indigenous Women (MMIW) conference yesterday: **Theda New Breast**, Native Wellness Institute and Board Member of Sovereign Bodies Institute; **Annita Lucchesi**, Executive Director, Sovereign Bodies Institute and Founder of the MMIW database; and **Loralie Williams**, Sovereign Bodies Institute Fellowship and Advocate of MMIW. They gave an overview of what their organizations do and the services provided to survivors and families. The organization works with many tribes in the United States and Canada. **Shelly**

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Fyant announced that Hanna's Act did not pass yesterday. It was a vote of 5-5. The tribal council held a retreat in February and discussed the need for healing our people as a government and a tribe. The Native Wellness Institute does healing at a grassroots level. Sovereign Bodies Institute has almost 4,000 documented cases (16 cases from CSKT and 180 cases logged across Montana). Jami announced that the next work group meeting is scheduled for April 8, at the Arlee district meeting.

Leroy Black, Lee Ann Ducharme and Shannon Sheridan, Two Eagle River School Board, requested to meet with council in **executive session** to discuss a board matter.

Council met in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

Kelly Parker, Corky Sias and Natalie Kenmille, Department of Human Resources Development, requested approval of a memorandum of understanding between the TANF and Transit programs to provide transportation to clients.

MOTION by Charmel Gillin to approve a memorandum of understanding between the TANF and Transit programs to provide transportation to clients. Seconded by Shelly Fyant. Carried, unanimous (8 present).

Renee Joachim, Personnel Department, presented four nominations for incentive awards. Renee recommended approval of the awards. The nominations are for: Christina Courville, Legal Department - \$1,500; Yolanda Page, Legal Department - \$1,500; Shane Morigeau, Legal Department - \$1,000; and John Neiss, Maintenance - \$1,500. The Legal staff nominations were due to the staff helping with the Prosecutors Office when it was short-staffed. The Maintenance award nomination was due to the staff member arriving to work early to snowplow the parking lot.

MOTION by Dennis Clairmont to go along with the recommendation. Seconded by Fred Matt. Carried, unanimous (8 present).

Myrna DuMontier commented on the pay increases that certain people get, and she wanted to know why we couldn't lift the pay freeze and make it fair for all employees. **Leonard Gray** explained that one of the justifications for those pay increases were due to not wanting to lose the staff. **Council** will discuss further and have the Finance Office involved in discussions. Council directed Jennifer Trahan to put this item on the agenda.

Laurence Kenmille, Chasity Haynes and Marilyn Adams, Enrollment Office, requested approval of a resolution approving the removal of David Perry from the CSKT rolls. Mr. Perry was erroneously enrolled and does not meet the enrollment criteria. Charmel Gillin questioned the process for removal. Laurence explained that Mr. Perry was notified that the Enrollment Office found an error and that the staff is requesting approval of his removal. Mr. Perry will be notified by certified mail that he has 30 days to appeal the decision to remove him from the rolls.

MOTION by Fred Matt to approve by resolution the removal of David Perry from the CSKT rolls, based on the information presented. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 19-103

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES TO APPROVE THE REMOVAL OF DAVID JOSHUA PERRY

WHEREAS, David Joshua Perry was determined eligible for enrollment at birth under Tribal Ordinance 35-A (b); and with a blood quantum of 15/32; and

WHEREAS, a result of an adoption decree in which both adoptive mother and adoptive father are listed as Georgia A. O'Bennick (Perry) and David Hartley Perry; and

WHEREAS, David Joshua Perry adoptive parent, Georgia A. O'Bennick's (Perry) blood quantum was calculated in the blood quantum of David Joshua Perry; and

WHEREAS, the Office of Records Management and Enrollment has documentation to prove that the blood quantum of David Joshua Perry is incorrect; **THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that David Joshua Perry is hereby not eligible and shall be removed as an enrolled member in said Tribe, and will no longer benefit in the following:

- 1.Membership in the Confederated Salish and Kootenai Tribes
- 2.All future Tribal benefits
- 3.All hunting and fishing now held by members of the Confederated Salish and Kootenai Tribes
- 4.Any and all privileges now extended to members of the Confederated Salish and Kootenai Tribes

BE IT FURTHER RESOLVED, by the Tribal Council that the official rolls shall show David Joshua Perry's blood quantum as 15/64 degree Salish and/or Kootenai blood; and

BE IT FINALLY RESOLVED, by the Tribal Council that David Joshua Perry shall be officially removed from the Confederated Salish and Kootenai Tribes rolls and listed as a first generation descendant and said Tribal Council may or may not require the payback of all per capita payments.

Laurence Kenmille, Chasity Haynes and Marilyn Adams, Enrollment Office, requested approval of a resolution approving the removal of Amiel Jon Gardipe, Jr. This request was tabled in November. Enrollment has documentation that his mother was not enrolled here. Stan Healy adopted her, but she was not from this tribe and she does not meet the criteria for enrollment. In 2004, Stan Healy notified the Enrollment Office that we had someone listed as his biological daughter, but she was adopted and not eligible for enrollment.

MOTION by Fred Matt to go with the recommendation of Enrollment and approve by resolution the removal of Amiel Jon Gardipe, Jr. from the CSKT rolls. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 19-104

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES TO APPROVE THE REMOVAL OF AMIEL JON GARDIPE, JR.

WHEREAS, Amiel Jon Gardipe, Jr. was determined eligible at birth under Tribal Ordinance 35A, (b); and with a blood quantum of 55/256; and

WHEREAS, a result of an adoption record showing Billie Jo Healy to be adopted by Stanley James Healy, the Office of Records Management and Enrollment has documentation to prove that Amiel Jon Gardipe, Jr. is not eligible to be enrolled with the Confederated Salish and Kootenai Tribes; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that Amiel Jon Gardipe, Jr. will be officially removed from the Confederated Salish and Kootenai membership. Amiel Jon Gardipe, Jr. shall have 30 days from the date of this action to appeal and provide a DNA or any written documentation to the Tribal Council; and

BE IT FURTHER RESOLVED, Amiel Jon Gardipe, Jr. will no longer benefit in the following:

1. Membership in the Confederated Salish and Kootenai Tribes;

2. All future Tribal Benefits;
3. All Hunting and Fishing now held by members of the Confederated Salish and Kootenai Tribes;
4. Any and all privileges now extended to members of the Confederated Salish and Kootenai Tribes

BE IT FURTHER RESOLVED, by the Tribal Council that Amiel Jon Gardipe, Jr. shall be officially removed from the Confederated Salish and Kootenai Tribes rolls and Council and The Tribes may or may not require the payback of all per-capita payments effective from the date of ineligibility and all of the IIM account funds shall be returned to the Tribe.

Lynn Ducharme, Natural Resources Department, discussed the Ray property, containing 120 acres along Post Creek. It could be purchased with BPA funding at fair market value.

MOTION by Denis Clairmont to show interest in purchasing the Ray property at fair market value with BPA funds, and enter into a buy/sell at fair market value. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Rich Janssen, Natural Resources Department, requested approval of a revised organizational chart. The changes are: (1) The GIS and Water programs would be moved under the supervision of the Environmental Protection Division Manager instead of the department head; and (2) The creation of two wildlife biology trainee positions and a restoration botanist trainee position.

MOTION by Myrna DuMontier to go with the recommendations of the department head and approve the revised organizational chart for the Natural Resources Department. Seconded by Fred Matt. Carried, unanimous (8 present).

MOTION by Myrna DuMontier to approve the development of the two wildlife biology trainee positions and a restoration botanist trainee position. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Lester Bigcrane, Natural Resources Department; **David Landstrom**, Fish, Wildlife & Parks; **James Marsh**, Retired; and **Rich Kehr**, Retired District Ranger; met with council about entering into a partnership. The Montana Fish, Wildlife & Parks, along with local NGOs, are exploring ways to address shortage of public access points for recreation on Flathead Lake. **Len TwoTeeth** discussed the importance of keeping our boat stations in place. He wants a meeting with Tom McDonald to strategize so we are able to keep the inspection site open in Elmo.

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

Virgil Dupuis, Salish Kootenai College; and **Carme Byker Shanks**, Montana State University; gave an update on the three-year phase on Healthy and Sustainable Diets For All research project. The research is intended to improve selection and access to foods at the Food Distribution Center, Food Stamps, and Food Banks, and to provide nutritional education and healthy cooking information. The research includes a food utilization survey of the tribal programs. Poor diets are a leading risk factor of disease linked to obesity and malnutrition.

Rhonda Swaney and **Mary Price**, Legal Department, gave an update on the Smurfit Stone site. Based on the intervention by Senator Tester, the Environmental Protection Agency will analyze the fish tissue samples. This will provide some important data.

Rhonda Swaney and **Ryan Rusche**, Legal Department, provided a legislative update.

Francis Stanger, Tribal Member, discussed the Jette and Rocky Point areas. He is trying to keep the nontribal members out of there for hunting purposes. Tribal people use that area for hunting. Francis wants the Tribes to protect our reservation. He talked about clear cutting. We should have large trees everywhere. Francis is worried about the animals getting killed. He wants the tribal council to look at the map and get things straightened out. **Council** will follow up on Mr. Stanger's concerns. **Myrna DuMontier** commented that the tribal council had talked about having someone from the Culture Committee speak to Francis about his concerns.

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

Carole Lankford joined the meeting.

Len TwoTeeth left the meeting for the remainder of the day.

Leonard Gray presented for approval an extension to Thor Hoyte's judicial services contract to serve as an Attorney Associate Justice of the Appellate Court until June 30, 2019 or until the vacancy is filled, whichever occurs first. There was a delay in the vacancy being advertised due to the government shutdown.

MOTION by Shelly Fyant to approve by resolution an extension of Thor Hoyte's judicial services contract to serve as an Attorney Associate Justice of the Appellate Court until June 30, 2019 while the vacancy is being advertised. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting (Len TwoTeeth out of the room).

RESOLUTION 19-105

A RESOLUTION TO EXTEND AN ATTORNEY 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 extend the 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 Attorney Associate Justice of the Confederated Salish and Kootenai Tribes Court of Appeals providing services in accordance with the terms and conditions of the contract extension attached hereto.

Joe Durglo, Tribal Health Department, informed council that he is still editing the Pharmacy Policy. The policy will be reviewed by the Legal Department. Joe will also obtain clarification from the Legal Department whether an internal policy requires council approval or if the department head has the authority to approve the policies.

Joe Durglo, Tribal Health Department, informed council of the National Public Health Summit that will be held in Albuquerque, New Mexico May 13-15, 2019. The Tribes were offered a sponsorship to go, and Joe asked if council wanted to send a representative. The organization will pay for and prepare the travel. **Chairman Trahan** advised that Len TwoTeeth showed interest in attending the summit. **Council** did not object to sending Len to the summit.

Joe Durglo, Tribal Health Department, has been planning a Health Committee meeting for this Friday at 9:00 a.m. He wants to hold the meetings on the last Friday of each month. Joe wants to prepare the agenda and include some topics he wants addressed. The agenda topics so far are: there is a group who wants to talk to the committee about the pros and cons of accreditation; talk about the development of a Health Board, and Ordinance 83.

Joe Durglo, Tribal Health Department, requested to meet with council in **executive session** to discuss departmental/personnel matters. **Renee Joachim**, Personnel Department, joined the discussion.

Council reconvened into **regular session**.

MOTION by Carole Lankford to send the 26 complaints back to the department to handle immediately. Seconded by Dennis Clairmont. **MOTION NOT CARRIED**, 4 for (Carole Lankford, Dennis Clairmont, Leonard Gray, and Ron Trahan); 4 opposed (Charmel Gillin, Shelly Fyant, Fred Matt, and Myrna DuMontier).

Chairman Trahan left the room.

***Fred Matt**, for the record, “I was opposed because I didn’t think it was clear whether they were legitimate complaints, and I still don’t think it’s clear whether these are legitimate complaints.”*

***Charmel Gillin**, for the record, “I was understanding the council discussion on March 14 that we resolved that we were going to talk about the process and direction for those, and that meeting has not happened yet. That would help clarify things for us if we could have that meeting.”*

MOTION by Carole Lankford to waive policy and start Joe Durglo at Step Level 6 immediately, due to the fact that Joe has been in this 90-day wait period before. Seconded by Dennis Clairmont. Carried, 4 for (Carole Lankford, Dennis Clairmont, Leonard Gray, and Fred Matt); 3 opposed (Charmel Gillin, Myrna DuMontier and Shelly Fyant); 1 not voting (Ron Trahan out of the room).

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

Chairman Trahan left the meeting for the remainder of the day.

Travis Irvine, ID Studio, LLC, followed up on a complaint he had filed on February 12, 2019 regarding the Procurement Policy and the investigation findings by Dallas Abbot. He thought some of her responses were irrelevant. Travis wanted to know how to proceed, and he wants the tribal council to hold people accountable for not following policy. The Tribal Chairman had sent Mr. Irvine a letter stating that the department acted within its authority. **Renee Joachim**, Personnel Department, advised that the grievance process is only for tribal employees. **Leonard Gray** was willing to visit with Mr. Irvine privately about this matter, but this is a closed matter before the tribal council.

Shelly Fyant requested that the tribal council members be provided a copy of Travis Irvine’s complaint and response about the Procurement Policy and the Indian Preference Policy. **Renee Joachim** informed council that Travis Irvine had submitted a bid for the Fire Control building, but his bid was not within ten percent of the low bid. The Indian Preference Ordinance was followed.

Shelly Fyant informed council that she received information from Louie Pierre, Jr. regarding the expenses to get his daughter to safety in Kansas City. The cost

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for fuel, hotel and food was \$500. Louie paid a family member for helping his daughter. Shelly wanted to know if this would come out of the Tribal Education budget.

Council met in **executive session**.

Council reconvened into **regular session**.

Rick Eneas, Financial Management, met with council. **Shelly Fyant** informed him that the tribal council dealt with a matter regarding the Tribal Education students who were under our supervision and were left in Kansas City. The council discussed covering those expenses. Rick informed council that the grant funded the trip, and that cannot be used for this purpose. There should be enough money in the Tribal Education budget. He can work with the Tribal Education Department staff to get this paid. Rick will keep council updated.

MOTION by Shelly to authorize \$500 reimbursement to Louie Pierre, Jr. for expenses incurred. Seconded by Carole Lankford. Carried, unanimous (7 present).

Carole Lankford informed council of an issue regarding Flo Gering. In 2018, Flo applied to get her land in trust. Medicaid is ceasing her property that is not in trust to pay for her husband's medical bills. John Gering had contacted Carole to look into the process. John's mother put down \$5,000 to start the trust process. In December, the Tribal Lands Department told him the process was complete and was being sent to Portland. Then last week, Carole participated in a telephone call with Dan Decker, Carolee Wenderoth, and John Gering. John thought it was going the property was going into trust and that the property could not be ceased. Lands is only in the middle of the process and it is not near completion. Carolee was going to call John back that day and she still has not called him yet. They should have been advised on how long the process would take to put their land into trust status. They are now going to lose some of their property.

MOTION by Fred Matt to adjourn the meeting. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Council **adjourned** at 3:10 p.m., and is scheduled to meet again on Thursday, March 28, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary