

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

Volume 19 Number 30
Council Chambers, Pablo, MT

Held: February 5, 2019
Approved: February 12, 2019

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

MEMBERS ABSENT: Shelly Fyant, Secretary; and Fred Matt (Inter-Tribal Timber Council Meeting – San Diego, CA).

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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Charmel Gillin.

The **Tribal Council Meeting Minutes** for January 24, 2019 were presented for approval.

MOTION by Charmel Gillin to approve the Tribal Council Meeting Minutes for January 24, 2019, with corrections. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Myrna DuMontier).

The **agenda** was presented for approval. No conflicts of interest were identified. Changes were made to the agenda.

MOTION by Charmel Gillin to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (8 present).

Brian Lipscomb, Steering Group of the USS Montana Commissioning Committee, requested approval of a resolution commending the United States Navy in the construction of the USS Montana.

MOTION by Charmel Gillin to approve the resolution commending the United States Navy in the construction of the USS Montana. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 19-081

RESOLUTION COMMENDING THE UNITED STATES NAVY IN THE CONSTRUCTION AND COMMISSIONING OF THE USS MONTANA

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

WHEREAS, some 286 men and women of the Confederated Salish and Kootenai Tribes have served in the United States Navy beginning with World War I and continuing to the present day; and

WHEREAS, it is noted that Native Americans serve in the military at the highest rate per capita among all races and ethnic groups in the United States; and

WHEREAS, a new Virginia Class nuclear powered attack submarine (SSN 794) named the USS Montana is under construction for the United States Navy in Virginia with commissioning scheduled for the year 2020; and

WHEREAS, the USS Montana, with its leading-edge stealth and other technology, will be a key component of the U.S. Navy fleet, capable of a wide range of missions to fulfill its motto to defend our way of life; and

WHEREAS, those who serve on the USS Montana will benefit from an ongoing relationship with the citizens of Montana as she sails the world's oceans; and

WHEREAS, this submarine will continue and build upon the proud legacy of the first and only other operational USS Montana, an armored cruiser (ACR 13) commissioned in July of 1908 that served with distinction through and beyond World War I; and

WHEREAS, the USS Montana Committee, a Montana nonprofit corporation, established to support the commissioning of the USS Montana and all those who sail aboard her in defense of our nation, is seeking Tribal input and support for its endeavor; and

WHEREAS, the USS Montana Committee will continually strive to build and maintain a relationship between the citizens of Montana and the crew of the USS Montana Submarine and provide financial and other assistance to complement that which the U.S. Navy is able to provide; and

WHEREAS, all Montanans and all Americans will be proud of the future roles of the USS Montana and its crewmembers; **NOW, THEREFORE**,

BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby commends the United States Navy in the construction and commissioning of the USS Montana Virginia class nuclear powered submarine (SSN 794); and

BE IT FURTHER RESOLVED that the CSKT Tribal Council salute and send the Creator's blessings over all men and women who help build, equip, crew, train, and eventually sail aboard the USS Montana; and

BE IT FURTHER RESOLVED that the CSKT Tribal Council endorse the USS Montana Commissioning Committee in its endeavors to support the commissioning and all those who sail aboard her in defense of our nation.

Brian Lipscomb informed council that he went to Helena and gave a presentation on the USS Montana to the Rocky Mountain Tribal Leaders Council and they approved a resolution like the CSKT approved. He will keep council updated.

Tom McDonald and **Dan McClure**, Natural Resources Department, discussed extending the bison hunt in Yellowstone. Hunters have not been very successful this hunting season due to the bison remaining in the park. The migration of bison is not there yet. Tom recommended having the CSKT Game Wardens there if the hunt season is extended, extend it for the Gardiner and Beattie Gulch areas only, and allow hunting for either sex. The Tribes could re-open a hunt season for some time in February if the bison migrate. Tom did not recommend extending a hunt season in March since the bison are too far along in their pregnancies. It is not recommended to extend it right now because there are no bison out of the park. **Myrna DuMontier** was concerned about killing pregnant animals and questioned whether the hunting season could take place earlier in the fall instead of extending it. Tom explained that it is difficult to hunt in September because the buffalo do not leave the park.

MOTION by Carole Lankford to extend and allow a hunt for either sex, NRD makes the call when that time comes, and have the Game Wardens available. Seconded by Leonard Gray. Carried, 6 for; 1 opposed (Len TwoTeeth); 1 abstention (Ron Trahan).

Daniel Tromp, Tribal Education Department, requested a change of duty for 13 tribal employees who serve on the Tribal Education Committee and Indian Education Committee to attend the Regional Indian Summit at the KwaTaqNuk Resort on February 7, 2019 (all day) and February 8, 2019 (half day). The employees are: Stephanie Gillin, Susan Perez Tenas, Gail Grant, Linda Ferris, Donna Mitchell, Mike Durglo, Margaret Sheridan, Lucinda Michel, Jan Gardipe, Whisper Camel, Caroline McDonald, Ruth Swaney, and Rhoda Couture.

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MOTION by Anita Matt to grant a change of duty, with supervisor approval, for the 13 tribal employees to attend the Regional Indian Summit at the KwaTaqNuk Resort on February 7, 2019 (all day) and February 8, 2019 (half day). Seconded by Carole Lankford. Carried, unanimous (7 present – Dennis Clairmont out of the room).

Anita Matt commented that the Tribal Education Committee represents the department, but we also have parents on the Indian Education Committee and meetings are held during the day. She wants them to be given a change of duty to attend those meetings. **Leonard Gray** advised that this issue was taken care of already. The tribal council took action on October 9, 2018 to grant the IEC members a change of duty to attend meetings.

Karissa Trahan, Tribal Education Department, requested approval of a facilitator agreement with Education Northwest in the amount of \$2,450.00 to provide a two-day data presentation on the achievement gap across the state and local level information for the Flathead Reservation. **Charmel Gillin** pointed out areas that were incomplete on the agreement and cover page. There are three different names on the agreement and the W-9 form. She questioned if the agreement was in compliance with the Procurement Policy and reviewed by Financial Management and Contracts & Grants. **Anita Matt** recommended that the Tribal Education Department advertise the RFP in advance next year to try to obtain services locally. Anita advised that this should be a noncompetitive contract, not a facilitator agreement.

MOTION by Anita Matt to approve a noncompetitive contract with Education Northwest in the amount of \$2,450.00 to provide a two-day data presentation on the achievement gap across the state and local level information for the Flathead Reservation, pending legal review. Seconded by Len TwoTeeth. Carried, 6 for; 1 opposed (Carole Lankford); 1 abstention (Charmel Gillin).

Melanie Piedalue, Personnel Department, requested approval to move John Wheeler from contract status to FTE status to fill the Veterans Healthcare Advocate position. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Myrna DuMontier to move John Wheeler from contract status to FTE status to fill the Veterans Healthcare Advocate position, due to no qualified tribal member applicants. Seconded by Leonard Gray. Carried, unanimous (8 present).

Vern Clairmont and **Rick Eneas**, Financial Management, requested to meet with council in **executive session** to provide an update.

Council reconvened into **regular session**.

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

Janet Camel, Economic Development Office; **Renee Camel** and **Chuck Reese**, Information Technologies; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Dan Lozar, Natural Resources Department, requested approval of a Project Management Plan and Budget for the Crow Dam Outlet Works Replacement project in the amount of \$1,929,236.00. A feasibility study was done and one determination of the study was leaving the outlet works in place and utilizing it for bypass flows during construction was the most feasible option to advance a long-term solution to a significant problem.

MOTION by Dennis Clairmont to approve the Project Management Plan and Budget for the Crow Dam Outlet Works Replacement project in the amount of \$1,929,236.00. Seconded by Anita Matt. Carried, unanimous (8 present).

Len TwoTeeth left the meeting.

Gabe Johnson, Natural Resources Department, requested approval of the 2019-2020 memorandum of agreement between the SOD/Roads Program and Tribal Forestry in an amount not to exceed \$150,000.00 for a term through December 31, 2020.

MOTION by Anita Matt to approve the 2019-2020 memorandum of agreement between the SOD/Roads Program and Tribal Forestry in an amount not to exceed \$150,000.00 for a term through December 31, 2020. Seconded by Charmel Gillin. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Gabe Johnson, Natural Resources Department, requested approval of modification 8 to Contractor Agreement No. 16-184 with DJ&A Engineering to provide services for 3 primary projects for the SOD/Roads Program.

MOTION by Anita Matt to approve modification 8 to Contractor Agreement No. 16-184 with DJ&A Engineering to provide services for 3 primary projects for the SOD/Roads Program. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Seth Makepeace, Natural Resources Department, requested approval of task order 7 to authorize the allocation of \$511,292.90 for the construction of 10 water measurement flumes. This will automate water measurement. The master agreement was signed in May 2016. Bids will be solicited through the

procurement process to construct three structures, and then funds will be disbursed for the remaining projects.

MOTION by Charmel Gillin to approve task order 7 to authorize the allocation of \$511,292.90 for the construction of 10 water measurement flumes. Seconded by Anita Matt. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Rich Janssen, Natural Resources Department; **Melanie Piedalue** and **Shelley Grenier**, Personnel Department; requested approval of a revised organizational chart to add a Watercraft Inspector Supervisor position; move those positions under the Administrative Assistant, and change the title to AIS Program Manager/Administrative Assistant; and delete the Fish & Game Captain position and create another Sergeant position.

MOTION by Myrna DuMontier to approve the revised organizational chart to add a Watercraft Inspector Supervisor position; move those positions under the Administrative Assistant; and change the title of the Administrative Assistant to an AIS Program Manager/Administrative Assistant position. Seconded by Leonard Gray. Carried, unanimous (7 present – Len TwoTeeth out of the room).

MOTION by Myrna DuMontier to approve the revised organizational chart to revert back to two Sergeant positions in the Fish & Game Department. Seconded by Anita Matt. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Rhonda Swaney and **John Harrison**, Legal Department, informed council that a petition for certiorari for the United States Supreme Court to hear the King Mountain Tobacco case was filed. They lost a tax case at the Ninth Circuit Court. It contains the same clause as the Cougar Den case that is pending. The petition is asking for a request for stay until after the decision is rendered in the Cougar Den case. John will keep council updated.

Rhonda Swaney and **Stu Levit**, Legal Department, gave an update on the federal Columbia River system dam and ongoing funding of the Clark Fork Commission and asked if the Tribes wanted to send a letter to the Northwest Power Conservation Council.

MOTION by Dennis Clairmont to send the letter to the Northwest Power Conservation Council. Seconded by Leonard Gray. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Rhonda Swaney and **Stu Levit**, Legal Department, informed council of a proposed meeting with the Tribal Council on March 19 with Jill Smail, State

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Department, and various other agencies regarding the Columbia River Treaty. There will also be a tour of the dam. There is a town hall in Kalispell the following day to discuss impacts. **Dennis Clairmont** was interested in going on the EKI tour. **Council** agreed to the meeting date.

Rhonda Swaney and **Ryan Rusche**, Legal Department, gave a legislative update and discussed issues such as the proposed Indigenous People's Day Bill, MMIW Bill, HB 263, AIS Bill, renaming Highways after Tribal Law Enforcement Officers, AIS.

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

Council reconvened into **regular session**.

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

Teresa Wall-McDonald, Tribal Health Department, requested approval of a memorandum of agreement with Salish Kootenai College to provide Tribal Health clinic services at the SKC campus through June 30, 2023. The agreement can be reviewed on an annual basis and make any necessary modifications.

MOTION by Anita Matt to approve a memorandum of agreement with Salish Kootenai College to provide Tribal Health clinic services at the SKC campus through June 30, 2023. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Myrna DuMontier asked if the Tribal Health Department has any prevention campaigns scheduled. **Teresa Wall-McDonald** advised that there are some afterschool prevention activities at the local schools (Elmo, St. Ignatius, Polson, and Arlee). Tribal Health went through the Indian Preference Office to issue an RFP for counseling services and group activities that relate to prevention (substance abuse, suicide, domestic abuse). **Charmel Gillin** questioned some of the terms of the memorandum of agreement and wanted to know if the Salish Kootenai College management adheres to the protocols. Teresa explained that all providers at the clinic have been HIPAA trained. They use the same EPIC system that Tribal Health uses. There are private provider rooms within the center that accommodate confidentiality and HIPAA rules. There is an EPIC agreement and agreements for each software system.

Erica Shelby discussed her third internship with the Tribes. She requested approval of an internship proposal for suicide prevention. Erica began her internship last year but was unable to finish due to car problems and now she has until June 6, 2019 to complete her hours. Get Out The Vote and Suicide

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Prevention were the two tasks assigned to Erica and Patrick. Patrick completed the GOTV task. Erica wants to work 10 hours per week through June 6, 2019. Shelly Fyant would serve as her Advisor. **Charmel Gillin** requested that this request be tabled until Shelly is present. **No action taken.** Council rescheduled this request for next Tuesday.

Carole Lankford brought up an incident that happened last time Erica met with the tribal council. Erica recorded the conversations with the Tribal Council and the Legal Department attorneys and did not inform the council or attorneys that they were being recorded. Erica then posted the recording on Facebook since the council did not approve her request. Carole received a lot of criticism for what was said in the meeting. Carole felt slighted and did not like being recorded without her knowledge. There are laws against recording people without their knowledge. **Erica Shelby** apologized for her actions and assured the tribal council that it would not happen again. She did not mean for the hurtful feelings to happen by posting it on Facebook. Erica does understand that there are legal ramifications for her actions. Carole commented that suicide prevention might fit better under the purview of the Tribal Health Department. **Council** asked Teresa to be present at next Tuesday's presentation.

Major Robinson, Montana State University, provided a progress report on the construction of the MSU American Indian Hall. **Myrna DuMontier** advised that she was invited to participate in the groundbreaking event, meet with the Culture Committees on ideas for names of the area/buildings, and follow the coming home event in our language, so she will be there March 29 and 30. Major Robinson has been in contact with Tony Incashola. He was scheduled to provide the elders a presentation today but it was canceled due to some funerals. That presentation will be rescheduled. There will be an RFP for contractors and an RFP for 3 key art pieces. They want to purchase some art pieces from Native Americans. March 29 is the blessing. A formal invitation will be sent to the council. He asked if the Tribes were interested in providing a CSKT tribal flag. **Council** gave him a tribal flag. **Myrna DuMontier** informed council that she will be traveling to Bozeman for a meeting on March 28. She asked about submitting her travel now for that.

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

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Charmel Gillin to adjourn the meeting. Seconded by Carole Lankford. Carried, unanimous (7 present – Len TwoTeeth out of the room).

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Council **adjourned** at 2:56 p.m., and is scheduled to meet again on Thursday, February 7, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary