

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

Volume 19 Number 57
Council Chambers, Pablo, MT

Held: May 21, 2019
Approved: May 30, 2019

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

MEMBERS ABSENT: Ronald Trahan, Chairman (Washington, DC); and Leonard Gray, Vice-Chairman (Personal Time Off).

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 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Myrna DuMontier.

The **Tribal Council Meeting Minutes** for May 14, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 14, 2019, with corrections. Seconded by Myrna DuMontier. Carried, 6 for; 2 abstentions (Fred Matt and Len TwoTeeth).

The **agenda** was presented for approval.

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

Ron Hunter received a payment invoice from Mission Valley Power on what they want to charge him for putting in two poles on his homesite lease lot in Evaro. Ron's conscience tells him that those poles should have been upgraded a long time ago since they are leaning and he does not feel he should be the one paying for it. **Council** called Lands and MVP to report to council. **Anita Matt** reviewed the invoice and advised that the invoice is from the Tribal Lands Department in the amount of \$2,427.00 with a payback agreement of \$50 per month.

Mark Couture, Tribal Lands Department, reported that under the policies as a lease lot, the lessee is responsible for any right of way, road improvements, septic, water, and power pole costs. That information is provided and is contained in the handouts to lessees that they are responsible for those. **Charmel Gillin** wants to look at this policy issue. When we purchase improvements on homesite leases, the seller is selling all improvements and infrastructure is part of the improvements/appraisal. If the Tribe wants to consider their ownership of those, she hopes we can state it properly in the Lands Ordinance so there is equity for all tribal members going forward. She wants this flagged for the policy issue. Mark informed council that the location was assessed when the homesites were created. Lands has no say where the septic and water is since that is through the Salish Kootenai Housing Authority; and no say about the pole placement since they go through Mission Valley Power. The EA was done when the poles were installed. That is part of the improvements that lessees buy. The lessees own those improvements and Ron assumed that responsibly when he got the homesite. **Jean Matt**, Mission Valley Power, joined the discussion. He can review whether the poles were tagged for replacement and, if so, MVP will replace them right away. Mr. Hunter wants those poles relocated. Jean will send his Safety Officer to view the site today and make sure everything is in compliance and report back to council. Mark clarified that the Tribal Lands Department already paid the replacement costs. The payback agreement was for that.

Jim Taylor, Tribal Defenders Office, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Tony Incashola, Jr., Darrell Clairmont and **Ron Swaney**, Tribal Forestry, requested approval to enter into a facilitator agreement with Rod Goss as an instructor to teach the rookie firefighters. This was discussed at the chairman's meeting.

MOTION by Carole Lankford to go with the recommendation and approve a facilitator agreement with Rod Goss as an instructor to teach the rookie firefighters. Seconded by Myrna DuMontier. Carried, 7 for; 1 abstention (Charmel Gillin).

Tony Incashola, Jr., Darrell Clairmont and **Ron Swaney**, Tribal Forestry, requested approval to hire Samuel Peel on a two-year contract to fill the Forestry Aid 2 position. This was discussed at the chairman's meeting.

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MOTION by Fred Matt to approve the hire of Samuel Peel on a two-year contract to fill the Forestry Aid 2 position. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Tony Incashola, Jr., Darrell Clairmont and Ron Swaney, Tribal Forestry, requested approval to hire Israel Umphrey on a two-year contract to fill the Forestry Aid 2 position. This was discussed at the chairman's meeting.

MOTION by Dennis Clairmont to approve the hire of Israel Umphrey on a two-year contract to fill the Forestry Aid 2 position. Seconded by Fred Matt. Carried, unanimous (8 present).

Tony Incashola, Jr., Darrell Clairmont and Ron Swaney, Tribal Forestry, discussed their request at yesterday's chairman's meeting to seek approval to accept the COLA funding. **Council** advised that the request would be discussed at the Budget Committee meeting on May 22, 2019, from 9:00 a.m. to 10:30 a.m.

Tony Incashola, Jr., Darrell Clairmont and Ron Swaney, Tribal Forestry, requested approval of a resolution to amend the Timber Use Policy Statement (TUPS). **Council** requested edits to the resolution. Tony wants to grant the woodcutters another week on the waiver while he develops the resolution better. Tony requested council action to extend the waiver of the 200-foot policy that Len proposed in the past.

MOTION by Carole Lankford to go with the recommendation of Forestry and extend for a week and bring back a resolution for approval with the proper language. Seconded by Fred Matt. Carried, unanimous (8 present).

Charmel Gillin questioned performance bonds and use of equipment. Tony advised that the performance bonds are returned after the project is done.

Leonard Michel stated for the record that he wants to address the Forest Management Plan. There was supposed to be a policy done for woodcutters in 2004. **Tony Incashola, Jr.** told Leonard that he is working on that. It will be part of the overall review of the Forest Management Plan. Leonard said we are in this problem today because it was not done in 2004 and they need to work on it now instead of waiting. **Carole Lankford** would like to have the Tribal Administrative Procedures Ordinance reviewed. When we change tribal laws and policies it needs to be spelled out in the ordinance. If it is something that was followed she is not sure we would be here. It requires meetings in communities, a meeting with the tribal council and professionals, and then a meeting with the public. That step is missing from TAPO. **Shelly Fyant** asked Dan Decker if Legal could arrange a TAPO training for the council members. **Dan Decker** will get it scheduled. **Charmel Gillin** wants Jami Pluff or the Legal Department to look at some of the preliminary clauses on the topic we are addressing in the

resolution. There is some language she thinks would be helpful to bring wholeness to this resolution.

Shelly Fyant informed council she asked Rob to enlighten them about the article that appeared in The Missoulian. **Rob McDonald**, Communications gave a recap on what happened. Last Tuesday the reporter showed up in Pablo. He was carrying a document that was anonymously mailed to him, which was part of the court document of the grievance filed by Teresa Wall-McDonald. The reporter was trying to get more information on that document. Rob was taken aback that he knew about the conflict happening in council. Rob let the reporter ask his questions. The reporter had already gone to Tribal Court and requested the filings and was told it was in the possession of the Personnel Department. The reporter was headed to Personnel and Rob told him that the Personnel Department would not have the authority to provide him with any information or documents. Judge Pluff said an opinion was rendered and it was a public document. Rhonda Swaney, Legal Department, had advised it is a public document and could be shared and that we had no grounds not to share the document, so it was shared with the reporter. The reporter then returned to Rob's office on Friday asking more probing questions on what happened. Rob shared it with Legal, and Legal said we have no requirement to respond to these questions since it is an internal matter and the tribal council polices themselves. Rob could not reach the tribal chairman on Friday, so he delivered a hard copy of a memo to the chairman by leaving it on his desk. The Vice-Chairman said it was a discussion for Monday, so Rob met with the chairman on Monday about the questions from the reporter. The reporter held off until Monday to allow us an opportunity to respond. Legal's advice was not to respond to this even though the court decision is public record. Rob shared Charmel Gillin's email with the reporter. Rob is not in a position to know if the reporter met with any other people. This morning Rob was informed that it was surprising that the person involved did not have a chance to respond. Not everybody felt they had a chance to respond is the message Rob sent to the reporter and the reporter said the other person could respond if they want to.

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

Joe Durglo, Tribal Health Department, requested approval to hire Ispitaki "Chelle" Gilham on a 90-day temporary employment agreement to provide support in the Pharmacy.

MOTION by Anita Matt to approve the hire of Ispitaki "Chelle" Gilham on a 90-day temporary employment agreement to provide support in the Pharmacy at the stated rate of pay. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Joe Durglo, Tribal Health Department, requested authorization to purchase capital equipment for the Physical Therapy program in Polson from NuStep in the amount of \$6,082.91 for a recumbent cross trainer with a wide seat.

MOTION by Carole Lankford to approve the purchase of capital equipment for the Physical Therapy program in Polson from NuStep in the amount of \$6,082.91 for a recumbent cross trainer with a wide seat. Seconded by Anita Matt. Carried, unanimous (8 present).

Joe Durglo, Tribal Health Department, reminded council of the Health Committee meeting scheduled for this Friday at 9:00 a.m. in St. Ignatius and confirmed that the tribal council received the draft resolution, bylaws, and policy.

Mike Durglo, Preservation Department; and **Melanie Piedalue**, Personnel Department; presented a request from Personnel to grant Gabrielle Ardis a \$1,000 incentive award for her excellent work and achievements in accounts management of the Preservation Department's finances. The department has recovered \$400,000 in ARs during the past 18 months and the department is working to get the funds back on the past write-offs.

MOTION by Len TwoTeeth to move forward with the incentive award. Seconded by Carole Lankford. Carried, unanimous (8 present).

Leonard Michel informed council that he attends all the council meetings and it upsets him that the council holds the chairman's meetings in the back room on Mondays and just takes actions on Tuesdays. Leonard wants to be part of this process. If the council is going to continue holding chairman's meetings, he requested that he be allowed to attend those meetings. If he is not allowed to attend the chairman's meeting, then he is requesting that the council not hold those chairman's meetings any longer. **Council** explained that it is an effort to speed up the issues in council meetings for topics that require much discussion before taking any action so they can stay on schedule. **Anita Matt** suggested the program managers explain the history and recommendations of what happens at the chairman's meetings. **Shelly Fyant** said in the interest of transparency, she wants that process followed.

Rich Janssen, Natural Resources Department, presented a request from the Yellow Bay Biological Station for a collection permit in an effort to have the ability to repopulate their facility with Columbia ground squirrels. Dale Becker has no objection to the request. The social behavior and habitat usage patterns would be studied for classes at the biological station to reintroduce this type of squirrels at their facility. The study would last for one year, and they could present the results of the study after it is completed.

MOTION by Fred Matt to grant the Yellow Bay Biological Station a collection permit in an effort for reintroduction of Columbia ground squirrels at their location. Seconded by Anita Matt. Carried, unanimous (8 present).

Greg Wilson, Natural Resources Department, requested approval of modification 9 to contractor agreement 16-184 with DJ&A Engineering to increase the amount by \$25,000 to conduct semi surveying and measuring in the spring and the fall at 4 dams (Lower Dry Fork, McDonald, Lower Jocko, and Pablo) to ensure that the movement of the dams are within practical guidelines and that there are no issues with the dam movement. It is the same terms of last year's contract. Len TwoTeeth commented that this monitoring should be built in the original contract so they do not come back every year and we pay an enormous amount. **Shelly Fyant** informed Greg that on the S Canal there is a big huge log stuck in that part of the dam. Greg advised that the diversion structures are managed by the Irrigation Division and he will notify Pete Plant of this concern.

MOTION by Dennis Clairmont to approve modification 9 to contractor agreement 16-184 with DJ&A Engineering to increase the amount by \$25,000.00. Seconded by Fred Matt. Carried, unanimous (8 present).

Leonard Michel asked Mr. Wilson questions about Safety of Dams being reimbursed for this work. The Tribes don't reap the benefits of the water going to the irrigators since the majority are nonmembers. This is something the Irrigation Project should pay for and do the monitoring.

Melanie Smith, Department of Human Resources Development; and **Yolanda Page**, Tribal Legal Department; requested approval of a memorandum of understanding between the Tribes and the State of Montana for the Community Strong Drug Endangered Children's Alliance.

MOTION by Charmel Gillin to approve the drafted memorandum of understanding between the Tribes and the State of Montana for the Community Strong Drug Endangered Children's Alliance. Seconded by Anita Matt. Carried, unanimous (8 present).

Leonard Michel made a comment off the record about the article in the Missoulian and offered some recommendations.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 10:44 a.m., and is scheduled to meet again on Tuesday, May 28, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary