

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

Volume 19 Number 25
Council Chambers, Pablo, MT

Held: January 15, 2019
Approved: January 22, 2019

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

MEMBERS ABSENT: Ronald Trahan, Chairman; Shelly Fyant, Secretary (Sick); and Myrna DuMontier.

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 9:09 a.m. Quorum established.

The meeting was opened with a **prayer** by Mike McElderry.

The **Tribal Council Meeting Minutes** for January 4, 2019 were presented for approval.

MOTION by Dennis Clairmont to approve the Tribal Council Meeting Minutes for January 4, 2019. Seconded by Charmel Gillin. Carried, unanimous (7 present).

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

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Charmel Gillin. Carried, unanimous (7 present).

Charmel Gillin asked that Jen or Jami prepare a resolution showing each council person, other than herself, as alternates to NCAI with each council member named individually so they have the resolution in hand to have voting rights. Charmel is the delegate.

Carole Lankford gave an update on a meeting with Travis Irvine and the Indian Preference Office. After a lot of discussion, they decided to look at the procurement ordinance rather than the IPO ordinance. When companies bid,

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there is a scoring sheet. Some parts of the organization use it and some don't, so they figured it would be better to be consistent and develop a scoring sheet for the organization to use, rather than saying they got the high bid. Then we can go back and assess how something was awarded. **Charmel Gillin** commented there was concern about the rating, making sure any change in scope was documented and there was proper procedure to go back through and notify bidders of any change in the scope of work. The rating sheet should reflect the points awarded for the tribal preference status, so there is a calculation in addition to giving them the opportunity to bid, and within ten percent of bid, and that they also get a point for their preference status on the bid review. The other thing brought up was when someone graduates from architectural school, they are bound by architectural standards and rules. Mr. Irvine came in about four years ago and the tribal council felt that he was new and a company in New Mexico was working with him. The council did not think he had the qualifications, but he did, so they asked him to work with MMW. He was taken aback by that and did not feel good about it. So this whole thing discussed yesterday will help him feel part of the competitive group. Travis has worked with DHRD and ECS and has gathered lots of experience. He should have given an opportunity. They will work to make the RFPs consistent. They found out yesterday that Travis was given something in writing to write his proposal up, and then Red Horse was given something else, so that is why his bid was so much more than the other company. It needs to be consistent and not changed in the middle of the process. They ended up going with the other company. IPO is gathering those sheets used by the organization and we will develop something to fit the organization, but also include in the procurement policy that they use it and be consistent with it.

Dennis Clairmont gave a report on trip to Helena to attend a joint hearing with the house and senate on aquatic invasive species. There was a panel discussion and Tom McDonald represented the Tribes. Eric Hansen was in the audience. The panel was made up of state DNRC folks, and folks involved in the Invasive Species Council and Upper Columbia group to come up with funding sources. Some of the sources will sunset in a couple of months, so the legislature has to act on a new funding mechanism. It was an informative meeting. The committee members were in agreement that this is something that needs to be kept in place to protect the resources. The State and CSKT has a lot on the line with the dam and recreation and irrigation, so it is important and they will come up with a way to fund it.

John Neiss, Facilities Maintenance, requested approval to award a contract to Jackola Architecture and Engineering in the amount of \$169,900 for the new Fire Control building. This was bid through the Indian Preference Office and two bids were received. The tribal member business bid was not within ten percent of the low bid and Jackola's bid was considerably lower. Leonard asked at what point does he give consideration to a bid considerably higher. John said

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sometimes they throw out the low bid, but in this instance there's quite a bit of engineering that needs to be done. Jackola is all in-house, where ID Studio is just an architect and has to contract out with other engineers. Tony Incashola, Jr. and Ron Swaney agreed to go with the low bid. Carole explained that the ordinance requires the tribal member to be allowed to come within ten percent of the low bid. If the tribal member bid is not within ten percent, they go with the low bid. Charmel asked if there is anything different in Jackola and ID scope of work or are they the same; that might be a factor to cause the IPO bid to be so much higher. She talked about having a rating sheet. John said the scope of work was identical. MMW was solicited but did not submit a bid. An identical bid sheet was sent to all the bidders.

MOTION by Dennis Clairmont to approve the award to Jackola Architecture and Engineering. Seconded by Carole Lankford. Carried, unanimous (7 present).

John Neiss, Facilities Maintenance, requested approval of a contract modification for the St. Ignatius Commodity Store sewer line. The sewer line was dug up. It is an old pipe and it collapsed, so they went to the main line. It crosses Tony Incashola's allotment, and he said we could follow the same line, but later decided no, so they had to turn the sewer line to tap into the main line and remain on tribal property. That caused the costs to increase.

MOTION by Anita Matt to approve the contract modification for the St. Ignatius Commodity Store sewer line. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Rick Eneas, Financial Management, presented a request from Fish & Game to allow their game wardens to monitor the bison hunt in Yellowstone. This request requires council action since the program is affected by the government shutdown and it is an exception to the travel expenditure restrictions.

MOTION by Anita Matt to approve the request from Fish & Game to allow their game wardens to monitor the bison hunt in Yellowstone. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Rick Eneas, Financial Management, presented a request from Fish & Game to hire a game warden. They have been short staffed due to one staff member passing away and two retirements. The program needs the manpower. This request requires council action since the program is affected by the government shutdown and it is an exception to the hiring restrictions.

MOTION by Fred Matt to approve the hiring of one game warden. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Rick Eneas, Financial Management, presented a request from Tribal Credit to advertise an Accounting Technician position. This position was filled but over the New Year's holiday the employee was terminated. Charmel asked if the program had any non-essential positions. Rick said the organizational chart could be restructured if needed, but the program is already down the manager position due to an employee being on long-term sick leave. This request requires council action since the program is affected by the government shutdown and it is an exception to the hiring restrictions.

MOTION by Charmel Gillin to approve the advertisement of the Accounting Technician position for Tribal Credit. Seconded by Anita Matt. Carried, unanimous (7 present).

Rick Eneas, Financial Management, presented a request from Tribal Forestry for a contract with Ecosystem Research Group, which provides facilitation for the NEPA process that the Forestry program goes through. The contract expired in 2019, and they are scheduled to facilitate at a meeting tomorrow. This is an exception to the contract limitations policy due to the federal government shutdown so it requires council action. Charmel asked if personnel in Forestry can lend to this facilitator process or if it is always contracted. Dennis Clairmont explained that when they have a proposed timber sale, the IDT team goes through the resources and impacts, and this company is a neutral company that helps go through this process. They have done this a long time and are good at it.

MOTION by Dennis Clairmont to approve a contract with Ecosystem Research Group. Seconded by Carole Lankford. Carried, unanimous (7 present).

Rick Eneas, Financial Management, requested approval of a resolution for the updated signature authority for the LPL account.

MOTION by Carole Lankford to approve by resolution the updated signature authority for the LPL account. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 19-073

RESOLUTION PROVIDING NEW SIGNATURE AUTHORITY FOR THE TRIBAL INVESTMENT ACCOUNTS ESTABLISHED AT LPL FINANCIAL DUE TO STAFFING CHANGES

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

WHEREAS, it has become necessary due to staffing changes to update the listing of employees with signature authority for the accounts previously established by the Confederated Salish & Kootenai Tribes at LPL Financial (listed on p. 2), and

NOW, THEREFORE, BE IT RESOLVED, signature authority is given to the following as authorized signatures on behalf of the tribes:

Rick Eneas	Director of Financial Management
Dallas Abbott	Contracts and Grants Manager
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager
John Whitworth	Investment Manager
Wanda Salomon	General Ledger Manager
Monica Sue Lawson	Assistant Comptroller
William E. Bjarko	Tribal Comptroller

AND NOW, THEREFORE, BE IT RESOLVED, signature authority is rescinded as authorized signatures on behalf of the tribes from:

Vern Clairmont	Director of Financial Management (Retired)
Jane Clairmont	Director of Administrative Services (Retired)

BE IT FURTHER RESOLVED, this resolution shall continue forth and when delivered to said institution will continue until written notice to the contrary is duly served on said institution.

CSKT Accounts Established at LPL Financial:

- Federal Contracts & Grants
- IHS S/G Earmarked Funds
- BIA S/G Earmarked Funds
- BIA Self Gov
- IHS Self Gov

Len TwoTeeth brought up one of the positions we were looking at that was affected by the shutdown. He has received comments from the community to fill the Kootenai Culture Committee Director vacancy, and he wants council to move forward with the advertisement and hiring.

Rick Eneas, Financial Management, presented for approval a resolution updating signature authority for the TD Ameritrade account.

MOTION by Anita Matt to approve by resolution the updated signature authority for the TD Ameritrade account. Seconded by Carole Lankford. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 19-074

RESOLUTION PROVIDING NEW SIGNATURE AUTHORITY FOR THE TRIBAL INVESTMENT ACCOUNTS ESTABLISHED AT TD AMERITRADE DUE TO STAFFING CHANGES

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

WHEREAS, it has become necessary due to staffing changes to update the listing of employees with signature authority for the accounts previously established by the Confederated Salish & Kootenai Tribes at TD Ameritrade (listed on p. 2), and

NOW, THEREFORE, BE IT RESOLVED, signature authority is given to the following as authorized signatures on behalf of the tribes:

Rick Eneas	Director of Financial Management
Dallas Abbott	Contracts and Grants Manager
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager
John Whitworth	Investment Manager

AND NOW, THEREFORE, BE IT RESOLVED, signature authority is rescinded as authorized signatures on behalf of the tribes from:

Vern Clairmont	Director of Financial Management (Retired)
Jane Clairmont	Director of Administrative Services (Retired)

BE IT FURTHER RESOLVED, this resolution shall continue forth and when delivered to said institution will continue until written notice to the contrary is duly served on said institution.

CSKT Accounts Established at TD Ameritrade:

- Credit
- IHS 3rd Party
- ARCO O&M
- Dedicated Trust Funds
- Economic Development Capital
- Enterprise Dividend Fund
- IDC Pool
- Investment Fund
- Kerr FWIS

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Kerr Restoration
Kerr Stock Reintroduction
Local Revenue
M&I Reserves
MVP Emergency Reserve
Recreation Fund
Tribal Transportation
Water Rights

Carole Lankford asked about Len's request to fill the Kootenai Culture Director vacancy. **Council** will discuss further.

Jason Adams and **Carrie Irvine**, Salish Kootenai Housing Authority, requested approval to exempt from classification the Information Technology Manager position and set it at pay level 22.

MOTION by Fred Matt to approve the request to exempt from classification the Information Technology Manager position and set it at pay level 22. Seconded by Carole Lankford. Carried, unanimous (7 present).

Jason Adams and **Carrie Irvine**, Salish Kootenai Housing Authority, requested approval to transfer the Finance Assistant to the Accounts Payable Specialist position.

MOTION by Fred Matt to approve the request to transfer the Finance Assistant to the Accounts Payable Specialist position. Seconded by Carole Lankford. Carried, unanimous (7 present).

Jason Adams and **Carrie Irvine**, Salish Kootenai Housing Authority, requested approval of a directed reassignment of the Affordable Housing Coordinator to the Program Compliance/Development Coordinator position at a step 6.

MOTION by Carole Lankford to approve the directed reassignment of the Affordable Housing Coordinator to the Program Compliance/Development Coordinator position at a step 6. Seconded by Fred Matt. Carried, 6 for; 1 abstention (Charmel Gillin).

Jason Adams and **Carrie Irvine**, Salish Kootenai Housing Authority, requested approval of step increases for the three managers who completed housing management certification and furthered their skills.

MOTION by Anita Matt to approve the request for the three manager positions through SKHA to approve their step increases, and go with the recommendation of the department. Seconded by Carole Lankford. Carried, 4

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for; 2 opposed (Len TwoTeeth and Leonard Gray); 1 not voting (Charmel Gillin out of the room due to a conflict of interest).

***Leonard Gray**, for the record, “I cannot support this. It is rewarding those on the higher end of the pay scale. We have a pay freeze in effect and it does not seem fair.”*

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

Les Evarts, Natural Resources Department, informed council of restoration actions in the Jocko River. The high flows impacted them and are threatening the infrastructure of the fish hatchery. He requested approval to enter into a noncompetitive contract to hire the same contractor, River Design, for \$50,000. River Design was first contracted through a competitive contract process. They did the design work and are familiar with the project. The program is under a time restraint. There are not any tribal contractors on the IPO business list that do this type of work. The project is funded with EPA funding and habitat restoration funding. Charmel Gillin asked if they used River Design Group recently. The restoration work was done almost fifteen years ago. Les said this project was done in 2004. They have been the primary contractor for work in the Jocko. Since they did the original design, they have the information in their data base.

MOTION by Charmel Gillin to approve a noncompetitive contract negotiation as requested by the NRD program. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Mike Durglo, Kyle Felsman and Kevin Askan, Preservation Office, requested the renewal of a contract that expired on the fourth with Kayla Johnson. The term would be January 14, 2019 and end on September 30, 2020. Mike wants to get everyone on a fiscal year contract cycle, since it is based on funding. Charmel Gillin asked about getting a tribal member transitioned into this position. Mike has been working with SKC and discussed the possibility of bringing on interns in the summer to do monitoring and surveying. Kayla has worked with the program for three years and is near completion of her master’s degree in archeology. There are some tribal members in the bachelor’s degree program.

MOTION by Fred Matt to approve the request to renew a contract with Kayla Johnson. Seconded by Carole Lankford. Carried, unanimous (7 present).

Janet Camel, Economic Development, introduced Talia Salem and Kristin Lamoureux, from A2B Consulting, who work with a consulting firm that was contracted to look at an international marketing study for the bathhouse.

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Tourism to the US and Native American tribes is on the rise. Ten percent of tourists visit a hot springs. Up to seven percent of the Montana tourists visit a Native American tribe. Janet said there is a group meeting today to go over the development of a tourism plan. The culture committees will be involved. Charmel was interested in knowing if there was a mechanism to network with other Montana tribes. Kristen said that the tribe in North Dakota developed the North Dakota alliance to jointly develop the North Dakota tourism and the products and services available in that state.

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

Rhonda Swaney and **John Harrison**, Legal Department, gave an update on the oral argument in the Supreme Court regarding the Herrera case. **Len TwoTeeth** requested that John give an update on this case to the elder committees.

Rhonda Swaney, **Daniel Decker** and **Ryan Rusche**, 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**.

MOTION by Fred Matt to move forward with the arbitration clause in lieu of litigation clause for exclusive venue being in a state district court. Seconded by Anita Matt. Carried, unanimous (7 present).

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

Council **recessed** the regular meeting at 1:40 p.m. to conduct an S&K Technologies shareholder meeting.

Council **reconvened** into the regular meeting at 3:00 p.m.

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

Vern Clairmont and **Rick Eneas**, Financial Management; and **Bob Sabochik**, Department of Labor Consultant; requested to meet with council in **executive session**.

Council met in **executive session**. **Vern Clairmont** and **Rick Eneas**, Financial Management; joined the discussion.

Council reconvened into **regular session**.

Charmel Gillin out of the room.

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Arlene Bigby, Kicking Horse Job Corps Center, met with council. **Len TwoTeeth** informed Arlene of a personnel matter.

Charmel Gillin returned to the meeting.

MOTION by Charmel Gillin to adjourn the meeting. Seconded by Fred Matt. Carried, unanimous (7 present).

Council **adjourned** at 4:53 p.m., and is scheduled to meet again on Thursday, January 17, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary