

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

Volume 19 Number 76
Council Chambers, Pablo, MT

Held: August 8, 2019
Approved: August 15, 2019

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

MEMBERS ABSENT: Charmel Gillin (Personal Time Off); 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 9:08 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for August 1, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for August 1, 2019, with corrections. Seconded by Fred Matt. Carried, unanimous (8 present).

The **agenda** was presented for approval.

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

Leonard Michel, Wilbert Michel, Art Caye, and Dan DePoe, Tribal Members, discussed reapportionment of the seats from Arlee and St. Ignatius. The council had wanted to have a straw vote. Leonard requested that council act on Article III, Section 4 of the Constitution. On July 3, 2018 John Carter came in with a draft reapportionment ordinance and the council took no action. Council has been sitting on that for more than a year and Leonard wants to know what the holdup is. The council is mandated by the constitution to do this action and council had Legal draft an ordinance. He wants to know why they did not act on it since it is a mandate of the constitution for them to do it. Leonard wants

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to know why they think they need to ask the membership when it is clearly defined in the constitution. He does not want input from the membership or have it go to a straw vote; that process is unnecessary since the council is mandated to take this action. **Chairman Trahan** requested a copy of the documents and request that Mr. Michel presented this morning. **Carole Lankford** commented when it came in to council, the council was split on it; some agree and some don't. We are to the point where we thought it through and we are damned if we do and damned if we don't. It is an election year. If we take it to the membership, we will have a clear direction on what the membership wants. It is an election issue. The council was going to put it out to a straw vote to seek input from the membership. We did a straw vote on the South Fork, and that is how things work. A change like this would be better by getting input from the membership. **Dan DePoe** commented that it is the tribal council's duty to do this according to the constitution, so he does not understand why the council wants input from the membership. **Fred Matt** explained that the tribal council wants to get input from the membership, which is a common request from the four individuals here this morning. There is a process on how to do it, but the council is not obligated to do it. **Shelly Fyant** asked for the data to show where exactly the population is because someone might be in the Pablo district but that just means it is their mailing address, so she asked for physical residency data, that has not taken place yet.

Len TwoTeeth joined the meeting.

Shelly Fyant wondered what if the people say no, then what? Only 1,300 eligible voters vote. There is a process, but she thinks the way we are going about it is not going to reflect what the whole membership feels. **No action taken.** **Council** took the request under advisement.

Lolita Hendrickson, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Rhonda Swaney**, Legal Department; and **James Steele, Sr.**, Shoreline Protection Board Member; were present for discussion.

Council reconvened into **regular session**.

Carole Lankford discussed when James Lapotka came to the health committee and council meeting about a proposal to work on a felony situation with tribal members. The Tribal Health Department was going to do the assessments, but Carole cannot find the reports anywhere. She does not know where the proposal is and she is trying to locate it. **Joe Durglo**, Tribal Health Department, will follow up.

Joe Durglo and **Garry Pitts**, Tribal Health Department, requested approval to purchase 3 pieces of replacement dental equipment consisting of a Panorex x-

ray machine in the amount of \$17,994.00 and sensors for digital x-ray for adults and children for \$7,000.00 and \$6,117.00 from a sole source provider KOVO/KERR Manufacturing Company. There are sufficient funds in the budget.

MOTION by Carole Lankford to approve the purchase of 3 pieces of replacement dental equipment consisting of a Panorex x-ray machine in the amount of \$17,994.00 and sensors for digital x-ray for adults and children for \$7,000.00 and \$6,117.00 from a sole source provider KOVO/KERR Manufacturing Company. Seconded by Fred Matt. Carried, unanimous (9 present).

Joe Durglo welcomed the tribal council to attend the Tribal Health Department all-staff meeting today at Salish Kootenai College.

Art Caye, Tribal Member, informed council that he has been talking to Joe Durglo about when Len TwoTeeth worked with Teresa Wall-McDonald to get that softball equipment in Elmo. They were supposed to get a shed for that. It sounded like there was not any money for a shed, but there is money for this purchase. Art hopes they don't forget about the shed. **Joe Durglo** needs to go back and understand what the agreement was that the Tribal Health Department agreed to pay for. If it was approved, he will certainly follow through. Tribal Health's priority is patient care; not storage sheds. If it is not in the agreement, maybe Maintenance could provide assistance. Joe would need to come to council for approval to purchase an \$8,500 shed, since it is not medical care. Joe will review the agreement and follow through on any items he is required to do in it.

Renee Joachim, Personnel Department, requested clarification on the council action that was taken to approve a pay increase for a tribal employee. Increasing the individual to a Level 6 would be less than putting the employee at Level 5 because of the action taken in 2014 where the council granted a 4% pay increase for all employees that make a salary under \$100,000.00. None of the steps were adjusted at that time. **Chairman Trahan** requested that this be discussed in detail at the chairman's meeting. **Shelly Fyant** wants Renee to bring in a recommendation on how to increase those other steps that were considered.

Renee Joachim, Personnel Department, requested approval of amendments to the Drug and Alcohol Policy.

MOTION by Anita Matt to approve the revised Drug and Alcohol Policy. Seconded by Leonard Gray. Carried, unanimous (9 present).

Shelly Fyant requested an update on the outcome of the meeting with Janet Camel, Patrick Yawakie and Anita Matt. **Anita Matt** updated her. Janet was going to look at the proposal that Patrick had and the size of land needed. The Tribes would approve it along with a resolution, and she was looking for more

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answers. Patrick was sticking that arm of the business under the umbrella of the tribe, and Anita does not know if Janet got all her questions answered.

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

Patrick Yawakie and **Tyler Domebo** followed up on the meetings Patrick had with Ag Lands and EDO. There were three meetings. He reviewed the lands that are up for bid. There is a twenty-acre land restriction and he identified five parcels that would be most successful for this project. He found 15 acres located in Ronan near a reservoir on Terrace Lake Road towards Sloan's Bridge. It is going through surveys right now and he is waiting for that to be finalized. The meeting also discussed how the plan would be established. It veered away from the presentation that Patrick gave to the council. He has been getting support from organizations and the community. Regina Madplume is Patrick's wife; she is a tribal member so her name would be on the lease. Regina would enter the tribal entrepreneur program and obtain a business lease through a business that would be owned by her, and that veered away from the mission statement of the CSKT Farms. On August 1 the next round of grants opened and it will close September 29. That gives him 50 days to apply for this grant. It is a potential \$75,000 grant. The application, CSKT Farms, has potential to get support because it includes cost share programs through USDA. It focuses on community base and agriculture. Since CSKT has a substantial record for providing ag services to tribal members, it gives them additional points for the grant. CSKT is a self-governing tribe and using funds from the federal government to run their affairs. Many tribes haven't gone down this road yet and CSKT would be revolutionary in this process. CSKT could be self-organizing in an efficient manner. It requires that a resolution be passed by tribal council for the grant. There is not enough manpower to run the program. Tyler agreed to partner with Patrick and manage the grant. They would take upon the work to make sure it is complete. This is excellent use for water right and sustainable energy. He found out from Lorin Birdrattler how the Blackfeet Tribe was able to get into food sovereignty activities. Lorin made a request to his council, such as Patrick is doing here. Patrick wants to ensure CSKT Farms goes forward in a way that sticks to the original mission and the message food sovereignty cannot be done by individuals, must be done by nations, and there is great potential for this tribe to be very successful starting out with produce production. Patrick requested approval of the resolution for this group to work with the Elders program and ECS program. He has not been able to receive the information on the costs and types of food they are purchasing. September 29 is the deadline to apply for the first round of grant funding. Dennis Clairmont advised that Horte Reservoir is where the land is. Leonard and Melissa Michel live by there, and maybe Leonard could shed some light on how Melissa did with growing produce. Dennis thought it was an ag lease there. Carole Lankford thought the CSKT may be able to do their own business like this. **Leonard Michel** viewed the map and offered comments. **Shelly Fyant** has been talking about food

sovereignty ever since she went to a food sovereignty summit in 2016. Since then, it has stuck with her that a nation that cannot feed itself is not sovereign. She has gone to conferences, read research, and saw lots of boots-on-the-ground projects. We are lucky we have resources. Shelly asked what the council needs to move forward on this. Lorin Birdrattler did a PowerPoint presentation on what he did on the Blackfeet Reservation. It encompasses their buffalo initiative, ag resource management plan and inventory all of the lands, and put a lot of pieces together. He had 9 different funding sources. The Rocky Boy Tribe hired a sustainability coordinator, Jason Belcourt, so they are moving forward as well. So she wants to know what the council wants and needs for us to move forward with a food sovereignty project. It fits into our three professed priorities that we worked through last year in our strategic planning process (economic development, health and wellness, and cultural perpetuation). Arlee is doing a food sovereignty assessment. The First Nations has a book that outlines the process. Patrick said Lorin Birdrattler could come here and educate the tribal council on what they did on the Blackfeet Reservation. **Carole Lankford** did not understand why it had to go through the Tribes. She suggested that he do this as an individual business. Patrick responded that there would be competition from big companies such as Food Services of America who offer food for a cheaper price. This plan works with tribes who have large land bases. It would be difficult for him to compete against those companies. The Warm Springs Tribe developed a Department of Ag and are producing hay and alfalfa right now, but that will transition into a food farm with fruits and vegetables. Patrick's plan is that CSKT Food Farms would be placed under the Tribal Economic Development Office but would be managed by his company. **No action taken.** Council took the request under advisement. Council wants time to review the resolution. Janet Camel is an important part of this and the council would like more information from her.

Ruth Swaney, Bill Bjarko and Zachary Camel, Financial Management, requested approval of modification 15 to the fiscal year 2019 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2019 funding for 4th quarter Temporary Assistance for Needy Families, Native Employment Works, and Real Estate Appraisals has been awarded and needs to be allocated to the budget.

MOTION by Shelly Fyant to approve by resolution modification 15 to the fiscal year 2019 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Myrna DuMontier. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-164

RESOLUTION APPROVING MODIFICATION 15 TO THE FY 2019 BIA SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, earmarked FY 2019 funding for 4th quarter Temporary Assistance for Needy Families (TANF), Native Employment Works (NEW), and Real Estate Appraisals has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

Account Number	Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
13-502-4770	DHRD 477 Program	4,637,385.88	583,322	5,220,707.88
13-503-4581	Real Estate Appraisals	15,721.74	3,184	18,905.74
	TOTAL INCREASE/(DECREASE)		586,506	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2019 BIA Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that prior year unexpended BIA funds shall be made available to provide for the expenditure of the FY 2019 BIA Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

BE IT FURTHER RESOLVED that the FY 2019 BIA Self-Governance Compact Budget is increased from \$39,374,281 to \$39,960,787.

Ruth Swaney, Bill Bjarko and **Zachary Camel**, Financial Management, requested approval of the Accounting Policies & Procedures Manual. Specific training will be provided to employees with financial management responsibilities, including the timekeepers. **Carole Lankford** wants to consider changing policy on PTO. The membership makes complaints when they see tribal employees out in the public or dropping their kids off at daycare during working hours instead of being at work. **Ruth Swaney** explained that Ordinance 69-C sets policy on PTO and work hours. Management needs to be familiar with and know how to apply the policies so issues are properly addressed. The pay date change is needed to address the hours worked instead of estimating hours worked.

MOTION by Anita Matt to approve the Accounting Policies & Procedures Manual. Seconded by Shelly Fyant. Carried, unanimous (9 present).

Bill Bjarko discussed the policy. It is a living document and can be updated as needed. He welcomed any input from the council. **Shelly Fyant** would like the Tribes to consider accepting debit cards.

MOTION by Carole Lankford to approve the Accounting Policies & Procedures Manual. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

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

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

Council **recessed** the regular meeting at 1:33 p.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 2:26 p.m.

Chairman Trahan requested approval of a letter to the Tribal Leaders Council regarding the Missing and Murdered Indigenous Persons Human Trafficking Conference and an invitation to discuss those issues. **Len TwoTeeth** will deliver the letter when he attends the meeting.

MOTION by Anita Matt to approve the letter for the Montana Tribal Leaders. Seconded by Shelly Fyant. Carried, 7 for; 1 abstention (Leonard Gray).

Shelly Fyant wants to set up a meeting with Rick Eneas on Monday to go over the EKI Board of Directors interviews.

Anita Matt after sitting through the budget meeting, she is concerned about the revenues and what is projected. She wants some confirmation on the building for Dixon. If we get the building from MDT, she's not sure on the costs for the foundation and hookups. John Neiss thought it would be about \$20,000 to \$30,000.

Shelly Fyant said in the budget committee we asked the Lands Department what the \$370,000 O&M line item is and they found out that a portion of it is taxes. It sounded like someone forgot to do their report so now we owe taxes on those properties. **Anita Matt** thought the person must have slipped; we had no purchased properties and they did not send in a report for the taxable properties, so now we have to pay taxes for this year for the existing properties. The five-year mark was coming up and since we didn't purchase any properties, the staff did not turn the report in. **Shelly Fyant** informed council that there is a squatter on an ag piece that is hooked up to power and everything. She asked that Anita speak to Ron about it. **Chairman Trahan** will obtain further information.

MOTION by Len TwoTeeth to adjourn the meeting.

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Council **adjourned** at 2:42 p.m., and is scheduled to meet again on Tuesday, August 13, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary