

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

Volume 17 Number 57
Council Chambers, Pablo, MT

Held: June 22, 2017
Approved: July 6, 2017

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

MEMBERS ABSENT: Leonard Gray (Personal Time Off).

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

The meeting was called to **order** at 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman Finley.

The **Tribal Council Meeting Minutes** for June 13, 2017 were presented for approval.

MOTION by Patty Stevens to approve the Tribal Council Meeting Minutes for June 13, 2017, with corrections. Seconded by Shelly Fyant. Carried, 7 for; 2 abstentions (Dennis Clairmont and Anita Matt).

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

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Patty Stevens. Carried, unanimous (9 present).

Frank Pierre, Tribal Member, discussed issues regarding his mother and payment of her glasses from the Rocky Mountain Eye Clinic. He does not like the way his mother was treated. Frank stated that his mother has not received any letter and would like to receive the letter that is in question for approval for his mother's glasses. The physician gave her the wrong prescription and the glasses gave his mother headaches. Frank requested that the tribal council send his mother a letter letting her know how much she means to the Tribes. **Shelly Fyant** has been working on this issue for the past four weeks. She wants to know what the duties of the Elders Advocate is and what services this position provides to the elders. Our elders should not be treated this way.

Troy Felsman explained that there have been some discrepancies with the billing invoices from the providers and Tribal Health is working through that. There is no circumstance in which the membership should be on a cash only basis for glasses.

Ann Sherwood, Tribal Defenders Department; **Nikki Borchardt Campbell** and **Gina Jackson**, National American Indian Court Judges Association; and **“Osa” Asia Carlson**, Judge Manley’s Law Clerk; provided an overview of the services provided by the NAICJA to improve court systems. They highlighted the good work done by the Tribal Defenders Office and its holistic program in the justice system. The Sentencing Commission made recommendations to the legislature that made positive effects on Native Americans. A task group will be appointed to look at that. A statute was passed that requires the State to offer a program to be modeled after the Tribal Defender’s Reentry Program. Asia gave an update on the Drug Court that was implemented last month. There are currently four participants. Working with the Tribes will make this a big success and hopefully the Drug Court will help our community. She thanked the Tribes for donating a computer to the Drug Court coordinator. The Drug Court is an 18-month program. The program provides rewards and incentives to its participants when they are successful.

Wilbert Michel, Tribal Member, informed council that his grandson participated in the Youth Camp at Elmo and none of the children had any eye protection. Leslie had told Wilbert that he submitted a PO for it but never heard back. Wilbert wants someone to get a head count and purchase eye protection for those children by next Monday. The camp is sponsored by Tribal Health. **Council** directed Joe Durglo to look into this matter.

Joe Durglo, Tribal Health Department, requested to meet with council in **executive session** to discuss health issues.

Council reconvened into **regular session**.

Ron Swaney and **Chris McCrea**, Fire Control; and **Melanie Piedalue**, Tribal Personnel Department; requested permission to hire nontribal members to fill the Type 2 Initial Attack Crew positions. The vacancies were advertised twice and there were no or few enrolled CSKT members who qualified. An explanation was given on the reason why the one tribal member applicant was not selected for a position. The hiring preference was followed and 10 tribal members were hired on the crew.

MOTION by Patty Stevens to approve the hire of Rodney Goss to fill the CSKT Type 2 Initial Attack Crew Assistant Foreman position on a two-year contract, due to no qualified tribal member applicants. Seconded by Troy Felsman. Carried, unanimous (9 present).

MOTION by Shelly Fyant to approve the hire of Caleb Moore to fill the CSKT Type 2 Initial Attack Squad Leader position on a two-year contract, due to no qualified tribal member applicants. Seconded by Anita Matt. Carried, unanimous (9 present).

MOTION by Anita Matt to approve the hire of Jeffery St. Goddard to fill the CSKT Type 2 Initial Attack Senior Firefighter position on a two-year contract, due to no qualified tribal member applicants. Seconded by Shelly Fyant. Carried, unanimous (9 present).

MOTION by Patty Stevens to approve the hire of Sam Peel to fill the CSKT Type 2 Initial Attack Crew Member position on a two-year contract, due to no qualified tribal member applicants. Seconded by Shelly Fyant. Carried, unanimous (9 present).

MOTION by Anita Matt to move Lydell Shepherd to the Type 2 Initial Attack Squad Leader position. Seconded by Shelly Fyant. Carried, unanimous (9 present).

MOTION by Shelly Fyant to move Kyler Rutz to the Type 2 Initial Attack Squad Leader position. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

MOTION by Patty Stevens to approve the hire of Craig Reece, Jr. to fill the Type 2 Initial Attack Senior Firefighter position on a two-year contract, due to no qualified tribal member applicants. Seconded by Troy Felsman. Carried, unanimous (9 present).

John Neiss, Tribal Maintenance Department, requested approval of a bid from Home Floor Covering, Inc., a Tribal Preference vendor, to finish up the pavilion with outdoor carpet in time for the Elmo Pow Wow.

MOTION by Patty Stevens to accept the single Indian Preference bid from Home Floor Covering, Inc., for outdoor carpet in the amount of \$34,727.78 for the Elmo Pow Wow Grounds. Seconded by Anita Matt. Carried, unanimous (9 present).

John Neiss, Tribal Maintenance Department, requested approval of a 30-day extension for Straight Arrow Construction to complete the roof at the Polson Senior Center. All other terms of the contract remain the same.

MOTION by Troy Felsman to approve a 30-day extension for Straight Arrow Construction to complete the roof at the Polson Senior Center. Seconded by Anita Matt. Carried, unanimous (9 present).

Anita Matt requested that the Eagle Circle be cleaned up and the lights checked on before the Veterans' event on July 7, 2017. **John Neiss** will follow up. **Dennis Clairmont** had a request to replace the small stones. John looked into that and is open for any suggestions.

Chairman Finley reported that he could smell propane in the kitchen in Elmo. **John Neiss** will follow up.

Carolee Wenderoth, Tribal Lands Department, presented a request from Jerry Hamel for a 30-day revocable permit to graze Tract 4367. Tract 4367 is a 3.31-acre tract in Dixon. The subject tract is surrounded by a trailer and with vegetation growing, can become a fire hazard for surrounding structures. Jerry Hamel leases the property contiguous to subject tract. Mr. Hamel requested that he repair the fence of that tract in lieu of any monetary compensation.

MOTION by Patty Stevens to grant Jerry Hamel a 30-day revocable permit to graze Tract 4367 and require Mr. Hamel to repair the fence in lieu of a monetary payment. Seconded by Anita Matt. Carried, unanimous (9 present).

Carolee Wenderoth, Tribal Lands Department, requested a letter of disinterest for Laurell Charette, Roberta Jore and William Mitchell for Flathead Tract No. 4432, containing .63 acres, located off Red Horn Road in the St. Ignatius area. They want to place this property in fee status so it can be sold on the open market.

MOTION by Shelly Fyant to approve a letter of disinterest in Flathead Tract No. 4432, containing .63 acres, which would allow Laurell, Roberta and William to gift deed to fee. Seconded by Troy Felsman. Carried, 7 for; 2 abstentions (Patty Stevens and Ron Trahan).

Carolee Wenderoth, Tribal Lands Department, requested approval of a service contract with Smith Paving for installation of the water/sewer mainline, Mission Valley Power lines and telephone lines for the Clairmont Road/Grizzly Bear Homesite Subdivision in Pablo. Tribal Lands advertised a request for proposal to solicit companies for the installation of utility lines accommodating the Clairmont Road/Grizzly Bear Homesite Subdivision. Only one proposal was received, which was from Smith Paving. Smith Paving is on the Indian Preference list. **Anita Matt** wanted to know if the monies go back in to the general funds. Carolee explained that they are Conservation Steward Program funds. The project as a whole is on hold at this point. The Lands staff is mapping out how many idle homesites are available. Lands is also researching on what spearheaded this specific project.

MOTION by Len Twoteeth to approve option two: not to approve a

contract with Smith Paving to complete utility installation for the subdivision. Seconded by Troy Felsman. Carried, unanimous (9 present).

Carolee Wenderoth, Tribal Lands Department, requested approval of a resolution approving the purchase of fee land located in Sanders County, Montana. Kathy Winkel and Linda Mae Herbert have offered to sell their all right, title and interest in Lot 6 and Lot 7 of Block 28 of Pineville Second Survey to the town site of Hot Springs. The funds are coming from the Tribal Health Department. The property will be used for a clinic in Hot Springs.

MOTION by Ron Trahan to approve the resolution authorizing the purchase of fee land from Kathy Winkel and Linda Mae Herbert located in Sanders County, Montana. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 2 abstentions (Vernon Finley and Carole Lankford).

RESOLUTION 17-155

RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND LOCATED IN SANDERS COUNTY, MONTANA

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

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of June 18, 1934 (48 Stat. 984); and the Act of July 18, 1968 (PL90-402);

WHEREAS, Kathy Winkel and Linda Mae Herbert, as tenants in common have offered to sell their all right, title and interest in Lot 6 and Lot 7 of Block 28 of Pineville Second Survey to the Townsite of Hot Springs, Sanders County, Montana, according to the map or plat thereof on file in the office of the Clerk and Recorder of Sanders County, Montana, of Section 4, Township 21 North, Range 24 West, P.M.M., Sanders County, Montana, containing 0.16 acre, more or less;

WHEREAS, Kathy Winkel and Linda Mae Herbert, as tenants in common and the Confederated Salish and Kootenai Tribes have accepted the negotiated value; and

NOW THEREFORE, BE IT RESOLVED, that the above-described property be purchased from Kathy Winkel and Linda Mae Herbert, as tenants in common and that the Bureau of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat. 984), transfer title to the property to the U.S.A. in trust for the Confederated Salish and Kootenai Tribes.

BE IT FURTHER RESOLVED, that the Chairman of the Tribal Council, or his

delegated representative is authorized to execute the transactional documents necessary to complete the land conveyance for Real Property situated in Sanders County, Montana.

Rich Janssen and **Germaine White**, Natural Resources Department; and **Melanie Piedalue** and **Shelley Grenier**, Personnel Department; requested to meet with council in **executive session** to discuss personnel issues.

Council reconvened into **regular session**.

MOTION by Troy Felsman to approve the hire of Eric Hanson to fill the Aquatic Invasive Species Coordinator position under a three-year contract. Seconded by Shelly Fyant. Carried, unanimous (9 present).

MOTION by Patty Stevens to add the Aquatic Invasive Species Coordinator Technician position to the Natural Resources Department organizational chart. Seconded by Ron Trahan. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; and **Melanie Piedalue** and **Shelley Grenier**, Personnel Department; requested approval to hire a nontribal member to fill the Safety of Dams/Roads Program Manager under a five-year contract. There has been a significant amount of difficulty getting applicants to apply for this position. The vacancy has been advertised since last fall.

MOTION by Carole Lankford to approve the hire of Greg Wilson to fill the SOD/Roads Program Manager position under a five-year contract, due to no qualified tribal member applicants. Seconded by Shelly Fyant. Carried, unanimous (8 present – Chairman Finley out of the room).

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

Rhonda Swaney, Legal Department; and **Vern Clairmont**, Financial Management; discussed the Election Rules and Schedule for the upcoming tribal council election. Elections are governed by the constitution. The Election Board for this next election will be Anita Matt, Dennis Clairmont, Troy Felsman, Leonard Gray, and Ron Trahan. Council will need to take action to replace the incumbent council member if there is a conflict of interest or that council member wishes not to serve on the Election Board. Council has received requests to add some at-large community members to serve on the Election Board. The Election Board selects the Election Judges. **Council** will hold further discussion when full council is present.

Patty Stevens left the meeting for the remainder of the day.

Shelly Fyant left the meeting for the remainder of the day due to a family emergency.

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

Casey Lozar, Bob Gauthier and **Bud Moran**, S&K Technologies Board of Directors, requested to meet with council in **executive session** to discuss corporate issues.

Bob Gauthier met with council in **executive session**.

Council reconvened into **regular session**.

Kevin Askan, Tribal Preservation Department, requested to hire Jalen Bell for a period of six weeks for a short-term partnership with Salish Kootenai College to help preservation students get field experience credits.

MOTION by Anita Matt to approve the hire of Jalen Bell for a period of six weeks for a short-term partnership with Salish Kootenai College to help preservation students get field experience credits. Seconded by Ron Trahan. Carried, unanimous (7 present).

Kelly Parker, Department of Human Resources Development, requested approval of a resolution for the development of a CSKT Court Appointed Special Advocates (CASA) Program.

MOTION by Troy Felsman to approve the resolution supporting the development of a CSKT Court Appointed Special Advocate Program. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-152

RESOLUTION SUPPORTING THE DEVELOPMENT OF A CSKT CASA PROGRAM INCLUDING ESTABLISHING CHILD ABUSE AND NEGLECT CASE PRIORITIES, TRAINING OF NON-INDIAN CASA VOLUNTEERS, AND EFFORTS TO PROVIDE SUSTAINABLE FUNDING

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

WHEREAS, in 1995 the Confederated Salish and Kootenai Tribes supported the planning and development of the Tribal CASA (Court Appointed Special Advocates) Program to train volunteers to represent Indian children in child abuse and neglect proceedings;

WHEREAS, the CSKT Tribal Children's Code provides for the Tribal Court to appoint a person to represent and protect the legal rights and interests of the child in a child abuse and neglect proceedings;

WHEREAS, the needs of Indian Children remain significant and the resources and volunteers are limited. Therefore, the Tribal Council adopts the following child abuse and neglect case priority for CASA appointment/representation at this time:

1. Extreme Abuse& Neglect, particularly sexual abuse
2. A. Multiple Referrals
B. Multiple Court Actions/Appearances
C. Multiple Placements (this could be siblings or represent provider changes)
3. Special Circumstances

WHEREAS, the Tribal Council supports the careful selection and training of CASA volunteers to work with Indian children. Due to limited volunteer candidates; at this time, the CSKT will allow the selection and training of non-Indian volunteers to assist in the representation of an Indian child as long as departmental efforts are on-going to establish a qualified pool of Tribal candidates.

WHEREAS, the CSKT Tribal Council will consider funding for CSKT DHRD CASA program funding in the amount of \$61,000 within the Fiscal Year 2018 budget process. The CSKT will seek also funding from the Portland Bureau of Indian Affairs for sustainability of the program.

BE IT FURTHER RESOLVED that the Confederated Salish and Kootenai Tribes fully support the establishment of a CASA program to work closely with DHRD Social Services and the Tribal Courts for the benefit of child protective services cases.

Arlene Templer, Natalie Kenmille, Rachael BigSam and Kelly Parker, Department of Human Resources Development; and **Vern Clairmont**, Financial Management; requested an additional \$118,000 for the operation of the Home Care Giver Program. The program provides home care services to elders across the reservation. At the current rate of spending the budget will deplete by the end of August. The department has been taking measures to curb spending. Reassessments have been done on 3 elder clients lowering the hours of care needed because of their improved status. In addition, 7 clients have been referred to Medicaid and 16 staff members volunteered to work fewer hours to assist with budget constraints with a monthly savings of \$2,740.01. Even with these cost saving measures, the program will have a \$118,000 shortfall for this fiscal year.

MOTION by Troy Felsman to approve by resolution modification 3 to the fiscal year 2017 Third Party Revenue Budget. Seconded by Len Twoteeth. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-153

RESOLUTION APPROVING MODIFICATION 3 TO THE FISCAL YEAR 2017 THIRD PARTY REVENUE BUDGET

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

WHEREAS, there is a need to increase the budget for Home Caregiver services and Third Party collections are available to appropriate to the budget; and

WHEREAS, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
18-502-4110	DHRD Elderly Program	1,282,000	118,000	1,400,000
Total Increase/(Decrease)			118,000	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2017 Third Party Revenue Budget as reflected above; and

BE IT FURTHER RESOLVED that the total FY 2017 Third Party Revenue Budget is increased from \$10,107,000 to \$10,225,000.

Rachael BigSam and **Kelly Parker**, Department of Human Resources Development, requested approval to waive the General Contractor’s Liability Insurance for tribal woodcutters that the Elderly Services Program wishes to contract with to cut up the logs that Tribal Forestry is storing for the program. The department will be paying the woodcutters to cut the logs into cords and to deliver the cords to elders’ homes. The Elderly Services Program bought some logs from Tribal Forestry to have cut into cords. It was suggested that the department employ some of the tribal woodcutters out in the communities to cut the logs into cords. After consulting with Vern Clairmont, the department was advised to enter into Contractor’s Agreements and to approach council to request the General Contractor’s Liability Insurance requirement be waived for the woodcutters under the contracts.

MOTION by Troy Felsman to waive the General Contractor’s Liability Insurance for tribal woodcutters that the Elderly Services Program

hires for the contract between Elderly Services Program and Tribal Forestry. Seconded by Anita Matt. Carried, unanimous (7 present).

Natalie Kenmille, Rachael BigSam and **Kelly Parker**, Department of Human Resources Development, informed council that letters will be sent to the unemployable General Assistance clients to inform them that their benefits will end on July 31, 2017, due to the lack of funding. In addition, the program is not accepting any new applications. At the beginning of the fiscal year, the funding for General Assistance has been reduced and the department came to council in October 2016 to reduce the number of months that the employable GA clients received assistance. With the reduced funding and the number of clients, the department does not have the funding to sustain GA for the unemployable clients for the remainder of this fiscal year. Letters will be sent out to the clients to inform them that their assistance will end on July 31, 2017. **Council** took the funding issue/request under advisement.

Arlene Templer and **Charlene Friedlander**, Department of Human Resources Development; **Selina Kenmille**, Economic Development; and **Melanie Piedalue**, Personnel Department; informed council that DHRD is working with Salish Kootenai College and Health Care Montana to develop a Certified Nurse's Assistant (CNA) apprenticeship curriculum. This curriculum will be implemented with the home care givers under the Elderly Services program. SKC staff approached the Elderly program in regards to developing a CNA apprenticeship program. The program will be developed by both SKC and the Elderly Program. The goal will be to have all of the home care providers complete the training to be CNAs. The classes will be able to hold 12 participants and 8 of the current employees chose to take the training. Once the program is developed, the curriculum will be offered several times a year. Once the employee obtains a Department of Labor Certificate Arlene would like to give that employee a 4 step pay increase.

Arlene Templer, Department of Human Resources, announced the dates and locations of the upcoming bike events for the youth.

Arlene Templer and **Kelly Parker**, Department of Human Resources Development, requested to meet with council in **executive session** to discuss a departmental matter.

Council met in **executive session**.

Council reconvened into **regular session**.

Council **recessed** the regular meeting to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting.

Anita Matt discussed taking \$314,000 of the stewardship program funding and earmarking it into a special account for land development for weed control, land improvements and fencing. It is a revolving account. **No action taken.** **Council** will hold further discussion.

Anita Matt informed council that Buddy Moran and Curtis Morigeau want a permit to do the same as Art Caye and Gale Eneas has for log lengths greater than 8 feet. Forestry told them they need permission from tribal council. **No action taken.** Council requested that Buddy and Curtis make the request to council.

Carole Lankford informed council that she received a request from a tribal member that wants the tribal council to put in policy a quarterly council trip report; she is getting complaints from the membership about council traveling.

Carole Lankford asked if policy changed regarding tribal member walk-ins. She received a complaint from a tribal member about getting on the council agenda and was told by staff to go online to submit an agenda request form. The tribal member was highly offended and had no computer access to obtain it online. It is not a requirement for tribal member walk-ins to fill out an agenda request form to meet with tribal council. **Council** confirmed that the policy has not changed.

Carole Lankford discussed the need to have legal assistance for the Boys and Girls Club regarding the bylaws that Jason Adams developed. Carole requested that the Legal Department review the edits that were made to the bylaws. **Council** had no objection.

Council continued discussing council travel. **Troy Felsman** discussed council travel. Some agencies pay a portion of the council's travel expenses. **Council** discussed the possibility of publishing trip reports in the Char-Koosta News.

Council discussed appointing an Acting Department Head for the Tribal Health Department.

MOTION by Ron Trahan to approve the temporary directed reassignment of Joe Durglo to serve as the Interim Director of the Tribal Health Department for a period not to exceed 90 days. Seconded by Troy Felsman. Carried, unanimous (7 present).

Len TwoTeeth discussed the need to have a resolution appointing a voting delegate and alternates for the Intertribal Timber Council.

MOTION by Carole Lankford to approve by resolution the appointment of Len TwoTeeth as delegate and Leonard Gray and Dennis Clairmont as alternates to the Intertribal Timber Council. Seconded by Ron Trahan. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-154

RESOLUTION INTERTRIBAL TIMBER COUNCIL APPOINTMENT

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

WHEREAS, Intertribal Timber Council (ITC) was established in 1976 and is a nonprofit nationwide consortium of Indian tribes, Alaska Native Corporations, and individuals dedicated to improving the management of natural resources of importance to Native American Communities; and

WHEREAS, the ITC works cooperatively with the Bureau of Indian Affairs, private industry and academia to explore issues and identify practical strategies and initiates to promote social, economic and ecological values while protecting and utilizes forests, soil, water, and wildlife. Over 60 tribes and Alaska Native Corporations currently belong to the Intertribal Timber Council; and

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation promote sound, economic management of Indian Forests; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribes appoint Len TwoTeeth as delegate, and to appoint Leonard Gray and Dennis Clairmont as alternates.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Ron Trahan. Carried, unanimous (7 present).

Council **adjourned** at 3:56 p.m., and is scheduled to meet again on Tuesday, June 27, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary