

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

Volume 19 Number 40
Council Chambers, Pablo, MT

Held: March 19, 2019
Approved: April 4, 2019

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

MEMBERS ABSENT: Ronald Trahan, Chairman (Personal Time Off); and Leonard TwoTeeth.

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was opened with a **prayer** by Shelly Fyant.

The meeting was called to **order** at 9:08 a.m. Quorum established.

The **Tribal Council Meeting Minutes** for March 12, 2019 were presented for approval. **No action taken.** The draft minutes were tabled for further discussion.

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

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

Brian Lipscomb gave an update on the meeting with the Department of State regarding the Columbia River Treaty that was scheduled for today. Due to the airplane being delayed, the consultation with the Department of State was rescheduled for tomorrow at 9:00 a.m. Stu Levit has been working on a coordination document, but there is not a consensus amongst the tribes whether or not to adopt that document. Jill Smail will be here to consult with all 15 tribes of the northwest. There will also be a tour of the dam.

Erin Semmens, Niki Graham, Helen Risetete, and Ashley Glass, University of Montana Research Team, requested support of a research project focused on identifying factors that provide resilience to substance abuse exposures. The

pilot project would be in place for one year. A community advisory team was established. The team will be meeting with the Culture Committees. The support letter is due by April 8, 2019.

MOTION by Carole Lankford to approve a letter of support and approval to conduct the research. Seconded by Anita Matt. Carried, unanimous (8 present).

Carolee Wenderoth and **Tara Irvine**, Tribal Lands Department, presented a request for a free-use revocable permit for the Arlee, St. Ignatius, Charlo, and Ronan baseball fields and a waiver of the bond.

MOTION by Anita Matt to grant a free-use revocable permit for the Arlee, St. Ignatius, Charlo, and Ronan baseball fields and waive the bond. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Carolee Wenderoth, Tribal Lands Department, presented a request for a two-year employment contract with Zanen Pitts for the Lease Compliance - GIS Emphasis position. This position was advertised in 2017 and there were no tribal member applicants. Mr. Pitts has been doing an excellent job with compliance efforts and he has demonstrated a strong knowledge and skillset in this position. **Anita Matt** would like this position advertised again. **Dennis Clairmont** has received very positive comments about Zanen from the producers.

MOTION by Dennis Clairmont to approve the two-year employment contract with Zanen Pitts to continue employment in the Lease Compliance - GIS Emphasis position. Seconded by Anita Matt. Carried, 5 for (Dennis Clairmont, Anita Matt, Carole Lankford, Leonard Gray, and Fred Matt); 3 opposed (Charmel Gillin, Myrna DuMontier and Shelly Fyant).

Anita Matt, for the record, *“I would rather see the position advertised next time, just to be fair to tribal members.”*

Carolee Wenderoth, Tribal Lands Department, requested permission to enter into a contract with Carlo Arendt, Hydrometrics, Inc., for monitoring activities on the Big Arm General Store site to comply with DEQ. This company has personal firsthand knowledge and historical knowledge, and he has been doing work for DEQ. The contract would end on December 31, 2019. Carolee provided an overview of the history of this project and the statement of work.

MOTION by Anita Matt to approve a noncompetitive service contract with Carlo Arendt, Hydrometrics, Inc., for monitoring activities on the Big Arm General Store site to comply with DEQ through December 31, 2019. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Carolee Wenderoth, Tribal Lands Department, presented a request for a noncompetitive service contract with Oakland Right of Way Services in the amount of \$10,000.00 through December 31, 2019.

MOTION by Anita Matt to approve a noncompetitive service contract with Oakland Right of Way Services in the amount of \$10,000.00 through December 31, 2019. Seconded by Fred Matt. Carried, unanimous (7 present – Charmel Gillin out of the room).

Carolee Wenderoth, Tribal Lands Department, discussed a memorandum of agreement regarding the Forest Service. The Tribes are the landowner. The CSKT made a request for a cadastral survey to be done. Lands has the money and is ready to execute the agreement with the BLM. Carolee requested authority to move the \$60,000 from our account to BLM.

MOTION by Shelly Fyant to go with the recommendation of the Tribal Lands Department. Seconded by Carole Lankford. Carried, unanimous (7 present – Charmel Gillin out of the room).

Myrna DuMontier, for the record, "I would have preferred to see that position readvertised to see if there are any tribal members who are interested in that and go from there; if Zanen or anyone else qualified for that job, take it from there instead of just assuming."

Gabe Johnson, Natural Resources Department, requested approval of a contract agreement with Glacier Lake Sand and Gravel for a not-to-exceed amount of \$100,000.00 to perform heavy hauling and material services for the SOD/Roads Program. The contract would end on January 31, 2021. An RFP was advertised for three weeks.

MOTION by Shelly Fyant to approve a contract agreement with Glacier Lake Sand and Gravel for a not-to-exceed amount of \$100,000.00 to perform heavy hauling and material services for the SOD/Roads Program through January 31, 2021. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Charmel Gillin out of the room).

Leonard Gray followed up on a request from a tribal member to have a name included in the design of the reservation boundary sign. He spoke to the advisor and was told that the language contained in the design covers it, so no modification needs to be made to the sign. **Council** told Gabe that the signs are good to go as presented previously.

Carole Lankford discussed assistance that is needed from the Boys and Girls Club pathway. **Gabe Johnson**, Natural Resources Department, stated that it

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needs to be a design path and it is isn't, so he does not want to get involved with it due to the potential liability associated with it not having a design.

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

Dennis Clairmont left the meeting for the remainder of the day to attend the Columbia River Treaty meeting.

Greg Wilson, Natural Resources Department, requested approval to modify the contract with KCI (contract number 18-01) for the Crow Dam Spillway Project to increase compensation by \$31,408.11 and extend the end date to April 15, 2019.

MOTION by Fred Matt to approve modification 1 to the contract with KCI (contract number 18-01) for the Crow Dam Spillway Project to increase compensation by \$31,408.11 and extend the end date to April 15, 2019. Seconded by Charmel Gillin. Carried, unanimous (7 present).

Dan Lozar, Natural Resources Department, requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

Joe Durglo, Tribal Health Department, acknowledged Rhonda Hendren and the Paid Care team. They have done an excellent job and the vendors are happy with the improvements that have been made to the department.

Joe Durglo and **Rhonda Hendren**, Tribal Health Department, requested approval to establish new budget authority for THPC with unexpended funds from the Indian Health Service from prior unexpended funds, and approval of a resolution for the additional funding to meet health care needs. A budget would be established that is similar to Deferred Services. \$1.6 million is the total request. a list of line items was identified. They would be paid through Third Party revenue. **Shelly Fyant** questioned the physical therapy policy. She was contacted by an individual who had a complaint about being denied service after having a stroke. That person is a member of another tribe and was told that the physical therapist was full with tribal members so there was no room to provide services to a member of another tribe. **Joe Durglo** advised that Tribal Health provides physical therapy in-house. **Rhonda Hendren** would need more information to follow up on this complaint. THD can pay for this service on the outside. **Tribal Health** will follow up and report back to council.

Carole Lankford out of the room.

MOTION by Charmel Gillin to approve by resolution the establishment of new budget authority for THPC with unexpended funds from

the Indian Health Service from prior unexpended funds, and approval of a resolution for the additional funding to meet health care needs. Seconded by Anita Matt. Carried, 6 for; 0 opposed; 1 not voting (Carole Lankford out of the room).

RESOLUTION 19-098

RESOLUTION ALLOCATING INDIAN HEALTH SERVICE SELF GOVERNANCE COMPACT RECONCILED FUNDS TO THE TRIBAL HEALTH DEPARTMENT

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

WHEREAS, the Confederated Salish and Kootenai Tribes are committed to improving the wellbeing of Tribal member adults and youth, and

WHEREAS, the Tribal Council has identified Tribal goals of Health and Wellness in 2017 including the following: supporting services that keep families together, providing intervention services for healthy communities and increased opportunities for substance abuse treatment modalities, and facilitating opportunities that increase individual and family economic self-sufficiency. These goals were reviewed and reconfirmed in 2018 as Tribal Council priorities, and

WHEREAS, the Tribal Health Department (THD) has requested the establishment of a new account with Indian Health Services reconciliation funding (prior year funding that remained unexpended by the Indian Health Service) to support the following Tribal Council priorities; (1) an allocation for financially supporting Medicare B policies when there is documentation and evidence of medical necessity due to recent high and reoccurring medical need/costs; (2) an allocation for the payment of insurance premiums when the costs of medically necessary care exceed the cost of the annual health insurance premium; (3) an allocation for substance abuse treatment services when the recipient is engaged with THD addiction treatment staff and requires intensive outpatient and inpatient care; (4) an allocation for durable medical goods when it is clear that the DME is medically necessary and there is no payer; and (5) an allowance for consultation/participation with an alternative medicine provider when THPC eligible and when recommended by a THD primary care physician up to \$500.00 per quarter; and

WHEREAS, the establishment of this account in Fiscal Year 2019 will not diminish the day to day operations of the Tribal Health Paid Care program and may actually enhance THPC funds available through medical cost savings and greater health and wellness, and

NOW, THEREFORE, BE IT RESOLVED that the new account is authorized with eligibility criteria and subaccount distinction for the following for FY 2019 and any amount not expended will carry over to the following fiscal year;

Priority	2019 funding level	Criteria	Pilots Included	
Medicare B Premiums	\$250,000	THPC Eligible and Medical cost review		Evidence of high medical costs and medical need will be determining factor
Insurance Sponsorship	\$500,000	THPC eligible and Medical cost review	200 insurance pilot with Payne West	May include high cost drugs if medically necessary and the sponsorship saves THPC funds
Durable Medical Goods (DME)	\$200,000	THPC eligible and Medical Necessity by PCP order and optional nurse review	Purchase of DME at bid/wholesale rates and provider education	Construction projects and home alterations are not eligible for this funding.
Substance Abuse Treatment including purchase of insurance for medically necessary treatment	\$400,000	THPC eligible and medical necessity evidenced by an CD assessment and treatment team review	Includes but is not limited to pilot with Lake County Prosecutors (LCP) for 2019 – 2020 which also requires a MOU with the governing body.	LCP Pilot requires CD assessment, intensive treatment for at least 60-90 days and dismissal of pending felony charges if no other violent or drug charges of record occur. If assessment demonstrates immediate need for inpatient MAT services may be offered until

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				insurance is evaluated/secured
Alternative Medicine Quarterly Allowance	\$250,000	THPC eligible and Medical Referral by THD Medical Provider and or Impacted by the Controlled Substance Policy adopted by the Tribal Council	Alternative Medicine Pilot in coordination with the newly adopted Controlled Substance Policy Resolution 19-024	THD early involvement will allow for establishment of baselines during this pilot. Payment will be made to alternative medicine provider
Total	\$1.6 million			

The Tribal Health Department will manage the newly established account and provide quarterly reports to the Governing body. The payments will be made locally by the CSKT THD using a newly established account.

Wilbert Michel, Tribal Member, asked Joe Durglo how it works with the VA. He goes up there and they do a referral back to the Tribes. He just got an answer today they will contact Indian Health Service and see if they can get him up there next month. He asked if they have any problems with the VA and get reimbursed from the VA. He is asking about travel and medical care. **Rhonda Hendren**, Tribal Health Department, responded that it is tricky. Sometimes the VA covers it and sometimes the patient says they don't. Tribal Health would have to look case by case on that. Sometimes the VA does not give a referral for services. Wilbert said he usually receives a bill and then he has to take it to Tribal Health. **Joe Durglo** asked Wilbert to refer it to the Tribal Health staff. If it is a service outside our walls, it can be paid from third party funds. If there is a payer in front of Tribal Health, they must pay first and then Tribal Health will pay the balance. Tribal Health advised that they could work through his concerns. The THD Veteran position is occupied by John Wheeler and he is located in the Polson office. The Wounded Warriors provided John with a vehicle from Don Aadsen Ford to transport veterans to appointments.

Joe Durglo and **Rhonda Hendren**, Tribal Health Department, informed council that the Circle of Trust (Reason to Live Native) grant has established a thriving afterschool and community involvement program in Elmo. Funds are available to support an equipment acquisition program for the Elmo community where the afterschool program and community members may use the Culture Building area for physical fitness activities and family fitness. Joe requested that the bid be awarded to Universal Athletics in Missoula.

MOTION by Anita Matt to award the bid to Universal Athletics in Missoula. Seconded by Myrna DuMontier. Carried, unanimous (6 present – Carole Lankford out of the room).

Leonard Michel, Tribal Member, questioned if the Tribal Health Department has a procurement officer. There is a difference buying items from a local vendor and an internet bidder. **Joe Durglo** advised that the procurement policy was followed in this instance.

Daniel Decker, **Brian Upton** and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **John Harrison**, Legal Department, was present for discussion.

Carole Lankford returned to the meeting.

Council reconvened into **regular session**.

John Harrison, Legal Department, informed council that a decision was made in the Cougar Den tax case. The court affirmed the Washington Supreme Court. With a decision of 5 to 4 the court withheld the treaty right.

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

Carole Lankford out of the room.

Vina Little Owl, Internal Auditor, provided an update on her position and an overview of Internal Audit in the Public Sector Tribal Style. The objectives are: overview and purpose of founding internal audit organizational documents; auditee population; and administration priorities. Some of the topics the council were interested in knowing if she could provide assistance on were the issues not addressed in the Salish Kootenai Housing Authority or Tribal Defenders Office; permitted hunts, council elections, judicial system, overlapping of federal grants and funding. Vina asked if there is a staff person assigned to track policy changes. Council told her that we have a Policy Analyst, and they recommended Vina meet with Jami Pluff. Vina had a list of questions and what departments were responsible for those functions.

Shelly Fyant was gone the week of the Salish Conference. While there, she received some texts asking her if the Tribal Health Director had resigned. Shelly received an email when she got back referencing a resignation letter, but she never seen one. Then she heard rumors about that, along with some other things. Then she went to Helena and when she got back she was receiving emails from the Director about the health committee meeting, so she thought it wasn't true. On Friday she sent an email to the people at TERS about a proposal she received from a presenter at the Salish Language Conference who wants to do a presentation on our reservation. Shelly sent it to Teresa Wall McDonald since she is in charge of the Reason to Live Native grant. On Saturday afternoon she received an automatic reply from Teresa's email that says she no longer works at the Tribal Health Department. Shelly is still in the dark about this situation and Joe being here today is another signal that the rumors are true. Shelly does not know what the lack of communication is about. She wanted to know who is in charge of the Tribal Health Department and when will an acting director be appointed. **Leonard Gray** suggested having this conversation on Thursday when there is a quorum present. **Myrna DuMontier** wants to know the liability about waiting until Thursday.

Anita Matt was approached about the media policy. The complaints she received were from people that were concerned when they walked through the workplaces and people are on Facebook and their phones. It is up to supervisors and department heads, but she was going to talk to Len about it because it dealt with a department up north. The public should not be walking in and seeing employees on social media or playing on their phones during work hours. **Shelly Fyant** suggested that Clayton bring this up at the department head meeting and have Rob McDonald send out another notice. **Anita Matt** commented that social media and phones are how people communicate and it is difficult to manage whether it is business or personal use.

MOTION by Fred Matt to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (6 present – Carole Lankford out of the room).

Council **adjourned** at 2:43 p.m., and is scheduled to meet again on Thursday, March 21, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary