

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

Volume 19 Number 47
Council Chambers, Pablo, MT

Held: April 9, 2019
Approved: April 18, 2019

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

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 9:02 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for March 26, 2019 were presented for approval.

MOTION by Charmel Gillin to approve the Tribal Council Meeting Minutes for March 26, 2019, with corrections. Seconded by Myrna DuMontier. Carried, 9 for; 1 abstention (Anita Matt).

The **Tribal Council Meeting Minutes** for March 28, 2019 were presented for approval. **Charmel Gillin** requested that there be a large amount of information deleted that alleges some violations that have not been validated. She wants the statements deleted starting with the third sentence and delete through where it says "code of conduct". **Leonard Gray** disagreed with that correction; they are someone else's words. We have not revised someone's statement. These are her beliefs and she is a tribal member and has the right to state her beliefs. **No action taken.** The minutes were taken under advisement.

Charmel Gillin commented that the chairman had requested that she not make any corrections or edits to the minutes, but considering the minutes of April 4 may be brought up she wants to submit a request with respect to the fact that Ron mentioned he wanted to be careful of what's stated in the record; she asked that a statement she made last Thursday that was of a personal nature was not meant to be a record statement. She left that for their consideration when they are brought up for approval.

The agenda was presented for approval.

MOTION by Carole Lankford to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (10 present).

Rene Kenmille and **Laurence Kenmille**, Tribal Members, discussed the bereavement leave policy. Rene asked for her sisters to be allowed to receive bereavement leave. Her family members were unable to be off work to help Rene with the things that needed to be done for her mother. The personnel ordinance allows family members five days to grieve after the death of a loved one, but there is a phrase in the ordinance that says “may” be granted bereavement leave for five days. Some of the family members are not being given that opportunity to grieve, even though they are family members that were there from the beginning to the end with that individual that passed away. The supervisor and department head feel those employees will not be granted that opportunity. There needs to be some compassion, and people need to understand that people need to be given an opportunity to heal or it will affect their work in the future. They need to be with the family members. Even extended family members who are close to the person are not given an opportunity to grieve. The word “may” gives supervisors the opportunity to disallow employees the opportunity to grieve in that circumstance. **Melanie Piedalue**, Personnel Department, explained that the ordinance defines “family” as immediate family members only and it no longer includes in-laws and stepfamily members. Stepchildren are excluded from the policy and are not eligible to receive bereavement leave. The communication to Rene did not happen as it should have. All of our families are affected by extended family raising children. **Chairman Trahan** will follow up.

Shelly Fyant questioned if the tribal chairman took care of a similar issue with a Tribal Lands Department employee who lost a stepchild and was denied bereavement leave. **Chairman Trahan** will follow up.

Wilbert Michel, Tribal Member, discussed an incident that happened to him when his father passed away. His employer allowed him to take the five days off plus any additional time he needed. **Myrna DuMontier** reported that Johnny Arlee went to the department head meeting and talked about this issue. It was encouraging to the department heads about looking at these policies with compassion and kindness and thinking about it from a tribal values standpoint. We need more training for employees and department heads who work under this umbrella on what tribal values and beliefs are and how to implement that into our policies and procedures.

John Neiss, Facilities Maintenance, requested approval of a contract with Alpine in the amount of \$12,500 for the Fire Control building. Jackola solicited three

bids and two bids were received. Jackola was aware of the Indian Preference rule, but did not go through the Indian Preference Office. It is a subcontract.

MOTION by Carole Lankford to approve a contract with Alpine in the amount of \$12,500 for the Fire Control building. Seconded by Dennis Clairmont. Carried, 6 for; 3 abstentions (Anita Matt, Charmel Gillin and Myrna DuMontier); 1 not voting (Fred Matt out of the room).

John Neiss, Facilities Maintenance, informed council that Dan Lozar from Safety of Dams wants to do more for security at the 24/7 room such as installing FOB doors. There are sufficient funds in the budget, and John needs approval to move forward to obtain prices. It should cost around \$10,000 or \$11,000. **No action taken.** Council requested that Safety of Dams provide a written proposal and presentation made to council so they can have all the necessary information.

Jim Taylor, Tribal Prosecutors Office; and **Ann Sherwood**, Tribal Defenders Office; requested approval to apply for a Violence Against Women Act grant through the U.S. Department of Justice. The funding would be used to look at expanding tribal jurisdiction in special domestic violence cases. Jim had a meeting with the appropriate tribal departments to discuss what we thought would be the best use of the money. We lack data on the implementation and costs. This would be a planning grant to collect data. There are four different counties on the Flathead Reservation, and they are not collecting data. Jim wants to hire someone to come up with hard numbers on what it would cost to implement VAWA. It would not require us to do expanded jurisdiction; it would simply provide the data. A formal resolution is not required for this grant, but a letter signed by the chairman is required.

MOTION by Carole Lankford to approve submission of the Violence Against Women Act grant through the U.S. Department of Justice. Seconded by Anita Matt. Carried, unanimous (10 present).

James Lapotka, Lake County Attorneys Office, informed council that he had been working with Teresa Wall-McDonald on a pilot project with the Tribal Health Department for chemical dependency assessments. Teresa had written a grant and received funding to have chemical dependency assessments done. Teresa was going to sign those people up for insurance to help with the costs associated with treatment. James is now working with Brandy Couture, but she was unable to attend today's discussion. Mr. Lapotka wants to identify people as soon as possible in the process and get them services right away. Tribal Health can get assessments done within one week. The pilot project would identify 25 people and those individuals would be referred to Tribal Health for services, and then their case would be dismissed with prejudice if they successfully comply. This would keep a felony off a tribal member's record if they comply with the program. The barrier for our people is that the services are not available to the tribal

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members that need treatment. There is usually a waiting list to see the Tribal Health Department in-house staff. We are dealing with a population of people having substance abuse issues and are not very good at doing the paperwork and then coming back a week later, and James wants to cease the moment and not let them leave without getting the needed services. Tribal Health would outsource the chemical dependency assessments. **Shelly Fyant** requested that this issue be placed on hold until the appropriate Tribal Health Department staff can be here for the discussion. **Leonard Gray** wants to visit with Mr. Lapotka on how to identify victims of domestic violence. Mr. Lapotka agreed to the meeting anytime. **Jim Taylor**, Tribal Prosecutors Office, advised that if the VAWA grant is awarded, this is the type of data that would be collected. Jim and James have been meeting on a regular basis. Lake County has received 221 domestic violence claims last month, and 194 of those were accepted for prosecution. There were 14 temporary protection orders requested. **Anita Matt** recommended that Mr. Lapotka be scheduled to meet at the Health Committee meeting. **Council** will notify him of the schedule.

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

Janet Camel, Economic Development; and **Allen Nygard**; discussed the Vibrant Tribal Economies project and community empowerment process. The grant was awarded from the Northwest Area Foundation. An economic leakage report was provided to EDO. The tribal council members were invited to participate in the training today at 3:00 p.m.

Rhonda Swaney, **John Harrison** and **Mary Price**, Legal Department, gave an update on the meeting with Environmental Protection Agency regarding the Smurfit site to discuss the working relationship and other issues. A copy of the agenda was provided to council. Fish sampling will be discussed.

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

Rhonda Swaney and **Brian Upton**, Legal Department, provided updates. The Helena screening went well last week and about 80 people attended, including representatives from the Montana Fish, Wildlife & Parks, Department of Natural Resources Conservation, the Montana Free Press, and the Office of Public Instruction. The panel presentation was well received. There is a film screening scheduled for May 22 in Washington, DC. The cost for that is about \$25,000 to \$30,000. The Mansfield Center is willing to contribute \$5,000 towards those costs if they get credit for supporting the event. It was the **consensus** of council to accept the contribution. Brian discussed having Tara Sweeney, Assistant Secretary of Indian Affairs, introduce the film.

MOTION by Myrna DuMontier to send the letter to Tara Sweeney. Seconded by Anita Matt. Carried, unanimous (20 present).

Brian Upton informed council of the Missoula, Polson, and Bison Range meetings that are scheduled to obtain public comments on the draft comments. Brian handed out the language that was added to the signage for the Pablo and Ninepipe refuges. The culture committees had approved the signage. **Council** authorized moving forward with the signage as proposed.

Brian Upton informed council that the Title IV for Interior Self-Governance programs was reintroduced on the house side. That legislation has not gone anywhere for the past fifteen years. It still has the administration support, so there is a chance it may move. He will continue tracking this issue and keep council updated. Brian reported that last week he received a time sensitive request to add our names to an amicus brief in a Fifth Circuit Court case regarding the Affordable Care Act. Our complaint in the opioid litigation has not been filed yet; it is a joint complaint with the Fort Belknap Tribe. The complaint should be finalized soon and he will provide an update after the complaint is filed.

Shelly Fyant requested that Brian Upton attend the May 6 Arlee district meeting regarding the National Bison Range and educate people so they can provide public comment. Brian is unavailable that date. The meeting was moved to May 13.

Rhonda Swaney and **Brian Upton**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **John Harrison, Dan Decker**, and **Ryan Rusche**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

Shelly Fyant discussed the March 28, 2019 draft tribal council meeting minutes that were not approved this morning. Leonard Gray had brought forth a resolution that individual council members refrain from involvement in programs. This morning we discussed Tribal Health being involved with the County and Carole Lankford was going to follow up with Brandy Couture about that. Due to this resolution, it gives the appearance of interfering in a program, so Shelly believes it should be assigned to Jennifer Trahan or Donna Durglo in Council Support. **Carole Lankford** commented that at the last health meeting the council talked about appointing her to work with Tribal Health on some of these issues. There is a meeting set up with some Tribal Health staff, so that needs to be approved by the council to allow her to do that. **Chairman Trahan** will follow up. **Anita Matt** asked if the minutes from that meeting could be shared. **Chairman Trahan** will follow up to see if minutes were taken and, if so, who took the minutes of that meeting.

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

Dennis Clairmont left the meeting for the remainder of the day.

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

Chairman Trahan out of the room.

Keya Camel and **Louis Camel**, Water People Towers, discussed an idea they have that they will be meeting with the Tribal Lands Department about. They think this would address social problems on the reservation. They want to provide a holistic approach to help people by offering eco-tourism and land clean up. They are currently developing an eco-friendly camping site adjacent to the Catherine Mathias estate in Elmo that was recently sold back to the Tribes. They are concerned about the future of the property and what will be developed on it. Keya will be requesting a business lease to expand her business once her proposal is finalized. They have not met with the Culture Committees about their proposal. **Council** liked the concept.

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

Chairman Trahan returned to the meeting.

Rhonda Swaney, **Dan Decker** and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Rhonda Swaney asked the specific questions needing an answer on how to proceed with the Code of Conduct hearing for Charmel Gillin to answer the allegations brought forth against her.

Question 1. Is there a consensus that the hearing will be held in executive session; a hearings examiner will be appointed to conduct the hearing; and there will be no recording of the hearing. The council members were polled and all 8 council members agreed on those three questions.

Question 2. Should both parties (accused and accuser) be present in the room during the hearing? **Leonard Gray** questioned whether it is a conflict of interest for Charmel Gillin to have a vote on the hearing process since it is her hearing. **Rhonda Swaney** advised that it is not a conflict because Charmel is a council member and it is a council decision to set the rules.

MOTION by Carole Lankford to allow the accuser and the accused to be present during the hearing. Seconded by Leonard Gray. **MOTION NOT CARRIED**; 4 for (Carole Lankford, Leonard Gray, Ron Trahan, and Fred Matt); 4 opposed (Shelly Fyant, Anita Matt, Charmel Gillin, and Myrna DuMontier).

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

Rhonda Swaney informed council that Charmel Gillin's attorney just notified her that he would not be attending Thursday's hearing to represent her and that he and his client would like the process to proceed with the terms that were already set. **Ryan Rusche** suggested doing a facilitation for dispute resolution, such as a mediation for this issue and postpone the Code of Conduct hearing. By having a divided council, it is difficult to get any decision made with a 4-4 vote. Legal encouraged the tribal council to work toward mending their relationships and have unity among the council members. **Chairman Trahan** has set up a facilitation for the tribal council on May 1 & 2, 2019. He will also get someone scheduled to meet with council to explain the roles and responsibilities of the tribal council. If the council chooses to go to mediation instead of the hearing, they would need to rescind prior council action to hold the hearing.

MOTION by Shelly Fyant to rescind the motion for the hearing and instead opt for mediation for this issue. Seconded by Myrna DuMontier.

SUBSIDIARY MOTION by Carole Lankford to hold off until we have the full council present. Seconded by Fred Matt. Carried, 5 for; 3 opposed (Shelly Fyant, Myrna DuMontier and Charmel Gillin).

Rhonda Swaney informed council that based on the action they just took, the Code of Conduct hearing remains in place for this Thursday.

Ryan Rusche informed council that they need to reconsider the actions they just took for question 1, since they took action today to determine those questions.

MOTION by Fred Matt to have a hearing's examiner. Seconded by Leonard Gray. Carried, 7 for; 1 opposed (Myrna DuMontier).

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 4:18 p.m., and is scheduled to meet again on Thursday, April 11, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary