

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

Volume 17 Number 47  
Council Chambers, Pablo, MT

Held: May 11, 2017  
Approved: May 18, 2017

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

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

The meeting was called to **order** at 9:09 a.m. Quorum established. **Chairman Finley** and **Ron Trahan** will join the meeting later this morning.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for May 2, 2017 were presented for approval. **Troy Felsman** informed council that he gave a presentation to the Salish Elders about the enrollment DNA policy. The first avuncular test was conducted for enrollment purposes and the results are pending. **Len TwoTeeth** will give a presentation to the Kootenai Elders.

**MOTION** by Dennis Clairmont to approve the Tribal Council Meeting Minutes for May 2, 2017, with corrections. Seconded by Shelly Fyant. Carried, unanimous (8 present).

The **agenda** was presented for approval. No conflicts of interest were identified.

**MOTION** by Leonard Gray to approve the agenda, with additions. Seconded by Patty Stevens. Carried, unanimous (8 present).

**Len TwoTeeth** informed council that Nancy Schall handed out a list of the boards that tribal council serves on. He wants to discuss which boards are effective. The tribal council's travel list for May, June and July is included in the council packet. Travel plans need to be submitted to Jennifer so the council agenda can be planned.

**Alberta Bertsch**, Enrollment Office, requested that Resolution 17-128 be

rescinded due to the wrong enrollment number; and requested approval of a revised resolution approving the correction of an administrative error in the blood quantum of Arthur James Barber and his descendants.

**MOTION** by Carole Lankford to rescind Resolution No. 17-128 and approve by resolution the correction of an administrative error in the blood quantum of Arthur James Barber and his descendants. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 17-132**

**AUTHORIZING THE CORRECTION OF AN ADMINISTRATIVE ERROR IN THE BLOOD QUANTUM OF ARTHUR JAMES BARBER (203) UO2518 AND THEIR DESCENDANTS**

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

**WHEREAS**, an administrative error was made in the determination of Arthur James Barber (203) UO2518 blood quantum. His father's BQ was not counted in his BQ. His full siblings have the correct amount of 9/16;

**WHEREAS**, the Confederated Salish and Kootenai Tribes until November 23, 1953, utilized all Indian blood in enrolling members who met the eligibility requirements; and

**WHEREAS**, documentation from the Confederated Salish and Kootenai Tribes shows he has the same parents as his siblings who are listed as 9/16;  
**THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes hereby authorizes the correction of an administrative error in the blood quantum of Arthur James Barber (203) UO2518 from 3/8 to 9/16, and to reflect that change on their descendants' blood quantum;

**BE IT FINALLY BE RESOLVED**, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

**Len TwoTeeth** discussed the elders meeting yesterday. The center has not had a sound system for the past three months and many constituents cannot hear. Abby had been directed to follow up on getting sound there. Len wants it addressed. The elders want to continue having their meetings throughout the year; there are issues they are not being informed on. Abby informed council that Devin Jackson rented equipment for Wednesday's elders meeting. Once

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Devin made contact with the KCC staff he was told they had mics and that the system was working.

**MOTION** by Patty Stevens to direct the Kootenai Culture Committee Director to appear before the tribal council to discuss issues. Seconded by Troy Felsman. Carried, 7 for; 1 abstention (Carole Lankford).

**Len TwoTeeth** discussed the Liaison for the Kootenai National Forest. The community wants the status of this position. The KNF and CSKT cost shares the position. **Patty Stevens** wanted to know the relevance of this job; it has been vacant for a long time. **Council** will have a discussion at the chairman's meeting. **Shelly Fyant** wants the Forest Service and Kootenai Culture Committee to meet with the tribal council about this. **Wilbert Michel** commented that when they discuss Kootenai Falls and Lake Koocanusa, the culture committee wants an elder and a young adult there so we won't lose our cultural sites.

**Troy Felsman** gave an update on yesterday's meeting with the governor. The legislature removing \$200,000 for the water compact implementation was discussed. They are going to make do with the funding they have and feel they can figure out how to keep the implementation in place. Vernon had brought up his displeasure that they funded the Jennifer Fielder lawsuit but they did not fund Two Eagle River School or the Cheyenne School. Governor Bullock said it was bundled within a larger item where there was no mechanism to veto it from the taxpayer expense. The governor is in favor of signing the bill for Public Law 280. It gives the Tribes the discretion to decide whether to move forward with retrocession. **Shelly Fyant** discussed invasive species. The meeting went well but then they changed their mind and said they would testify against the bill. Mike Valinsky treated tribal staff rudely.

**Carole Lankford, Patty Stevens** and **Shelly Fyant** will participate in the Special Olympics Torch Run. Carole requested that the Tribes make a \$300 donation since they each need to contribute \$100 to participate.

**MOTION** by Carole Lankford to authorize a \$300 donation to the Special Olympics Torch Run. Seconded by Patty Stevens. Carried, unanimous (8 present).

**Rob McDonald**, Communications, presented a request from Erica Shelby, Get Out The Vote Coordinator, for employees to be granted a one-hour change of duty to vote in the congressional special election on May 25, 2017.

**MOTION** by Patty Stevens to grant tribal employees a change of duty, with supervisor approval, of one hour to register to vote and one hour to vote in the congressional special election on May 25, 2017. Seconded by

Carole Lankford. Carried, unanimous (8 present).

**Patty Stevens** informed council that Nancy Keenan contacted her and asked her to run for the executive board for the Democratic Party. Patty is too busy, but if anyone is interested in it they should contact Nancy Keenan. **Shelly Fyant** wants to encourage our tribal members to run for public office.

**Melanie Piedalue**, Personnel Department, presented for approval Amendment 20 to Ordinance 69C. The amendment allows employees to use their banked sick leave for an extended illness instead of PTO; and allows employees to be on leave sharing for a period of up to two weeks for bereavement reasons.

**Ron Trahan** joined the meeting.

**MOTION** by Troy Felsman to approve Amendment 20 to Ordinance 69C. Seconded by Leonard Gray. **MOTION AND SECOND WITHDRAWN.**

**MOTION** by Troy Felsman to cover the person in question and approve the requests on a case-by-case basis in allowing employees to use banked sick leave. Seconded by Carole Lankford. Carried, 7 for; 0 opposed; 2 abstentions (Ron Trahan and Dennis Clairmont).

**Council** discussed the bereavement leave amendment which would allow employees to be eligible for leave sharing for up to two weeks for additional bereavement leave. Employees would need to be eligible for bereavement leave to be eligible for the bereavement leave sharing and would be required to first use all of their PTO before being eligible for leave sharing.

**MOTION** by Patty Stevens to approve Amendment 20 to Ordinance 69C to change the bereavement leave sharing policy. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 1 abstention (Ron Trahan); 1 not voting (Troy Felsman out of the room).

## **ORDINANCE 69C, AMENDMENT 20**

**BE IT ENACTED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES**, that the Personnel Laws of the Tribal Government of the Confederated Salish and Kootenai Tribes, Tribal Ordinance 69C, as amended, is further amended, as follows.

### **Amendment to CHAPTER 6. EMPLOYEE BENEFITS**

Chapter 6, Part 13 is amended to read as follows:

Part 13. Leave Sharing.

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a. An employee may be eligible to receive no more than 60 days of leave sharing in any calendar year.

b. To be eligible to receive contributions of leave time an employee must be:

1. An employee covered under this Ordinance; or
2. A contract employee whose contract specifically states they are entitled to leave sharing, and
3. An employee who has been approved for leave sharing and has used all their paid time off; and
4. An employee who has a signed certification by a doctor attesting to serious medical condition afflicting the employee or members of the employee's immediate family, defined as:
  - (a) an illness, injury, impairment, or physical or mental condition that involves either overnight inpatient care in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider for three or more consecutive days;
  - (b) any period of incapacity, meaning confined to bed, because of pregnancy or pre-natal care; or
  - (c) any period of incapacity of three or more days because of a chronic serious condition, such as bronchitis, pneumonia or influenza.
5. Any employee age sixty-five or older with an age-related medical condition which requires medical treatment as stated by a doctor may request to be a leave recipient.
6. Any employee who is eligible for worker's compensation benefits is not eligible for leave sharing.
7. Any employee who has exhausted their Paid Time Off and has used the allotted time allowed for bereavement leave, may be eligible for leave sharing for an additional two (2) weeks.

c. To apply for leave sharing an applicant must:

1. Submit a completed doctor's statement that justifies eligibility for leave sharing to the Personnel Department no later than 5:30 p.m. on the second Tuesday of the pay period in which the applicant wants leave sharing to commence.

2. Employers will be requested by the Personnel Department to submit a Personnel Action Form once medical documentation is received from the employee.

3. After all required documentation is provided, and the Personnel Department Head has made a determination to grant or deny leave sharing, the employer and employee will be notified.

4. A recipient of leave sharing must submit a doctor's release to work certification prior to returning to work.

d. Employees who wish to contribute leave may do so on an hour-for-hour basis and must be:

1. Covered under this Ordinance; or

2. A contract employee whose contract specifically states that they are entitled to accrue leave time.

e. Donors cannot donate hours which would decrease their paid time off balance below 40 hours. Donors will complete the donor's form and submit it to the Personnel Department no later than 5:30 p.m. on the second Tuesday of the pay period within which the donation is to take effect.

**Chairman Finley** joined the meeting.

\*\*\*\*\* **Break** \*\*\*\*\*

**Lesa Evars**, Tribal Relations Director; **Mary Dalton**, State Medicaid Director; **Sheila Hogan**, DPHHS Director; and **Laura Smith**, DPHHS Deputy Director; discussed the Department of Public Health & Human Services organizational structure; Medicaid eligibility and expansion; House Bill 118; the suicide epidemic; Medicaid overview and training for tribal staff on May 17; Medicaid tribal consultation on June 7 in Helena; tribal waivers; the American Indian Youth Suicide Prevention Initiative and the Office of American Indian Health; and Medicaid payments made to the Tribes. A Tribal Leaders Council Member will be appointed to the interview panel to fill the Office of American Indian Health Director vacancy. The recruitment process will begin within the next couple of months. Shelly Fyant discussed health disparity. She wants to focus

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on nutrition and exercise to prevent disparities. Shelly wants to know what's been accomplished and the initiatives the office is going to pursue. The DPHHS is going to start over. There have not been many deliverables since the Office of American Indian Health has been in place. Experts will be pulled together from the department to work through issues in a formal manner and become a resource to the office. Sheila will chair those meetings and hold quarterly meetings. The Governor signed an executive order which clearly outlines what needs to be done in that office. If the Tribes operate at Tier 3 for a full year the Tribes would potentially receive a check in the amount of \$12,698,953.92 for billable services.

\*\*\*\*\* **Break** \*\*\*\*\*

**Leroy Little Bear** and **Amethyst First Rider** discussed a buffalo treaty. As of last year, there have been 40-50 first nations that have signed the treaty and it has had a great impact. The second anniversary ceremony took place last year in Banff. Four resolutions were passed at that ceremony dealing with: 1) a quarantine program at Yellowstone National Park; 2) Badger Two Medicine by Blackfeet Reservation; 3) National Bison Range management turned over to CSKT; and 4) classifying buffalo as wild as opposed to domestic and the Province of Alberta to establish reserves for controlled herds of bison. Leroy is working with a work group on the establishment of a transboundary corridor outside the national park timber reserve. A study will be conducted this summer to see how favorable it will be for buffalo. He hopes to have transboundary buffalo flowing back and forth and parks with buffalo in the corridor. Leroy asked the CSKT to host the third anniversary event at the KwaTaqNuk Resort. Buffalo Treaty Day was a happy day. **Council** agreed to host the Third Annual Buffalo Treaty Day.

\*\*\*\*\* **Break** \*\*\*\*\*

**Arlene Templer**, Department of Human Resources Development; **Clayton Matt**, Tribal Services; **Rhonda Swaney**, Legal Department; and **Melanie Piedalue**, Personnel Department; met with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

**Christina Ellsworth**, Drug Court Coordinator, introduced herself to council. She was hired as the coordinator for the Lake County Drug Court. Christina thanked the Tribes for the donation of a computer.

**Rhonda Swaney**, Legal Department; and **Melanie Piedalue**, Personnel Department; met with council in **executive session** to discuss personnel matters.

**Carole Lankford** left the meeting for the remainder of the day.

Council reconvened into **regular session**.

**MOTION** by Leonard Gray to go with option one and interview the two candidates for the Associate Judge vacancy. Seconded by Anita Matt. Carried, 5 for (Shelly Fyant, Troy Felsman, Leonard Gray, Anita Matt, and Ron Trahan); 4 opposed (Len TwoTeeth, Patty Stevens, Dennis Clairmont, and Vernon Finley).

***Patty Stevens**, for the record, "I voted no because I didn't like either option."*

***Dennis Clairmont**, for the record, "I voted no because I felt there should be a larger candidate pool to choose from for a position of this importance and open it to qualified nonmembers if not enough qualified tribal members apply. This position makes decisions that affect people's lives and we have a responsibility to fill it with the best qualified person possible."*

***Leonard Gray**, for the record, "Maybe it is time we look at increasing the qualifications of the judge positions and at least have an attorney as a civil judge, but as funds tighten it is difficult to expand."*

**Council** discussed the Information Technologies Department Head position. An employee was transferred into that position and last time the position was vacant it was interviewed and appointed by the tribal council. **Melanie Piedalue** explained that the IT position is a program manager; not a department head position. **Rhonda Swaney** suggested that tribal council direct the Personnel Department to bring in personnel management training.

**Patty Stevens** gave an update on the River Honoring. It was a great event and was well attended.

**MOTION** by Ron Trahan to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (9 present).

Council **adjourned** at 3:14 p.m., and is scheduled to meet again on Tuesday, May 16, 2017, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary