

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

Volume 17 Number 26
Council Chambers, Pablo, MT

Held: February 2, 2017
Approved: February 14, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Patty Stevens; Dennis Clairmont; Shelly Fyant; Leonard Gray; and Ronald Trahan.

MEMBERS ABSENT: Carole Lankford (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Bill Kehoe, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:06 a.m. Quorum established. Leonard Gray will join the meeting later this morning.

The meeting was opened with a **prayer** by Shelly Fyant.

The **Tribal Council Meeting Minutes** for January 19, 2017 were presented for approval.

MOTION by Patty Stevens to approve the Tribal Council Meeting Minutes for January 19, 2017, with corrections. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Ron Trahan).

The **agenda** was presented for approval. The conflicts of interest were identified.

MOTION by Anita Matt to approve the agenda, with additions. Seconded by Ron Trahan. Carried, unanimous (8 present).

Patty Stevens wants to have a discussion on the murdered and missing indigenous women and bring back a possible resolution for council consideration.

John Carter, Legal Department, told council that he has enjoyed working for the Tribes and he gave the council members some tobacco from his farm in Kentucky.

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

Len TwoTeeth asked what the implications would be if we withdrew from Inter-Tribal Buffalo Council. **Ron Trahan** explained that the main implication would be funding to set up the infrastructure for our own herd. The Tribes can apply for \$70,000 per year. We have accessed that funding in the past to conduct a feasibility study. The discussion will continue when Leonard Gray is present. **Shelly Fyant** discussed food sovereignty. She would like to revisit the feasibility study and have Lands give another presentation on that study.

John Wheeler and **Dan Tromp**, Kicking Horse Job Corps Center; and **Martin Charlo**, Contracts & Grants; requested authorization to extend the following service contracts for three years (through February 28, 2020): Tracy Perez, Mental Health Consultant; Wendy Askan, TEAP Specialist; Reed Yeater, Center Physician; Ronan Eye Clinic; David Bull, Center Dentist; Sharon Reidy, Dental Hygienist; and Sonia Paul, Dental Assistant. The KHJCC will receive a five-year contract with a two-year funding guarantee from the Department of Labor.

MOTION by Shelly Fyant to approve a three-year contract extension with Tracy Perez to fill the Mental Health Consultant position at Kicking Horse Job Corps Center. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Dennis Clairmont).

MOTION by Len TwoTeeth to approve a three-year contract extension with Wendy Askan to fill the TEAP Specialist position at Kicking Horse Job Corps Center. Seconded by Anita Matt. Carried, unanimous (8 present).

MOTION by Anita Matt to approve a three-year contract extension with Reed Yeater to fill the Center Physician position at Kicking Horse Job Corps Center. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

MOTION by Dennis Clairmont to approve a three-year contract extension with the Ronan Eye Clinic to provide optical services at Kicking Horse Job Corps Center. Seconded by Troy Felsman. Carried, unanimous (8 present).

MOTION by Patty Stevens to approve a three-year contract extension with David Bull to fill the Center Dentist position at Kicking Horse Job Corps Center. Seconded by Troy Felsman. Carried, unanimous (8 present).

MOTION by Patty Stevens to approve a three-year contract extension with Sharon Reidy to fill the Dental Hygienist position at Kicking Horse Job Corps Center. Seconded by Troy Felsman. Carried, unanimous (8 present).

MOTION by Troy Felsman to approve a three-year contract extension with Sonia Paul to fill the Dental Assistant position at Kicking Horse Job Corps Center. Seconded by Anita Matt. Carried, unanimous (8 present).

John Wheeler and **Dan Tromp**, Kicking Horse Job Corps Center; and **Martin Charlo**, Contracts & Grants; requested approval of a revised organizational chart. Rick Clary will be moving into the Maintenance Supervisor position. Shawna Friedlander, Maintenance Technician, is related to Rick, so he cannot supervise her due to the Personnel Ordinance. Shawna will be moved under the supervision of Don Cline, CTT Coordinator. The Maintenance Supervisor vacancy was advertised three times and Rick has been the only qualified applicant.

MOTION by Anita Matt to approve the revised organizational chart for Kicking Horse Job Corps. Seconded by Patty Stevens. Carried, unanimous (8 present).

John Wheeler, Kicking Horse Job Corps Center, informed council that all the students are back now, so the award from the veterans can be scheduled. **Troy Felsman** provided the background information. On Veteran's Day the students had a meal and honoring for the veterans. The event was well received and the veterans were impressed. The veterans want to present a plaque to the students. Troy will contact Laurence Kenmille and the Honor Guard to get this presentation scheduled on the agenda.

Leonard Gray joined the meeting.

John Wheeler, Kicking Horse Job Corps Center, reported that the Department of Labor contract will be \$28.2 million for the five-year contract, which amounts to \$31,600 per student cost. The funding amount remains the same as years prior. The Center currently has 117 students and is contract for up to 177 students, so the Center can accommodate more students. If the Center had more students, the student year costs would be reduced.

Joe Durglo, Tribal Health Department, requested approval to hire Joel Johnson on a two-year employment contract to fill the Data/IT Division Manager position. The vacancy has been advertised five times, and there have been no qualified tribal member applicants. It is a classified position.

MOTION by Patty Stevens to approve the hire of Joel Johnson on a two-year employment contract to fill the Data/IT Division Manager position at the Tribal Health Department, due to no qualified tribal member applicants. Seconded by Leonard Gray. Carried, unanimous (9 present).

Joe Durglo, Tribal Health Department, requested approval to hire Derek Azure on a one-year employment contract to fill the Insurance Specialist position. The vacancy was advertised and there were no qualified tribal member applicants. The position is exempt from classification due to the licensure requirement and it is funded from the Montana Healthcare Funding Grant.

MOTION by Ron Trahan to approve the hire of Derek Azure on a one-year employment contract to fill the Insurance Specialist position at the Tribal Health Department, due to no qualified tribal member applicants. Seconded by Anita Matt. Carried, unanimous (9 present).

Joe Durglo, Tribal Health Department, requested approval to pay a \$4,000 invoice from Kathy Phipps for training she provided to the Dental Prevention program. Tribal Health had no contract in place for this service, so council action is required in order to pay this invoice. **No action taken.** Council directed that the appropriate staff from the THD Dental Program be present for this discussion and provide an explanation of why a contract was not in place.

Joe Durglo, Tribal Health Department, requested approval of a noncompetitive contract with Douglas, Sheets & Stremcha, CPAs, LLC, in the amount of \$2,500 to prepare the FQHC Medicare Cost Report. There is a limited pool of people that perform this function. There are no organizations locally that perform this type of report. The report is required to remain in good standing with CMS. **Council** reaffirmed that the procurement policy must be followed and competitive bids need to be obtained for services. There are other avenues available to seek services other than just local advertising in the newspapers. **Shelly Fyant** wants to know why the THD staff is not capable of compiling this report. **Joe Durglo** explained that the RPMS system is complex to generate reports. With the new software THD got, the staff can compile the reports in the future, once the transition to the new system is completed.

MOTION by Ron Trahan to approve a noncompetitive contract with Douglas, Sheets & Stremcha, CPAs, LLC, in the amount of \$2,500 to prepare the FQHC Medicare Cost Report. Seconded by Patty Stevens. Carried, unanimous (9 present).

Joe Durglo, Tribal Health Department, extended an invitation to council to participate in the Go Red event on February 10th, from 9:00 a.m. to 3:00 p.m., at the St. Ignatius Fitness Center. The opening is at 11:00 a.m., and he requested that a council member provide the welcoming remarks. **Patty Stevens** offered to do the remarks. She said this is the second year of this event. There will be a fashion show. Sewing nights are set up in Elmo, Pablo and St. Ignatius, and the Tribal Health Department provided the materials to make dresses.

Anita Matt out of the room, due to a conflict of interest.

Joe Durglo and **James Matt**, Tribal Health Department, requested approval to hire Lakota Matt on a 90-day temporary employment agreement to fill the Security Officer position. Lakota has been working through the subsidized employment programs for a year and can no longer utilize those programs. At some point the position will be advertised, but for the time being THD wants to hire Lakota on a TEA. **Patty Stevens** commented that our programs conflict with our hiring policy. Some of our employment programs offer employment to nontribal members with the intent of permanent employment, but it goes against our hiring policy.

MOTION by Shelly Fyant to approve the hire of Lakota Matt on a 90-day temporary employment agreement to fill the Security Officer position at the Tribal Health Department. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Anita Matt out of the room).

Anita Matt returned to the meeting.

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

Council **recessed** the regular meeting at 10:45 a.m. to conduct an S&K Electronics shareholder meeting.

Council **reconvened** into the regular meeting at 11:33 a.m.

Rhonda Swaney and **Mary Price**, Legal Department, requested approval of a letter to the Bureau of Reclamation supporting the DNRC's application for the water smart grant.

MOTION by Len TwoTeeth to approve the letter to the Bureau of Reclamation supporting the DNRC's application for the water smart grant. Seconded by Troy Felsman. Carried, unanimous (9 present).

Anita Matt reported that at her district meeting Jerry Hamel brought up an issue regarding contamination in the Clark Fork. **Mary Price** explained that the entire Upper Clark Fork River Basin is a superfund site.

Rhonda Swaney, **Mary Price**, **Daniel J. Decker**, and **John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Rob McDonald**, Communications, was present for discussion.

Council reconvened into **regular session**.

MOTION by Dennis Clairmont to approve a letter supporting Pat

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Connelly, Senator of Hamilton, to be appointed as the Assistant Secretary for Land and Minerals. Seconded by Leonard Gray. Carried, unanimous (9 present).

Patty Stevens announced that Dr. RuthAnn Swaney is working with the Missoula Mayor for an event for the murdered and missing indigenous women on February 13. RuthAnn wants to know if it's something the Tribe would be willing to do. Patty wants the wording submitted for the proclamation and then have the Legal Department prepare a resolution for it next week. **Rhonda Swaney** advised that Ryan Rusche is working on it.

Rhonda Swaney, Legal Department, requested to meet with council in **executive session** to discuss a personnel matter. **Mary Price**, **Daniel J. Decker** and **John Harrison**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to allow for the leave sharing for Shawne Spotted Eagle, but under the stipulation that the probationary period remains in place, at the request of the department head. Seconded by Troy Felsman. Carried, 5 for (Len TwoTeeth, Troy Felsman, Dennis Clairmont, Shelly Fyant, and Anita Matt); 3 opposed (Vernon Finley, Ron Trahan and Leonard Gray); 1 abstention (Patty Stevens).

Len TwoTeeth discussed the Tribal Leaders meeting in Helena and the resolution to submit to the legislature to acknowledge the agreement with ITBC to ship buffalo, support treaty rights, to take animals as the MPS makes available, and continued support of the quarantined program. We've had issues with their processes in the past and the tribal council needs to know what the implications are if we choose to get out of the organization. **John Harrison**, Legal Department, advised that legally the tribal council has the authority to withdraw. It's a policy matter. It is an interesting development and a bigger discussion needs to take place on the pros and cons of withdrawing. The bison staff will be coming in within the next few weeks, and discussion will continue at that time. **Leonard Gray** reported that Majel went to NCAI and got a similar resolution.

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

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

Naida Lefthand and **Bryan Brazil**, Kicking Horse Job Corps Center, had students introduce themselves to the council. The students discussed the opportunities that KHJCC provides.

Winona Tanner, Tribal Court; and **Melanie Piedalue**, Personnel Department; requested authorization to hire a nonmember to fill the Bailiff position on a two-year employment contract. The vacancy was advertised and there were no qualified tribal member applicants. It is an important position and training will be required.

MOTION by Patty Stevens to approve the hire of a nontribal member to fill the Bailiff position on a two-year employment contract, due to no qualified tribal member applicants. Seconded by Leonard Gray. Carried, unanimous (8 present).

Kelly Whitworth, Department of Human Resources Development, requested a modification to Jay Skellenger's contract for an additional \$3,000 to provide snowplowing services. **Len TwoTeeth** received concerns from tribal members that the snowplowers are billing for plowing but some people are not getting plowed. Council also needs the phone numbers for the snowplowers. Kelly told council that these are concerns that Renee Pierre would need to address.

MOTION by Troy Felsman to approve the modification to Jay Skellenger's contract for an additional \$3,000 to provide snowplowing services. Seconded by Shelly Fyant. Carried, 7 for; 1 abstention (Ron Trahan).

Leonard Gray reported that a tribal member from Camas Prairie needed to be plowed out and was told that it would be done last night, and he wanted to know if it happened. **Shelly Fyant** has had the same issue in Arlee. Kelly Whitworth said she would have to ask Renee Pierre. **Council** requested that Renee check in with council on snowplowing issues.

Kelly Whitworth, Department of Human Resources Development, requested approval to enter into an employment agreement with Carla Torosian to fill the TANF Family Intervention Advocate position. The vacancy was not advertised because the department has had difficulty getting any applicants for positions in Social Services. **No action taken.** Council directed that the program follow policy and advertise the vacancy.

Kelly Whitworth, Department of Human Resources Development, requested approval to add a Child Support Enforcement Trainee position. No additional funding would be requested for this position; it would be funded through the Work Experience Program.

MOTION by Patty Stevens to approve the addition of a Child Support Enforcement Trainee position. Seconded by Ron Trahan. Carried, unanimous (8 present).

Mike Durglo, Natural Resources Department, requested approval of a revised

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organizational chart. A Wetlands Coordinator position was added. The Wetlands Coordinator would be moved under the supervision of the Nonpoint Source Program Manager and the Water Quality Regulatory Specialist position would be moved under the supervision of the Water Quality Program Manager. There are no budgetary impacts.

MOTION by Troy Felsman to approve the revised organizational chart for the Natural Resources Department. Seconded by Anita Matt. Carried, unanimous (8 present).

Mike Durglo wants to have a discussion on the future of his division, which is funded through EPA. Mike is the chairman of the Regional Operations Committee and he invited the tribal leadership to the committee meeting March 21 – 23 in Denver for an in-depth discussion with EPA. An official invitation will be sent out. **Council** told him to coordinate with Jennifer and schedule time after the chairman’s meeting for the discussion.

Paula Webster and **Mike Durglo**, Natural Resources Department, requested a letter of support for the Blackfeet Tribe to apply for grant funding from the BIA for funding to offset the costs for K-9 units to detect invasive mussels.

MOTION by Troy Felsman to approve a letter of support for the Blackfeet Tribe to apply for grant funding from the BIA for funding to offset the costs for K-9 units to detect invasive mussels. Seconded by Anita Matt. Carried, unanimous (8 present).

Mike Durglo, Natural Resources Department, reported that the Tribes will operate the check stations from March 1 to April 15. It costs \$49,000 for the first year for the K-9 unit, and about \$8,000 per year after that for the certification costs.

Paula Webster, Natural Resources Department, requested authorization to purchase a new snowmobile for the Water Management program.

MOTION by Leonard Gray to approve the purchase of a new snowmobile for the Water Management program. Seconded by Troy Felsman. Carried, unanimous (8 present).

Seth Makepeace, Natural Resources Department, informed council that two new snowmobiles are needed. The snowmobiles are at least ten years old.

MOTION by Leonard Gray to modify the motion and authorize the purchase of two new snowmobiles for the Water Management program. Seconded by Troy Felsman. Carried, unanimous (7 present).

Patty Stevens left the meeting for the remainder of the day to attend a Critical Incident Stress Debriefing at the Tribal Health Department from 3:00 p.m. to 5:00 p.m.

Melanie Piedalue, Personnel Department, requested clarification of the action council took regarding leave sharing for Shawne Spotted Eagle. Melanie asked if the action is effective today or as of the doctor's note of January 23, 2017. **Council** referred the question to the department head for a determination of the effective date.

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

Mike Tryon, Salish Kootenai College, showed council a video of a digital story of Growing Strong Generations on healthy eating.

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

Council **adjourned** at 3:06 p.m., and is scheduled to meet again on Tuesday, February 7, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary