

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

Volume 19 Number 81  
Council Chambers, Pablo, MT

Held: August 27, 2019  
Approved: September 5, 2019

**MEMBERS PRESENT:** Leonard Gray, Vice-Chairman; Anita Matt, Treasurer; Carole Lankford; Fred Matt; Dennis Clairmont; Myrna DuMontier; Leonard TwoTeeth; and Charmel Gillin.

**MEMBERS ABSENT:** Ronald Trahan, Chairman (Personal Time Off); and Shelly Fyant, Secretary (Missing & Murdered Indigenous Persons Training – Salish Kootenai College – Pablo, Montana).

**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 9:07 a.m. Quorum established. **Charmel Gillin** is providing opening remarks at the Missing & Murdered Indigenous Persons Training and will join the meeting later.

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

The **Tribal Council Meeting Minutes** for August 20, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for August 20, 2019, with corrections. Seconded by Myrna DuMontier. Carried, unanimous (7 present).

The **agenda** was presented for approval.

**MOTION** by Anita Matt to approve the agenda, with changes. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

**Thomas “Sonny” Lozeau** and **Shelly Hendrickson** discussed Public Law 280 and a court case from November 1965 where George Mitchell was sent to prison without the authority or jurisdiction. The county had no authority to do that until December 1965. Sonny read that the Lake County Commissioners are having a meeting regarding resolution for intention 19-20 on August 29, at 1:30 p.m. He believes they are referring to Senate Bill 310. Sonny does not think

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there is any concurrent jurisdiction. **Council** suggested that Mr. Lozeau discuss his concerns with the Legal Department. **Anita Matt** wants Legal to follow up and report back on what the council needs to do regarding the county's meeting and resolution.

**Vernon Finley**, Kootenai Culture Committee, discussed contracts for the summer camps. He was going to do TEAs for the extent of the summer, but in the process of doing that Contracts & Grants told him to do consultant agreements instead, so they ended up being after the fact. Vernon requested approval of the contracts with Al Hewankorn and Michelle McQuiston. Council action is required due to the contracts being after the fact.

**MOTION** by Fred Matt to approve the consultant agreement with Al Hewankorn after the fact. Seconded by Carole Lankford. Carried, unanimous (7 present).

**MOTION** by Carole Lankford to approve the consultant agreement with Michelle McQuiston after the fact. Seconded by Fred Matt. Carried, unanimous (7 present).

**Charmel Gillin** joined the meeting.

**Joey Finley** requested to meet with council in **executive session** to discuss a personal matter. **Rhonda Swaney**, Legal Department; **Rick Eneas** and **Ruth Swaney**, Financial Management; were present for discussion.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to have our staff develop a policy addressing the IIM monies account for the families of missing and murdered indigenous women in 60 days. Len will take the lead on this. Seconded by Carole Lankford. Carried, unanimous (8 present).

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

**Stan Kenmille** and **Sandra Kenmille** requested to meet with council in **executive session** to discuss a personal matter. **Patricia Courchane**, **Kim Lawson** and **Natalie Kenmille**, Department of Human Resources Development; and **Leonard Michel**, Tribal Member; were present for discussion.

**Sandra Kenmille** requested to meet with council in **executive session** to discuss a personal matter. **Leonard Michel**, Tribal Member, was present for discussion.

**Tanna Bauchman** and **Margaret Elliot** requested to meet with council in **executive session** to discuss a personal matter. **Patricia Courchane, Kim Lawson** and **Natalie Kenmille**, Department of Human Resources Development; and **Joe Durglo**, Tribal Health Department; were present for discussion. **Clayton Matt**, Tribal Services, joined the discussion.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to authorize due to circumstances DHRD to pay out of OCS and Dire Need. Stan Kenmille will pay a portion of it and will follow through on the other things like jobs. Seconded by Anita Matt. Carried, unanimous (8 present).

**Kim Lawson**, Department of Human Resources Development, requested approval of a resolution approving the submission of an application to the Department of Health and Human Services Administration for Children and Families Low Income Home Energy Assistance Program (LIHEAP) for fiscal year 2020 for one year beginning on October 1, 2019.

**MOTION** by Carole Lankford to approve by resolution the submission of an application to the Department of Health and Human Services Administration for Children and Families Low Income Home Energy Assistance Program (LIHEAP) for fiscal year 2020 for one year beginning on October 1, 2019. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 19-174**

#### **RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

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

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the dully recognized governing body of the Flathead Reservation; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes are committed to the sound planning management of the Flathead Reservation resources; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes have directed the Department of Human Resource Development to continue efforts to address the heating and/or cooling needs of low income families in the community, as the Tribes strive to create a healthy community; and

**WHEREAS**, the grant will provide assistance to families in meeting their home energy costs.

**WHEREAS**, the grant will provide funds to low income families in providing funds to assist in the household's heating and/or cooling costs, including weatherization and/or crisis needs, if necessary.

**NOW THEREFORE BE IT RESOLVED** that the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation approves the application submission to the Department of Health and Human Services Administration for Children and Families Low Income Home Energy Assistance Program (LIHEAP); FY 2020 for one (1) year beginning on October 1, 2019.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that this project will be placed organizationally under and managed by The Department of Human Resource Development.

**BE IT FINALLY RESOLVED**, that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute this grant on behalf of the Tribes.

**Rick Eneas**, Financial Management, requested approval of modification 1 to the fiscal year 2019 Indirect Cost Pool Budget. There is a need to reduce the allocation for the Legal Department as a result of modification of the Department's budget in the General Fund.

**MOTION** by Carole Lankford to approve by resolution modification 1 to the fiscal year 2019 Indirect Cost Pool Budget. Seconded by Charmel Gillin. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 19-175**

#### **RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2019 INDIRECT COST POOL BUDGET**

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

**WHEREAS**, there is a need to reduce the allocation for the Legal Department as a result of modification of the Department's budget in the General Fund; and

**WHEREAS**, the budget will be allocated as follows:

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Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
12-506-8005	Legal Department (50%)	566,000	(26,500)	539,500
	Total		(26,500)	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2019 Indirect Cost Pool Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the FY 2019 Indirect Cost Pool Budget is decreased from \$10,608,400 to \$10,581,900.

**Rick Eneas**, Financial Management, requested approval of modification 8 to the fiscal year 2019 Tribal General Fund Budget. There is a need to increase the budget for the Legal Department for contractual expense and General Fund revenues are available to appropriate for that purpose.

**MOTION** by Dennis Clairmont to approve by resolution modification 8 to the fiscal year 2019 Tribal General Fund Budget. Seconded by Carole Lankford. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 19-176**

**RESOLUTION APPROVING MODIFICATION 8 TO THE FISCAL YEAR 2019 TRIBAL GENERAL FUND 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 the Legal Department for contractual expense and General Fund revenues are available to appropriate for that purpose; and

**WHEREAS**, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
02-509-6140	Legal Department	735,000	26,500	761,500
Total Increase/(Decrease)			26,500	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to appropriate General Fund Revenues and modify the FY 2019 General Fund Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the total FY 2019 General Fund Budget is increased from \$22,916,297 to \$22,942,797.

**Dan Durglo**, Salish Kootenai College, invited council to attend a meet and greet and offer welcoming remarks to the staff and faculty on September 9, 2019, at 8:30 a.m. That week there is also a vision health screening that will be offering free vision exams. **Carole Lankford** will provide the welcoming remarks.

**Dan Durglo**, Salish Kootenai College, requested support of a limited waiver of sovereign immunity for contract # 313349 with the Montana Department of Transportation. The contract was reviewed by the Tribal Legal Department and the attorney had no objection to the language regarding the waiver.

**MOTION** by Fred Matt to support by resolution a limited waiver of sovereign immunity for contract # 313349 between Salish Kootenai College and the Montana Department of Transportation. Seconded by Anita Matt. Carried, 5 for; 3 opposed (Myrna DuMontier, Len TwoTeeth and Charmel Gillin); 0 not voting.

#### **RESOLUTION 19-177**

#### **RESOLUTION APPROVING MUTUAL LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR SKC CONTRACT #313349 WITH THE MONTANA DEPARTMENT OF TRANSPORTATION**

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

**WHEREAS**, Salish Kootenai College (SKC) is a tribally controlled college accredited as a four-year institution of higher education by the Northwest Commission on Colleges and Universities; and

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes (CS&KT) established SKC in part to provide education programs for its membership; and

**WHEREAS**, the College has established the Highway Construction Training Program to provide education and training for tribal members; and

**WHEREAS**, Salish Kootenai College has received a contract to receive funding for maintenance and repair of training vehicles under the On-the-Job Training Support Services Program; **NOW, THEREFORE**,

**BE IT RESOLVED** that the Tribal Council agrees to a mutual limited waiver for the sole purpose of enforcing provisions of Contract No. 313349 between Salish Kootenai College and the Montana Department of Transportation.

**Carole Lankford** requested that the Tribal Legal Department be scheduled to visit with the tribal council about the waiver of sovereign immunity. Not everyone understands the impacts of how it could affect us. **Charmel Gillin** commented that she just wanted more time to read the contract. Recently we had some negotiations with MDT that had to do with this type of an issue, and we were still kind of struggling to resolve it to the satisfaction of the Tribes. It had to do with another clause on dispute resolution. Charmel wanted more time to read it before voting.

**Miranda Burland**, Tribal Education Department, requested approval of a modification to the contractor agreement with James Bell Associates for the compensation to be increased from \$22,446.86 to \$26,065.00. There was a portion of the contract amount that had to be used to pay last year's invoices out of this year.

**MOTION** by Anita Matt to modify the contractor agreement with James Bell Associates to increase compensation from \$22,446.86 to \$26,065.00. Seconded by Carole Lankford. Carried, 6 for; 1 opposed (Myrna DuMontier); 1 not voting (Fred Matt out of the room).

**Miranda Burland**, Tribal Education Department, requested approval of a modification to the contractor agreement with David Spear to increase compensation from \$10,450.00 to \$11,792.00, due to being utilized more than anticipated in the summer program.

**MOTION** by Dennis Clairmont to modify the contractor agreement with David Spear to increase compensation from \$10,450.00 to \$11,792.00. Seconded by Carole Lankford. Carried, 6 for; 1 opposed (Myrna DuMontier); 1 not voting (Fred Matt out of the room).

**Joe Durglo** and **Brenda Bodnar**, Tribal Health Department, requested approval of a resolution supporting the application for continuation of Diabetes funding.

**MOTION** by Len TwoTeeth to approve by resolution the application for continuation of the Diabetes funding. Seconded by Carole Lankford. Carried, 7 for; 0 opposed; 1 not voting (Fred Matt out of the room).

## **RESOLUTION 19-178**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes consider the health of tribal people to be one of the most important responsibilities of tribal government; and

**WHEREAS**, in meeting this responsibility, the Tribes have established a Tribal Health Department (THD) to provide and manage health care in the Flathead service area; and

**WHEREAS**, one of the most serious health problems facing the Tribes and Indian people in general is the disease of diabetes mellitus ("diabetes") and its complications; and

**WHEREAS**, the Tribes qualify for these special diabetes programs for Indians funds and wish to use them to support a Flathead Diabetes Program with THD which will mount a comprehensive effort at diabetes prevention, intervention and treatment on the Flathead Reservation; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes who are authorized to negotiate and execute the grant and or contract documents and any amendments thereto.

**Joe Durglo**, Tribal Health Department, requested approval for the staff to be granted a two-hour change of duty, with supervisor approval, to attend or participate in the mass flu clinic health fair on October 23, 2019.

**MOTION** by Anita Matt to grant the staff a change of duty, with supervisor approval, to attend or participate in the mass flu clinic health fair on October 23, 2019. Seconded by Charmel Gillin. Carried, unanimous (7 present – Fred Matt out of the room).

**Joe Durglo**, Tribal Health Department, requested approval to extend the contract with Western Montana Mental Health Clinic for one year to provide on-call services after hours.

**MOTION** by Anita Matt to extend the contract with Western Montana Mental Health Clinic for one year to provide on-call services after hours. Seconded by Carole Lankford. Carried, unanimous (7 present – Fred Matt out of the room).

**Myrna DuMontier** commented that dispatch does not know the protocol and she requested that Joe make that clear to them. **Joe Durglo** will follow up.

**Joe Durglo**, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Jessica Sure Chief on a three-year



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contract to fill the Referral Coordinator position. The request was discussed in the chairman's meeting yesterday. Joe provided a copy of the position description and the contract negotiation form. Joe asked if the form provided the information council wants rather than send a copy of the contract. The vacancy was advertised and she was the only qualified candidate.

**MOTION** by Carole Lankford to approve the hire of Jessica Sure Chief on a three-year contract to fill the Referral Coordinator position. Seconded by Fred Matt. Carried, 7 for; 1 opposed (Myrna DuMontier).

**Joe Durglo**, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to renew a three-year contract with Ellen Kaphammer to fill the Care Coordinator position. The vacancy was advertised three years ago and there were no qualified tribal member applicants at that time. Ellen was initially hired as a Clinic Nurse and that position was retitled to Care Coordinator. **Anita Matt** requested clarification on whether the position would be advertised after the contract expires. Joe explained that in an effort to provide continuity in care, if the employee performs well, he prefers to retain them instead of advertising. He does what he can to hire tribal members. **Myrna DuMontier** has received many inquiries about patients being asked to switch doctors if they are receiving alternative care. Myrna has a 20-year relationship with her medical provider and she does not want to switch doctors. She does not understand Joe's statement about providing continuity and longevity and then asking patients to change doctors. Joe explained that it is due to trying to manage the resource. THD needs some financial control over those expenses, so at this point that service can only be provided to the patients whose primary care provider is a Tribal Health medical provider. Alternative care is only offered to patients who go to a Tribal Health medical provider so the patient's medical information can be accessed by THD. This process will also track health measures on alternative care. That will help make the decision whether to continue the program or not. Tribal Health does not have the authority to make providers outside the THD clinic provide the patient data, and they can access it from the Tribal Health database files.

**MOTION** by Carole Lankford to renew a three-year contract with Ellen Kaphammer to fill the Care Coordinator position. Seconded by Anita Matt. Carried, 7 for; 1 opposed (Myrna DuMontier).

The discussion on alternative care will be discussed at the Health Committee meeting.

**Art Caye** informed council that he has been visiting with Joe Durglo about his request to have the Tribal Health Department purchase a storage shed for the softball equipment that THD purchased for the community. Art wants the tribal council to take action to have Joe Durglo pay for the shed. **Len TwoTeeth**

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advised that council would have the Tribal Health Department reimburse the Maintenance Department for the cost of the shed.

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

**Matthew Croxton**, University of Montana/Tribal Defenders Office; and **Patricia Courchane**, Department of Human Resources Development; discussed Matthew's request for permission to collect and analyze data for his dissertation. Matthew will be doing a study on resilience about how older American Indian adults and elderly effectively cope with life stressors. Patricia signed a support letter for him. Matthew would like a letter of support from the tribal council and approval of a resolution. In 2013, Matthew got council approval for his thesis on resilience. **Council** requested that Matthew submit the use form for review by the Legal Department.

**MOTION** by Carole Lankford to approve a letter of support and authorize by resolution Matthew Croxton to collect and analyze data for his dissertation to do a study on resilience about how older American Indian adults and elderly effectively cope with life stressors. Seconded by Fred Matt. **MOTION AND SECOND WITHDRAWN**. **Council** will take action after the letter and resolution are presented and reviewed by Legal.

**Dan Decker** and **Shane Morigeau**, Legal Department, gave an update on the Education Code. It is now completed and will be sent out for council review. It will also be sent to the Tribal Education Department and the Culture Committees.

**Dan Decker** and **Brian Upton**, Legal Department, gave an update. Will Meeks, Denver Fish & Wildlife Service, will meet with the tribal council on September 10th and provide an update on the Comprehensive Conservation Plan. There will be some staff discussion, including the Visitor Center. The CSKT wants to be involved in their plan to change the Visitor Center. The sign replacements for Ninepipe and Pablo Refuges will try to be done prior to Will's visit. There are excess posters that accompany the Bison Range film. Brian wanted to approach The People's Center about offering them for sale to recoup some of the costs of the film screenings. **Len TwoTeeth** wants to hand them out to the membership. The film will be shown on October 14 in Bozeman and one in Chico either October 7 or 8. Brian is also trying to set up a screening in Butte that week. Brian discussed the first state court verdict that was issued for \$572 million against Johnson & Johnson for their role in the opioid crisis. The decision is up for appeal. Brian will provide further updates within the next couple of weeks.

**Dan Decker**, **John Harrison**, **Jordan Thompson**, and **Shane Morigeau**, Legal Department, requested to meet with council in **executive session** to provide a litigation update.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to adjourn the meeting.

Council **adjourned** at 12:57 p.m., and is scheduled to meet again on Tuesday, September 3, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary