

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

Volume 19 Number 69
Council Chambers, Pablo, MT

Held: July 16, 2019
Approved: July 25, 2019

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

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

The meeting was called to **order** at 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman Trahan.

The **Tribal Council Meeting Minutes** for July 2, 2019 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for July 2, 2019, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Dennis Clairmont to approve the agenda, with changes. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

Craig Pablo, Mission Valley Mariners Coach; **Tias Fyant**, **Kolby Finley**, **Sheadon Perry**, **Landon Pablo**, **Brody Brown**, **Cason Graham**, and **Aiden Gfroerer**, Mission Valley Mariners 12U Team Members; **Cheryl Finley**, **Raelynn Brown**, **Bonnie Perry**, **Matthew Gfroerer**, **Melinda Gfroerer**, **Nicole Pablo**, **Niki Graham**, and **A.J. Fyant**, Parents; informed council that the 12U team won the state tournament and will be going to the regional tournament in Meridian, Idaho July 17-21, 2019. They have raised \$5,000 so far and requested a financial donation from the Tribes. They still need \$3,000, and they are leaving for the tournament tomorrow.

MOTION by Carole Lankford to donate \$3,000.00 to the Mission Valley Mariners 12U to go to the regional tournament in Meridian, Idaho July 17 – 21, 2019. Seconded by Anita Matt. Carried, unanimous (10 present).

Craig Pablo informed council that the youth did the fundraisers to raise the money and they plan to request additional funds today. **Council** congratulated the team for winning the state tournament and wished them well in the regional tournament. The council members made individual donations to the team. **Shelly Fyant** gave them a tribal flag for the opening ceremony.

Myrna DuMontier commented on the treaty and the fights we continue with good hearts and perseverance. She expressed her gratitude for all those people who stand up for the right for us to exist.

Rick Eneas, Financial Management, requested approval of modification 1 to the fiscal year 2019 Enterprise Dividends Budget to make a contribution to the Boys and Girls Club of Polson.

MOTION by Shelly Fyant to approve by resolution modification 1 to the fiscal year 2019 Enterprise Dividends Budget. Seconded by Dennis Clairmont. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 19-158

RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2019 ENTERPRISE DIVIDEND FUND BUDGET

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

WHEREAS, the Tribes desire to make a contribution to the Boys and Girls Club of Polson; and

WHEREAS, corporate dividends have been receipted to the Enterprise Dividend Fund and are available to appropriate to the budget; and

WHEREAS, the budget will be allocated as follows:

Account	Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
03-504-6150	Tribal Projects	0	145,000	145,000
	Total		145,000	

BE IT RESOLVED to appropriate funds from the Enterprise Dividend Fund and modify the FY 2019 Enterprise Dividend Fund Budget; and

BE IT FURTHER RESOLVED that the total FY 2019 Enterprise Dividend Fund Budget is increased from \$366,000 to \$511,000.

Shelly Fyant commented that some of the membership may not support this but it's an investment in our children on the reservation and it's very hard to measure that. Shelly's kids attended the club. They helped her kids with homework and fed them; the kids weren't home alone and she didn't have to pay day care. **Carole Lankford** thanked the chairman for attending the fundraising event and council for supporting the contribution for the club. This club came about due to two boys that froze in the field. \$1.6 million was raised at the fundraiser. There is a stipend fund to help offset the cost of attending the club for people in need. **Charmel Gillin** commented that she heard of kids living in a drug house and walking over to the soup kitchen to find a meal. She is happy that the council supported the request to expand the Polson Club. **Anita Matt** hopes to get a Boys and Girls Club in every community.

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

Joe Durglo and **Ashley Glass**, Tribal Health Department, requested approval to enter into a contract with Melinda Smith to complete an evaluation of the Kidney Keepers Program. The existing contract expired already so a new contract is required.

MOTION by Carole Lankford to enter into a contract with Melinda Smith to complete an evaluation of the Kidney Keepers Program through September 20, 2019. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Charmel Gillin).

Joe Durglo and **Ashley Glass**, Tribal Health Department, requested approval of a revised organizational chart to clarify supervision and support ongoing operations. The proposed changes were discussed in detail at the Health Committee meeting and at yesterday's tribal chairman's meeting. The organizational chart may be guided by the accreditation standards so changes might be required in the future. The changes do not increase the existing budget.

MOTION by Len TwoTeeth to approve the revised organizational chart for the Tribal Health Department. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

Myrna DuMontier received a call from a naturopathic provider. The council had talked about having that care covered through Tribal Health and there was an article in the newspaper so people thought they were getting their services

covered, but that is not happening and it is putting her in a bind. **Joe Durglo** has spoken to her support staff and has met with Dr. Carter personally several times. Joe's understanding was that Dr. Carter understood the process and was comfortable with it. Joe will follow up with Dr. Carter directly.

Charmel Gillin was asked about medical marijuana for pain management. She got an overview from Legal on that. She asked with the passing of the Farm Bill if we are looking to move toward cannabis and hemp within the approved legalized forms and if that is part of the pilot program being launched. **Joe Durglo** responded that it has not been in the discussions to date and was not something Tribal Health was going to pursue, so he would need council direction to do so. Joe anticipates having a Health Committee meeting at end of July; he hopes that will include working through the bylaws one section at a time. The discussion on cannabis and hemp could be included on the agenda if council wants it included.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Hot Springs North & South overlay, seal and cover project on Highway 28 that will happen next summer. The bids will be let this fall.

MOTION by Anita Mat to approve the project specific agreement with the Montana Department of Transportation for the Hot Springs North & South overlay, seal and cover project. Seconded by Shelly Fyant. Carried, unanimous (10 present).

Charmel Gillin asked about the clause regarding water used by the prime contractor and no charges for use of the water. This was brought up when Safety of Dams was in here, whether there is opportunity for tribal members to provide water for this project. She asked how they would fit in to get this opportunity. **Melinda Charlo** provides a list of all the Indian Preference businesses to the Montana Department of Transportation and they are required to follow the Indian preference policy.

Rob McDonald, Communications, requested approval to pursue a noncompetitive contract with Rave Alert for a period of three years at an annual cost of \$5,136.00. The Tribes have used the Rave Alert system since 2013 to notify the membership during off-work hours, and this has been a useful tool. This company has proven to be very successful in providing this service.

MOTION by Fred Matt to pursue a three-year noncompetitive contract with Rave Alert in the amount of \$5,136.00 per year. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Tribal Council Meeting Minutes
July 16, 2019

Shelly Fyant asked where this fits into a new employee's orientation. **Rob McDonald** explained that this is part of the orientation process that the Personnel Department does for new employees and the employee fills out the Rave Alert paperwork upon hire.

Council **recessed** the regular meeting at 10:10 a.m. to participate in a conference call with Senator Tester.

Council **reconvened** into the regular meeting at 10:35 a.m.

Brian Upton, Legal Department; **Paul Spitler**, The Wilderness Society; **Jessica Diaz** and **Cameron Walkup**, Interns; and **Mike Durglo**, Preservation Office; discussed draft legislation that The Wilderness Society is working on with tribal organizations. The Wilderness Society is working with the National Congress of American Indians and tribal leaders from the northwest and southwest to develop federal legislation to protect cultural sites on public land, and facilitate taking sacred sites on public land into trust and preventing the disposal of sacred sites. The draft proposal urges Congress to enact laws to: (1) improve on protections of tribal interests on federal lands, including prohibiting the sale or disposal of public lands that encompass a sacred site, former Reservation lands, or lands needed to exercise treaty or other reserved rights; (2) that require DOI and USDA to provide Indian tribes with meaningful public involvement opportunities in land use planning, and require that land use plans on public lands be consistent with tribal plans to the maximum extent practicable; (3) that require DOI and USDA to consult with tribes prior to selling public lands, weigh the interests of tribes when considering land exchanges, and ensure that land conveyances will not impact the interests of a tribe; and (4) to authorize the administrative transfer of federal lands of cultural importance to the BIA to be held in trust for the benefit of an interested Indian tribe or tribes.

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

Dan Decker, Legal Department, informed council that he was notified by the Montana Department of Transportation attorney regarding the Ronan Urban agreement. The language has been finalized. The deadline date to vacate the buildings in Ronan was extended from August 2019 to July 1, 2020. The payment schedule was modified. It will need to be discussed further with MDT if the tribal council wants any of those structures relocated sooner than that. **Anita Matt** wants one of the trailers moved to the Dixon Agency. **Carole Lankford** asked about the white house. She would like the house relocated and used for Sylvia's Store. Dan responded that the white house was not on the table, so he will have to pose that question to MDT. Dan thought that location was going to be used for a parking lot, so it would need to have further discussion.

Dan Decker, Jordan Thompson and **Shane Morigeau**, Legal Department, discussed Juvenile Wellness Courts. Legislation was passed to give the Tribes the ability to retrocede from Public Law 280. The CSKT received a grant from Justice Services to look at VAWA and TLOA. There was a final report given to the council in December. Certain drug offenses could be phased in and juvenile cases may be a good place to start. The Tribes received funding to look at Juvenile Wellness Courts. The team would use the same approach that they did when they looked into VAWA and TLOA. Judge Blaser would part of the team. A training would be held. The assessment would help determine how to proceed. **Jami Pluff**, Policy Analyst, brought up the pilot program discussion that the tribal council had with Ann Miller for attorney representation for parents and the conversation covered a Family Wellness Court. Jordan commented that it could tie into any other initiatives the Tribes have going on. **Carole Lankford** commented that it needs to be determined whether we need an attorney judge or not and how to form the Tribal Court. Representatives from the Tribal Legal Department, Tribal Council, Tribal Court Judges, Probation Office, Victims Advocates, Prosecutors Office, Tribal Defenders Office, Appellate Court Justices, and Yale Students would be the team members.

Carole Lankford left the meeting.

Dan Decker and **Shane Morigeau**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

It was the **consensus** of council to move forward on the Tribal Credit issue.

It was the **consensus** of council to proceed with the AIS agreement.

It was the **consensus** to approve the plan for the grant funds to look at a Juvenile Wellness Court.

Carole Lankford returned to the meeting.

Myrna DuMontier informed council of a tribal member who is experiencing a severe health care issue and has been paying insurance for three months. She is not able to use her insurance to cover these health-related visits to the ER and doctor. She is trying to get ahold of Personnel and cannot get anyone on the telephone. **Shelly Fyant** contacted Melanie Piedalue in Personnel this morning and she said she would make a call and check into it. When our money goes to insurance it goes to a national finance center. This has happened before and it's

just a matter of Melanie having to follow up on it. It will be retroactive to cover the medical visits.

Len TwoTeeth discussed the pay plan. He has received numerous inquiries from tribal members regarding the new pay plan and how this impacts them. The majority of them are single-income families that made financial planning ahead of time to utilize this third paycheck in July. During these inquiries, they brought up some good points and Len had no rebuttal for them. One of them was the Tribes have been on a pay freeze for a number of years and the employees are content with that; however, it does impact their finances. To take an action that has huge impacts to their finances during the summer months and prior to the school year starting, this is something that we need to take a closer look at, knowing and having a full understanding on why we are doing this. He understands why and the savings this would have on the Tribes, but he needs to bring it forward. **Leonard Gray** heard that there is a group of employees that will be affected by this. Rick Eneas came up with a plan to save the Tribes \$50,000 a year. The other side of this is the affected employees have not come up with an amount. The employees will receive full pay. The approximate 1,200 tribal employees (800 tribal members and 400 nonmembers) are not going to be out a nickel. We have the remaining 6,800 tribal members that lost half a million dollars in the last ten years, and we will continue to do that until we fix it. If Rick has to put it on a board to explain it again to the council, Leonard wants that done before we rescind this action. Rick is fixing something that has needed to be fixed for many years. **Carole Lankford** found out about a person who cannot pay their mortgage and a person who cannot pay their down payment for a mortgage out of this paycheck. She was told that Rick put some options on the table for another date that would have worked for him. She agrees we need to fix it but she wants more notice given to the employees. When employees are not coming to work, the department heads need to make changes and fix that problem. She thinks this change is happening too soon. **Dennis Clairmont** has received many inquiries and it is affecting the lower paid individuals and they won't be able to make their car/house loans. If they do not have the money to make the payments, they get penalties. It seems too sudden for these people, so he wants a different date to change it to give people notice. **Anita Matt** does not understand how the issue of PTO got so messed up and how it's costing so much money if the timekeepers are doing their job. If an employee takes PTO after timesheets are submitted, the PTO is just deducted from the next pay period. If it is a chronic problem, that should be addressed. The people showing up for work every day should not be penalized for what the other employees are doing. The managers and timekeepers need to do their jobs. **Charmel Gillin** commented that there is an accountability problem throughout this organization. Lifting the pay freeze would help employees. She is willing to give people more time but she wants an action to make the pay date change in December. It is a long-term financial loss to the Tribes if we do not fix this.

MOTION by Len TwoTeeth to rescind the new July proposed pay plan. Seconded by Anita Matt. Carried, 6 for (Dennis Clairmont, Carole Lankford, Fred Matt, Len TwoTeeth, Anita Matt, and Charmel Gillin); 4 opposed (Shelly Fyant, Myrna DuMontier, Ron Trahan, and Leonard Gray).

MOTION by Charmel Gillin to change the pay date change to January 7, 2020. Seconded by Fred Matt. Carried, 8 for; 2 abstentions (Leonard Gray and Ron Trahan).

Leonard Gray out of the room.

Council **recessed** the regular meeting at 12:00 p.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 1:39 p.m.

Virgil Dupuis and **Rene Dubay**, Salish Kootenai College Extension Department; **Carl Etsifty**, Animal and Plant Health Inspection Services Liaison; **Sunny Real Bird**, Ronan School; **Gail Whiteman**; and **Dana Hewankorn**; discussed the USDA Youth Camp that was sponsored by the SKC Extension Department and the Indian Nations Conservation Alliance July 8 – 17, 2019 and funded by the Safeguarding Natural Heritage program. **Courtney Mitchell** was in the Upward Bound Bridge Program, which is a program where a high school student takes college classes and is paid a monthly stipend. She had wanted to become a marine biologist. This camp taught her about agriculture, and now she is considering a career in agriculture instead of marine biology. Agriculture is the science and practice of farming for the growing of crops and animals to provide food and byproducts. She enjoyed this experience and made new friends at the camp. **Marie Mellick** will be a junior at the University of Idaho and is study agriculture communications. She grew up on a dryland farm. Marie is an intern for the Indian Nations Conservation Alliance in the USDA offices. INCA bridges traditionally underserved native farmers and ranchers to programs, grants and tribal council to help them. **Shade Tanner** discussed aquatic biocontrol, which is very delicate because we need to keep our lakes clean. Keeping nonnative mussels out of the waterbodies is important. Microorganisms affect the lake mildly over time. It costs \$6 million a year to keep our lakes clean, but it could cost up to \$2 million a year to keep them clean. He talked about biocontrol for our native land. We need to keep native lands healthy. It is like a constant cycle of repair. We attract nonnative species. Pesticides can stop plants but, like pollinators, they kill them or make them sick whenever they try to pollenate. It also stops our native plants from growing. The pesticides do not always work and can make the plant infest more around the area. The insects are very effective but it takes a long time to get them from other countries. It can take up to twenty years to get a permit to get the insects shipped here. Someone had trained their cows to eat the plants. We are losing most of the pollinators, mainly

due to climate change, pollution and pesticides. Bees can only be out for about three hours a day now and are unable to pollinate. Pesticides make bees sick and can kill them. Sometimes they cannot even navigate back to their own hives. We are also losing butterflies. In 2006, there were 100,000 butterflies in Montana and now there only about 20,000.

Caylon Yellow Robe is interested in CSKT Blue Bay Fisheries as a career. He likes to catch fish. Food can cause health issues, such as diabetes, cancer, heart disease, and dairy intolerance. Cultural foods can make people self-reliant, it increases access to healthy food, and exercises sovereignty in the future. **Tabitha Finley** discussed the cultural aspects of everything that was talked about. Food sovereignty is important because cheap foods that are available in groceries stores ruin nutritional diets for natives. Programs are being built to educate people on healthy diets. Ag has much bigger impacts everywhere than she knew of. Farms in Montana support the local stores and food banks and works to make the state clean and beautiful. Tribal nations are working on preserving our lake.

Douglas McArthur, Cael Burke and **Eneasa Pierre** gave an overview of the camp activities they participated in, including learning about invasive species, biocontrol, invasive grass, and zebra mussels. They visited a processing business and met a local producer. They learned how buffalo is important to the Blackfeet Reservation. They also learned about survival foods versus traditional foods. They went to Glacier National Park and saw lots of animals. Roy Bigcrane told them the Creation story. They visited three local farms. They learned about hemp and the process it goes through. They visited Mission Mountain Enterprises. They learned many things at this camp. It is very important to preserve the land.

Joseph Parisian and **Kenny Ness** gave a report on the camp. They went to the peanut farm and learned about different crops, went to the University of Montana and saw the garden, went to Flathead Biological Station, and went to a hemp farm and learned about hemp. Joseph enjoyed learning about fish at the hatchery, going to the park, and hearing the stories from Vernon Finley. Kenny liked eating some of the plants there and walking around the campus, learning the importance of buffalo to the tribe, and going to the park. They got a picture of a baby grizzly bear.

Leonard Gray returned to the meeting.

Taylor Pierre, Trevor Sorrell, Jessie Pepion, and **Greg Hogan** showed the council a video of a food sovereignty skit they performed. They made a poster that shows every topic they learned about at the camp.

MOTION by Len TwoTeeth to adjourn the meeting.

Tribal Council Meeting Minutes
July 16, 2019

Council **adjourned** at 3:25 p.m., and is scheduled to meet again on Thursday, July 18, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary