

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

Volume 19 Number 68
Council Chambers, Pablo, MT

Held: July 9, 2019
Approved: July 23, 2019

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

OTHERS PRESENT: Jami Pluff, Policy Analyst; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:07 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for June 25, 2019 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for June 25, 2019, with corrections. Seconded by Myrna DuMontier. Carried, 8 for; 2 abstentions (Fred Matt and Anita Matt).

The **agenda** was presented for approval.

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

Charmel Gillin requested that active shooter training be scheduled for the tribal council.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement for the Perma Curves project.

MOTION by Carole Lankford to approve the project specific agreement for the Perma Curves project. Seconded by Anita Matt. Carried, unanimous (10 present).

Len TwoTeeth asked about the language contained in the agreement and wanted to know if we are negotiating for the use of the water. **Melinda Charlo** was not aware if water was being used in this project, and she will follow up.

Marilyn Adams, Enrollment Office, requested approval of a blood degree correction for Anastasia Mary Marie McClure-Hammer and her descendants. **No action taken.** Council requested additional information.

Patricia Courchane and **Dana Morales**, Department of Human Resources Development, requested spending authority in the amount of \$250,000 because they do not have the IV-E Foster Care Reimbursement Account money from the State yet. The new contract has not arrived and the new fiscal year began July 1, 2019. **Rick Eneas**, Financial Management, joined the discussion. Spending authority is tied to an account where income will be in it. Patricia confirmed that the last quarterly report is in good standing and approved by the funding agency. Rick wanted to obtain information from Contracts & Grants.

MOTION by Carole Lankford to approve spending authority up to \$250,000 for the IV-E Foster Care Reimbursement Account. **MOTION WITHDRAWN.** Additional information was requested.

Patricia Courchane and **Patricia Kinley**, Department of Human Resources Development, requested approval of a consultant agreement with Whitener Group to facilitate the Sixth Annual ICWA Legal Conference at the KwaTaqNuk Resort on September 11 & 12, 2019. Whitener is a tribally-owned business but is not on the Indian Preference Business List.

MOTION by Charmel Gillin to approve the consultant agreement with Whitener Group in the amount of \$24,500.00 to facilitate the Sixth Annual ICWA Legal Conference at the KwaTaqNuk Resort on September 11 & 12, 2019. Seconded by Myrna DuMontier. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Patricia Courchane and **Whitney Danz**, Department of Human Resources Development, requested approval of a noncompetitive facilitator agreement with Andrew Laue to facilitate a one-day staff retreat. Half of the staff would attend one day and the other half would attend on another day.

MOTION by Anita Matt to approve a noncompetitive facilitator agreement with Andrew Laue in the amount of \$5,970.00 to facilitate a one-day staff retreat. Seconded by Myrna DuMontier. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Rick Eneas, Financial Management, followed up with Contracts & Grants. It is standard practice to authorize spending authority for the IV-E Foster Care

Reimbursement Account. There are no outstanding issues with the program reports.

MOTION by Carole Lankford to approve spending authority up to \$250,000 for the IV-E Foster Care Reimbursement Account. Seconded by Myrna DuMontier. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Patricia Courchane, Department of Human Resources Development, discussed reorganization of DHRD and requested approval of a revised organizational chart. This issue has been discussed at the chairman's meeting. As a policy change, DHRD would be changing the age requirement to 65 years of age across the board for elderly services. **Carole Lankford** wants to take out the implications of raising the age limits for elders to receive services until there is further discussion. She wants the budgets and all information that backs up the request to raise the age to 65 for elder services.

MOTION by Carole Lankford to approve the revised organizational chart for the Department of Human Resources Development, without the change of age of elders to 65 to receive services. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Len TwoTeeth).

Charmel Gillin hopes DHRD will give more consideration to the Elders policy that requires the elders to move their vehicles prior to snowplowing. She hopes it will be done differently since it is not a realistic expectation of elders to move their vehicles. **Council** directed DHRD to discuss the Elder Services policy at the chairman's meeting next week and provide the budgets and backup information that was requested.

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

Patricia Courchane and **Dana Morales**, Department of Human Resources Development, requested to meet with council in **executive session**.

Council met in **executive session**.

Council reconvened into **regular session**.

Janet Camel and **Dacia Whitworth**, Economic Development, discussed prioritization of potential economic development projects. Priorities were ranked based on the rating methodology sheet. The rankings were: (1) Agri-Business/Food Sovereignty; (2) Culturally-Appropriate Tourism; (3) Hot Springs Rejuvenation Project; (4) Arts and Crafts Vendor Support (tied 5,6, & 7); (5) Warehousing and Storage; (6) Individual and Family Services – Day Care Centers (Adult & Child); (7) Forest Enterprise or Product Development; (8) North Pablo Business Park; (9) Energy Conservation (including solar panels where feasible);

(10) Nursing and Community Care Facilities – Treatment Centers; (11) Real Estate Development; and (12) Home Health Care Coordination Business (tied with 10 & 11). **Shelly Fyant** wants to take this to the district meetings to seek public input. Further discussion is needed prior to approving the prioritization.

Rhonda Swaney and **John Carter**, Legal Department, discussed a letter to department heads regarding a survey of Ordinance 96-C.

MOTION by Fred Matt to approve the letter, as stated. Seconded by Shelly Fyant. Carried, unanimous (10 present).

Rhonda Swaney, Legal Department, requested approval of a contract with ERIS to provide consulting services for the Legal Department water rights OpenText application upgrade.

MOTION by Charmel Gillin to approve by resolution the contract with ERIS Solutions, Inc. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 19-155

A RESOLUTION TO ENTER INTO A CONTRACTOR AGREEMENT WITH ERIS SOLUTIONS INC.

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes, and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes, and

WHEREAS, the Confederated Salish and Kootenai Tribes wish to secure, and ERIS Solutions Inc. wishes to provide, consulting services for the Legal Department water rights OpenText application upgrade, and

WHEREAS, ERIS Solutions Inc. has agreed to provide their professional services according to the terms and conditions of a consultant agreement.

THEREFORE BE IT RESOLVED, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

Rhonda Swaney, Legal Department, requested to meet with council in **executive session** to discuss legal issues.

Rhonda Swaney, **Dan Decker**, **John Harrison**, and **Shane Morigeau**, Legal Department, requested to meet with council in **executive session** to discuss legal issues. **Stu Levit**, Legal Department, was present for discussion.

Rhonda Swaney, Legal Department, requested to meet with council in **executive session** to discuss legal issues.

Council reconvened into **regular session**.

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

Myrna DuMontier left the meeting for the remainder of the day.

Fred Matt left the meeting for the remainder of the day.

Niki Graham, Salish Kootenai College; **Jingjing Sun**, **Anisa Goforth** and **Kelsey Christopher**, University of Montana Research Team; and **Ronda Howlett**, Community Advisory Board; discussed the SELA Project, which aims to promote 3rd-6th grade students' resilience and social-emotional skills in the Arlee School District. A pilot project would go into effect for one year. They received a renewal grant for this project and requested support from the Tribes to move forward.

MOTION by Carole Lankford to support the SELA project. Seconded by Anita Matt. Carried, unanimous (8 present).

Jim Durglo, Tribal Member; and **Tony Incashola, Jr.**, Tribal Forestry; requested that Jim be appointed to represent the CSKT on the Montana Forest Action Advisory Council that will assess the state-wide management plan, landscape, stewardship strategy, and set priorities. There will be public comment periods. The final document will be provided to the governor by September 2020. **Shelly Fyant** wanted to explore all avenues in an effort to get the small loggers back to work since the development of a forest enterprise would take some time.

MOTION by Len TwoTeeth to appoint Jim Durglo to the Montana Forest Action Advisory Council and appoint Tony Incashola, Jr. as the alternate. Seconded by Leonard Gray. Carried, unanimous (8 present).

Greg Wilson, Natural Resources Department, requested approval of amendment 2 to agreement number 16-141 with Reclamation Technical Service Center to increase the not-to-exceed amount from \$4 million to \$6 million to provide additional planning and design services and technical assistance and a two-year

extension to the end date of the agreement to December 31, 2022. **Len TwoTeeth** asked where there is a penalty clause in the contract if the deadline is not met. He thinks projects should be done on time and have a penalty if they go beyond the end date. **Greg Wilson** was not sure, so he will follow up.

MOTION by Shelly Fyant to approve amendment 2 to agreement number 16-141 with Reclamation Technical Service Center to increase the not-to-exceed amount from \$4 million to \$6 million to provide additional planning and design services and technical assistance and a two-year extension to the end date of the agreement to December 31, 2022. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Greg Wilson, Natural Resources Department, requested approval of a project management plan for the Mission Dam Feasibility Design in the amount of \$778,190.00.

MOTION by Dennis Clairmont to approve the project management plan for the Mission Dam Feasibility Design in the amount of \$778,190.00. Seconded by Carole Lankford. Carried, unanimous (8 present).

Lynn Ducharme, Natural Resources Department, requested approval to increase the not-to-exceed amount by \$50,000 to the Hall-Widdoss appraisal contract.

MOTION by Anita Matt to increase the not-to-exceed amount by \$50,000, not to exceed \$90,000 to the Hall-Widdoss appraisal contract through to 2022. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Lynn Ducharme, Natural Resources Department, requested approval of a support letter for the conservation of approximately 800 acres along the mainstem Flathead River.

MOTION by Dennis Clairmont to approve the support letter for the conservation of approximately 800 acres along the mainstem Flathead River. Seconded by Leonard Gray. Carried, unanimous (8 present).

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

Patrick Yawakie, George Price and Michael Billington, Flathead Reservation Food Sovereignty Initiative, discussed a three-phase proposal to implement a CSKT Farms food system plan into action. They requested that the tribal council take action to pass a resolution to direct the Economic Development Office to pass phase one of the CSKT Farms as an economic development initiative. The three of them would be the managers. They have letters of support from some tribal programs. Grant funding is available to apply for so the plan needs to be

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enacted as soon as possible. Since grant funding is available there would be no cost to the Tribes for having this program. The group wants to work with the Tribal Lands Department and Economic Development Office to identify a piece of tribal property. **Council** appreciates their efforts in food sovereignty. **Chairman Trahan** advised that the land needs to be used by a tribal member and the council would need further discussion on waiving compensation for use of the land. **Carole Lankford** suggested that the group meet with the Economic Development Office and the department heads. **Council** asked them to meet with Janet Camel.

Len TwoTeeth has received feedback by employees regarding recent action of the changed pay plan. When it was brought before the council for a decision, it was brought forward by the top salaried administrators that would not be impacted by a move like that. He understands why they wanted to change it due to loss of time. There are many lower paid employees. We should make our administrators held accountable instead of doing this change that impacts lower paid employees. He thinks it was a premature decision that was made and was not a wise decision. **Anita Matt** was not in the room when this was discussed and she preferred other solutions. **Dennis Clairmont** commented that the council works for the people and we put a lot of them in a financial bind and they need more time to adjust to this change. We need to discuss this more and have a plan a little further out. **Leonard Gray** commented that the Tribes would save money for the future if we fixed this issue. He suggested additional discussion with Rick before taking action to rescind it. **Charmel Gillin** is ambivalent on this because she has only seen about six comments come to her that were negative. She has also been told a lot of misinformation that employees were provided that they would be losing income. There was not enough discussion between all parties to distribute the correct information. She agrees the change is the right thing to do financially and she does not know where we are at in the process.

Rick Eneas, Financial Management, joined the discussion.

Jami Pluff relayed some suggestions on how to implement this change. **Rick Eneas** clarified that every employee will be paid for every hour they work. The only way to implement the changes recommended by Jami is to pay employees for hours not worked. We would have to gift it to the employees without them working. The reason this time line was proposed was due to having three pay periods in the month. It is very rare (every 11 years) that we have 27 pay dates per year, so another time line opportunity like this will not come around again anytime soon. Rick realizes this is a hardship on employees, but this time line is the best time to make a change. The problem with the current pay date schedule is employees turning in timesheets a week before the end of the pay period and then not showing up for work that last week of the pay period and not having any PTO to cover that time, leaving them in a LWOP situation, are getting paid

for hours not worked. The timekeepers cannot correct the PTO balance due to the employee not having any PTO leave to cover the hours not worked. The other problem occurs when there is a separation of employment during the second week of the pay period. The corrections are very time consuming and we spend about \$50,000 purely due to having employees get paid for estimated hours worked instead of actual hours worked. This is the trade-off that the council needs to consider and decide which cost they would rather bear.

MOTION by Len TwoTeeth to rescind that action and have further discussion on how we are able to move forward on a huge plan such as this, due to the impacts it has on our employees. Seconded by Anita Matt. **MOTION NOT CARRIED**, 4 for (Len TwoTeeth, Anita Matt, Carole Lankford, and Dennis Clairmont; 4 opposed (Charmel Gillin, Shelly Fyant, Ron Trahan, and Leonard Gray).

Charmel Gillin wants to give an incentive to employees to alleviate some of the pain for the employees and also accomplish the goal of the Tribes to decrease future losses. **Rick Eneas** commented that a \$400 per payment per employee, for example, would cost \$800,000. **Shelly Fyant** would not support that because it is for a segment of the tribal membership that is employed. **Anita Matt** commented that the third pay period has no deductions. Dividing it twice would carry more taxes, and it confuses her why we are doing it that way. **Council** will continue discussing this issue.

***Carole Lankford**, for the record, "From the very beginning, I would have liked more time to have discussions or have employees brought up to speed on it because we did it."*

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 4:31 p.m., and is scheduled to meet again on Thursday, July 11, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary