

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

Volume 19 Number 72
Council Chambers, Pablo, MT

Held: July 25, 2019
Approved: August 1, 2019

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

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 Myrna DuMontier.

The **Tribal Council Meeting Minutes** for July 11, 2019 were presented for approval.

Len TwoTeeth joined the meeting.

MOTION by Charmel Gillin to approve the Tribal Council Meeting Minutes for July 11, 2019, with corrections. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Len TwoTeeth).

The **Tribal Council Meeting Minutes** for July 16, 2019 were presented for approval. **Len TwoTeeth** requested that these approved council minutes be published in next week's Char-Koosta News.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for July 16, 2019, with corrections. Seconded by Charmel Gillin. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Dennis Clairmont to approve the agenda, with additions. Seconded by Anita Matt. Carried, unanimous (10 present).

Tony Incashola, Jr., Ron Swaney, Darrell Clairmont, and Bob McCrea, Tribal Forestry, gave an update on the Moss Ranch fire that is located 14 miles southwest of Ronan. It has burned 268 acres and is 10 percent contained. The fire is burning timber and grass along a steep, rocky and rugged terrain. It was determined that it is not a good idea to send in crews at this point due to the hazardous conditions. A strategy was developed and presented to the superintendent. The superintendent supported the proposed plan. There are three crews in addition to heavy equipment and aircraft. The plan is to bring it out to Sloan's Bridge. Additional crews will be brought in. Safety is of the utmost concern. The department believes this is the best solution for containing the fire the best they can while providing safety to the firefighters. They are trying to minimize the effects of the fire. The Tribal Lands Department is working with the current lessee. The crew will use a ping-pong method and bring the fire to a spot where they have a defendable area. There will be a resource manager on site. Forestry offered to take the council on a fieldtrip to fly over the fire so they can view it. It is forecasted to be 90-degree weather for the next 15 days. The Bureau of Indian Affairs approved implementation of the plan. It was the **consensus** of council to approve implementation of the plan.

Steve Lozar, Tribal Member, informed council that he has been a part of the Montana Historical Society for many years and is the only tribal member to serve in this capacity. The MHS is having a class for each High School on investigating allotments and homesteading on the Flathead Reservation to show students the effects of allotments to reservations, and how devastating it has been and what a fight it has been to reclaim our homelands. They want to show the history that led up to the allotments and how we work collectively to bring that back to tribal ownership. Steve presented a request for the Montana Historical Society to use some of our tribal maps that show how much we lost with the passing of allotments. Another part of the curriculum is to teach the students how to read a treaty.

MOTION by Charmel Gillin to approve the use of the two tribal maps presented today by the Montana Historical Society to assist with teaching and curriculum. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

Raven Rogers, Tribal Member, requested permission to obtain a gaming permit to hold a 50/50 Queen of Hearts drawing for the Polson Elks Club. The funds will go to the local Elks Club to help with replacement of chairs and improvements to the kitchen and bathroom. The tickets will only go to Elks members. **Council** directed Jami Pluff to assist Raven in obtaining a gaming permit.

Fred Tapia, Tribal Member; and **Marlene Nicholson**; requested to meet with council in **executive session** to discuss a personal matter. **Mark Couture**,

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Tribal Lands Department; and **Jami Pluff**, Policy Analyst; were present for discussion.

Alberta Bertsch, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

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

Fred Matt discussed the council action that was previously taken to appoint Miranda Burland as the Tribal Education Department Head. Fred had seconded the motion, but he later realized he did not have all the information.

MOTION by Fred Matt to rescind the past council action taken to appoint Miranda Burland as the Tribal Education Department Head and advertise the position. Seconded by Shelly Fyant. Carried, 7 for; 3 opposed (Dennis Clairmont, Leonard Gray and Ron Trahan).

Carole Lankford informed council of comments that an employee made on Facebook regarding a personnel matter. It is disturbing to have employees posting negative comments about other employees. **Council** thought there was a policy regarding employees posting negative comments on Facebook. **Chairman Trahan** reminded the council members that it is up to them to be present at council meetings. Tribal business cannot be held up because people are not at the meeting for the discussion and actions. It is important for all council members to attend the council meetings. **Carole Lankford** wanted to know why of all a sudden are we all over Robert's Rules of Order. Now it has changed to where we need seven council members present to take actions, and she does not know when that started. **Chairman Trahan** is setting up a Robert's Rules of Order training for the tribal council. The Robert's Rules of Order are in effect until the tribal council rescinds the action to adopt them. **Charmel Gillin** wants the format of the council agenda changed so all updates and non-action items are scheduled at the end of the agenda and the business action items be scheduled first on the agenda after the walk-ins. **Shelly Fyant** thinks it would be helpful if the council received the council agendas a couple of weeks in advance so they are aware of what is scheduled. The council receives Tuesday's agenda on Monday and they do not get Thursday's agenda in advance. **Carole Lankford** was fine with the action that was taken regarding the Tribal Education Department, so the council did not need to wait for her to be here to take that action this morning. She would not come back and try to change it. **Council** will discuss these issues next Monday. **Chairman Trahan** commented that he tries to have the agendas sent out as soon as possible, but it is difficult sometimes to get the requests submitted in a timely manner.

Rich Janssen, Natural Resources Department; **Stu Levit**, Legal Department; and **Jennifer Anders**, Montana Representative of the Northwest Power and Conservation Council; gave an update. There was a meeting in Butte last week. Tom McDonald and Eric Hansen attended the meeting and gave an update on aquatic invasive species.

Carole Lankford informed Rich about Fred Tapia's issue from this morning. There needs to be more customer service in helping people fill out the packets. Fred received the packet from NRD and was told to work with the Bison Range. If the application is denied, then the applicant should be able to meet with the Shoreline Protection Board. The Tribal Lands Department is assisting Fred this morning. **Rich Janssen** will follow up.

Anita Matt wants Rich to notify Dale Becker of an issue with wolf depredation. People were told by Ted North that unless they pay livestock taxes they cannot be reimbursed for the loss of their livestock. She asked where does that put our tribal members if they don't pay livestock taxes. **Rich Janssen** will follow up and requested that Anita forward him the information she has.

Jim Taylor, Tribal Prosecutors Office; and **Henrietta Conko-Camel**, Child Support Enforcement Program; requested approval of an attorney contract with Annette Brown to fill the Child Support Enforcement Division Attorney position through September 30, 2020. The vacancy was advertised and there were no qualified tribal member applicants. Annette has been working as the Deputy Prosecutor.

MOTION by Carole Lankford to approve by resolution an attorney contract with Annette Brown to fill the Child Support Enforcement Division Attorney position through September 30, 2020. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 19-161

A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH ANNETTE T. BROWN

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

WHEREAS, the Tribal Council as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and 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 Tribal government maintains a Tribal Child Support Enforcement Division and employs a contract attorney to staff that office; and

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to enter into an Attorney Contract with Annette T. Brown, Attorney at Law, to serve as the Tribal Child Support Enforcement Division Attorney for the Tribal Child Support Enforcement Division located at the Tribal Prosecutor's Office and provide representation, advise and counsel to the Tribal government in Tribal Child Support matters and to represent other Tribal interests routinely litigated in the Tribal Court; and

WHEREAS, it is the intent of all the contracting parties that Annette T. Brown shall commence working under the approved contract with the Tribes according to the terms and conditions stated therein; **NOW THEREFORE**,

BE IT RESOLVED the Tribal Council approved said agreement and authorizes its execution by the Chairman; and

BE IT FURTHER RESOLVED, that Annette T. Brown shall act as a Tribal Child Support Enforcement Division Attorney for the Tribal Child Support Enforcement Division located in the Tribal Prosecutor's Office in accordance with the terms and conditions of the Attorney Contract attached hereto.

Jim Taylor, Tribal Prosecutors Office, requested approval of an attorney contract with Maylinn Smith to fill the Civil Attorney position through September 30, 2020. The vacancy was advertised and there were no qualified tribal member applicants. The Tribes will be setting up a pilot program and Maylinn will be working on that.

MOTION by Leonard Gray to approve by resolution an attorney contract with Maylinn Smith to fill the Civil Attorney position through September 30, 2020. Seconded by Carole Lankford. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 19-162

A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH MAYLINN SMITH

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

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WHEREAS, the Tribal Council as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and 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 Tribal government maintains a Tribal Prosecutor's Office and employs contract attorneys to staff that office; and

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to enter into an Attorney Contract with Maylinn Smith, Attorney at Law, to serve as the Civil Attorney for the Tribal Prosecutor's Office and provide representation, advise and counsel to the Tribal government in civil matters and criminal matters and to represent other Tribal interests routinely litigated in the Tribal Court; and

WHEREAS, it is the intent of all the contracting parties that Maylinn Smith shall commence working under the approved contract with the Tribes according to the terms and conditions stated therein; **NOW THEREFORE**,

BE IT RESOLVED the Tribal Council approved said agreement and authorizes its execution by the Chairman; and

BE IT FURTHER RESOLVED, that Maylinn Smith shall act as a Tribal Civil Attorney for the Tribal Prosecutor's Office in accordance with the terms and conditions of the Attorney Contract attached hereto.

Jim Taylor, Tribal Prosecutors Office, informed council that he wants to return to council in August. Jim has a good handle on what the problems were in the Prosecutors Office and he wants to give the council a report on how he found things, how he changed them, and where things are going since his hire. **Council** asked Mr. Taylor to submit an agenda request form to get scheduled on the agenda.

Joe Durglo, Tribal Health Department, requested permission to close the Tribal Health Department clinics to hold an all-staff meeting on August 8, 2019, from 1:00 p.m. to 4:00 p.m. at Salish Kootenai College for the purpose of informing the staff of policy changes/implementation and the accreditation process.

MOTION by Anita Matt to authorize the closure of the Tribal Health Department clinics to hold an all-staff meeting on August 8, 2019, at Salish

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Kootenai College, from 1:00 p.m. to 4:00 p.m. Seconded by Carole Lankford. Carried, unanimous (10 present).

Joe Durglo, Tribal Health Department, requested confirmation of the Health Committee meeting scheduled for this Friday from 9:00 a.m. to 12:00 p.m. Joe sent out the agenda last week. **Council** confirmed the meeting as scheduled.

Charmel Gillin left the meeting on personal time off.

Rick Eneas, Financial Management; **Renee Joachim** and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Leonard Gray to approve a three-year contract with Pay Scale in the amount of \$52,500 per year. Seconded by Anita Matt. Carried, unanimous (9 present – Charmel Gillin out of the room).

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

Janet Camel, Economic Development Office, informed council that for the past three years the Economic Development Office has been placing CSKT youth (ages 16-25) at various reservation businesses to learn about how businesses operate. This is the final year of the program and the interns were recognized. Janet gave an overview of the criteria to select interns. **Jolene Houle**, Eagle Bank; **Jay Preston** and **Cynthy Preston**, Access Montana; **Brenda Dennis**, Valley Bank; **Alana Earth Boy**, Eagle Bank Intern; **Tanneal Flammond**, Lake County Community Development Intern and Food Enterprise Center Intern; **Patricia Hendrickx**, Blue Bay Campground Intern; **Lynette Powderface**, S&K Technologies Intern; **Ron Clark** and **Troy Felsman**, S&K Technologies; **Sariel Sandoval**, Access Montana Intern; **Reese Bird**, Valley Bank Intern; **Lester Bigcrane**, Natural Resources Department; and **Louis Bunce**, 2017 Intern; were present for discussion. **Shelly Fyant** informed the group that she serves on the State-Tribal Economic Development Commission, which is a governor-appointed position. That is where the funding came from to employ these interns. She also serves on the Lake County Community Development Board. Shelly thanked Janet for administering this program. She hopes we can continue this program in the future. Shelly also thanked the supervisors and mentors for their willingness to participate in the program. It takes a lot of work and patience from the supervisors to take the time to teach interns how to do the work. The group took a picture with the tribal council.

Myrna DuMontier informed council that she was preoccupied this morning with an issue regarding grandmothers and great-grandmothers having child custody issues across the country. When the council voted on rescinding the

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appointment of the Tribal Education Department Head she was thinking about the grandparent issue, so she wants to change her vote. **Chairman Trahan** will review the minutes to see if it changes the outcome of the action and discuss this afternoon.

Anita Matt commented on the previous discussion about establishing a Land Ordinance Committee. It was previously suggested that Anita and Dennis serve on the committee. Charmel Gillin wants to be part of the committee. The group can start setting up meetings after the council takes action to establish the committee. The revisions to the Lands Ordinance would be presented to the council after the review is done by the committee. **Leonard Gray** wants to direct Clayton Matt to appoint a Tribal Lands Department staff member to serve on the committee. **Carole Lankford** wants to serve on the committee. **Chairman Trahan** clarified that any interested council members could serve on the committee.

Anita Matt requested that the council talk to Craige Couture about additional law enforcement in the homesites. It would be nice to have a presence in the homesites. She wants to figure out a way to add more law enforcement into the budget. Anita would like a report from Craige to see what he needs. **Chairman Trahan** directed Jennifer to get Craige Couture scheduled on the agenda to provide an update.

Shelly Fyant informed council that Sarah Wecker, Essential Eats Distributors, met with her and Shane Morigeau. Sarah gathers food stuff and gives it to food insecure people. She did a pilot program at several different locations and wants to do something on the Flathead. Sarah is focusing on Two Eagle River School families, and the Two Eagle River School Board approved working with her. Before Sarah writes a grant to the Headwaters Foundation, she wants a letter of support from the CSKT. Shane will draft a letter if council approves the request. **No action taken.** **Council** wants to see the draft letter prior to taking action to approve it.

Shelly Fyant informed council that Jenifer Blumberg used to head up The Nest in St. Ignatius and now she is at Best Beginnings and has a grant fund to do projects with Head Starts. Arlee Head Start was interested in putting a group together. They want to put in three or four learning stations behind the gravel pit and get the project completed this summer. Jenifer was unable to get a response from the Tribal Lands Department so she contacted Shelly to request approval. **Chairman Trahan** will follow up with the Tribal Lands Department.

Len TwoTeeth informed council of a family that is having a funeral in Elmo this weekend. The family had to pay a substantial cost to transport the loved one here. Len wants to donate a large wake kit. It was the **consensus** of council to donate a large wake kit.

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

Carole Lankford left the meeting to go to Court Training.

Chairman Trahan discussed Myrna DuMontier's request to change her vote on the action that was taken regarding the Tribal Education Department Head appointment. Myrna had voted opposed, but she wants to change her vote to be in favor. Changing her vote does not affect the outcome of the action. **Council** directed that the minutes be changed to reflect the vote to be changed to 7 for (Fred Matt, Shelly Fyant, Carole Lankford, Charmel Gillin, Anita Matt, Len TwoTeeth, and Myrna DuMontier); and 3 opposed (Dennis Clairmont, Leonard Gray and Ron Trahan).

Council **recessed** the regular meeting at 2:00 p.m. to conduct an S&K Business Services shareholder meeting.

Council **reconvened** into the regular meeting at 2:38 p.m.

Council met in **executive session** to conduct interviews for the Tribal Gaming Commission. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

MOTION by Myrna DuMontier to appoint Randy Ashley to the Tribal Gaming Commission for a three-year term. Seconded by Anita Matt. Carried, unanimous (8 present – Charmel Gillin out of the room).

Council met in **executive session** to conduct interviews for the Tribal Credit Committee vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to appoint Ronald Morigeau to the Tribal Credit Committee for a three-year term. Seconded by Dennis Clairmont. Carried, unanimous (8 present – Charmel Gillin out of the room).

Melanie Piedalue, Personnel Department, informed council that the S&K Electronics Board of Directors has three vacancies that were advertised twice and Sheila Matt was the only applicant.

MOTION by Leonard Gray to appoint Sheila Matt to the S&K Electronics Board of Directors for a three-year term. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Charmel Gillin out of the room).

Melanie Piedalue, Personnel Department, has the number of employees at Head Start that was requested by Charmel Gillin. **Council** requested that Melanie email the information to the council.

Len TwoTeeth mentioned that last week he was contacted by the Job Corps Security Advisor, Jody Steele, to have Len sit in on a staff meeting. Jody asked that Len report the information to the council, but Len feels that he has a conflict of interest so he asked Jody to come to council. Len wants Jody to be included in this conversation so he can report on the issues directly to tribal council. **Chairman Trahan** suggested that Jody follow the chain of command instead of coming directly to the council and if the issues do not get resolved then have him meet with council.

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

Rick Eneas, Pete White, Dan Decker, Janet Camel, and Don Kline, Kicking Horse Job Corps Center Committee; gave an update on the KHJCC and requested approval of the short-term plan for use of the facility. The lease expires on September 3, 2019, and then the Department of Labor has 30 days after that to clear out. The committee reached out to Salish Kootenai College and the tribal corporations. SKC showed interest in the facility to establish a trade school. SKC is still working on a proposal and has some questions before it can be finalized. SKC would need to take on the maintenance and operating costs for all the buildings. **Fred Matt** has been approached by people that think it would be a good place for a treatment center. **Jody Steele** gave a report on security issues going on at the KHJCC, such as attempts to enter the facility. It occurs many times and mostly on weekends. The center is receiving multiple hang-up calls after hours. He believes that is an attempt to find out if anybody is at the center. If we abandon it after hours, we will have issues with people entering the facility. Jody recommended that security staff be kept on site on a full-time basis. There is a sign posted at the front gate, but more signage is needed. On a short-term basis, the committee recommended the following. Number 1. The residential buildings would become market-rate leases. Three of the lots and one mobile home would be rented out at fair market value. The lots could be rented out as residential lots. The homes that are not safe to live in would be demolished. There would be a presence onsite. Number 2. The Natural Resources Department would use buildings and a staff presence on site would be required. Number 3. Two of the buildings would be used for office space. There would be the creation of up to 30 office spaces in Building 43 by using cubicles, if needed. Number 4. Building 10 and a portion of Building 15 would be used for document storage, cataloguing and converting documents to

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electronic storage, where allowed. Number 5. Demolish the buildings identified on the map and winterize the buildings identified on the map. Some of the buildings have mold issues. Building 19 is the Heavy Equipment and Maintenance building, Building 43 is the Rec Center, Building 1 is the Admin Building, Building 9 is a Shop, Building 10 and Building 6 is a bullpen that houses equipment and secured storage. There are only three homes that are in good shape, and the others would need to be demolished. There is a mobile home that could be moved off the lot. A significant evaluation of each building would be needed prior to making any final long-term plans for the facility. The facility is set up for education use. The committee would like to allow time for SKC to finalize their proposal. The asbestos was capsulized in the dorms. The discussion continued in **executive session**.

Charmel Gillin returned to the meeting.

Council reconvened into **regular session**.

Council reviewed a support letter for Essential Eats Distributors to submit a grant application. Shane drafted the letter.

MOTION by Shelly Fyant to approve the support letter for Essential Eats Distributors to apply for grant funding. Seconded by Anita Matt. Carried, unanimous (8 present – Len TwoTeeth out of the room).

MOTION by Myrna DuMontier to adjourn the meeting.

Council **adjourned** at 4:25 p.m., and is scheduled to meet again on Tuesday, July 30, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary