

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

Volume 19 Number 58
Council Chambers, Pablo, MT

Held: May 28, 2019
Approved: June 4, 2019

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

MEMBERS ABSENT: 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 9:07 a.m. Quorum established.

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

Carole Lankford left the meeting for the remainder of the day on personal time off.

The **Tribal Council Meeting Minutes** for May 16, 2019 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for May 16, 2019, with corrections. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Fred Matt).

The **agenda** was presented for approval.

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

Jessica Lozeau informed council that she purchased a house on a homesite located on Timberlane Road. That property had been vacant for five years and the Salish Kootenai Housing Authority Maintenance Department was using the driveway to access the pump house. When she purchased the house she was informed by Tribal Credit and the Tribal Lands Department that her driveway is not the access road to the pump house and that SKHA can gain access through a different access road. SKHA Maintenance keeps telling Jessica that she must

leave it accessible to Housing and she cannot build a fence or block the road. She planted grass seed and SKHA drove through her yard. Jessica requested clarification on how to proceed because she wants to build a fence since she has children and dogs. **Chairman Trahan** requested that Jody Perez and Carolee Wenderoth meet with Jessica to resolve this issue and report back to council.

Chairman Trahan left the meeting due to the next issue being a conflict of interest.

Dan DePoe and **Art Caye** asked the status of Dan's complaint against Ron Trahan. Dan wants a time line started so it can get moving and not just sit here with nothing happening. **Shelly Fyant** informed Dan that the council did not address the investigation issue last Tuesday. The council needs to identify an investigator, and they can do that later today or Thursday. **Charmel Gillin** wants Rick Eneas to assist the council with procurement. She wants to obtain services outside to lead the investigation to refrain anyone from here being directly involved. That would require some sort of procurement. Some investigation services have been brought to the tribal council's attention recently, so there is a pool of individuals who could assist the council. **Rick Eneas** said if the tribal council takes action to request a third party, he will get with Legal and find funding to make that happen and get the process going. **Dan DePoe** informed council that he used to be a fire investigator and he thinks he did a good job with his investigation and documentation for this complaint, so he does not believe an outside investigator is needed. This issue seems to be dragging on. **Charmel Gillin** wants Rick Eneas to bring back the results of his inquiry on Thursday in the interest of expediency. **Leonard Michel** wants an attorney to be the investigator since good credentials are needed for whoever is going to look at this.

MOTION by Len TwoTeeth to obtain a third party and have our Financial Director work with Legal to get this agreement in place for the purposes of addressing this complaint. Seconded by Anita Matt. Carried, 6 for; 1 opposed (Fred Matt); 1 not voting (Ron Trahan out of the room).

Fred Matt commented that the reason he voted no is because he wasn't here for the discussion that was necessary to move forward. The last time this was brought in Carole Lankford had said that she hopes we can resolve these issues in a way that is respectful and keep it in-house. Fred agrees with that. This stuff is getting out of control and is out in the media, and the council needs to keep these issues between ourselves. He wants to know where we stop. After this review of the allegation being made, is there then a countersuit filed for defamation. Fred wishes the council would just sit down and resolve things and if apologies are needed, just do it. This road we are going down is not healthy for us as a Tribe. There are things that are hurtful on both sides. Fred does not want to continue going down this road.

Dan DePoe sees things being done wrongly and he sees what it has done to certain people. Art Caye could have been a millionaire and now he is bankrupt because of the tribal council. Dan sees bad choices by the council; they created a bad system. It all begins from the top. If we don't correct that system, it harms the membership. We need to look at this and say, hey, we just ruined a guy's life. Other people's lives are being ruined. They need to look at this when they look at changing policy. We need to follow our own policies. Maybe we could sit down and work this out, but they need the council on the same level they are. **Shelly Fyant** advised that we are engaged and the complaint was brought forward, and we need to follow through on it. It is disappointing that the Tribes are getting a black eye, but here we are and we need to address it. **Art Caye** commented that the small loggers have been out of work for four years. The council says we can't break policies, but yet the council breaks the policies all day long and it needs to stop. If we break the policies we go to prison. Art is bankrupt now and there are many small loggers in this same situation.

Rick Eneas, Financial Management, requested approval of modification 12 to the fiscal year 2019 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2019 funding for Temporary Assistance for Needy Families and earmarked fiscal year 2018 funding for Job Placement and Training has been awarded and needs to be allocated to the budget.

Chairman Trahan returned to the meeting.

MOTION by Dennis Clairmont to approve by resolution modification 12 to the fiscal year 2019 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Charmel Gillin. Carried, 6 for; 1 abstention (Ron Trahan); 1 not voting (Anita Matt out of the room).

RESOLUTION 19-132

RESOLUTION APPROVING MODIFICATION 12 TO THE FY 2019 BIA SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, earmarked FY 2019 funding for Temporary Assistance for Needy Families (TANF) and earmarked FY 2018 funding for Job Placement and Training has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

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Account Number	Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
13-502-4770	DHRD 477 Program	4,054,282.88	525,554	4,579,836.88
	TOTAL INCREASE/(DECREASE)		525,554	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2019 BIA Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that prior year unexpended BIA funds shall be made available to provide for the expenditure of the FY 2019 BIA Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

BE IT FURTHER RESOLVED that the FY 2019 BIA Self-Governance Compact Budget is increased from \$37,410,609 to \$37,936,163.

Kaetie Thompson and **Dana Liberty-Morales**, Department of Human Resources Development, requested approval of a facilitator agreement with Jeri Moomaw in the amount of \$7,000 to provide training July 8-10, 2019 on human trafficking and recognizing signs of human trafficking within the community. A response protocol and action plan will be developed. Kaetie notified Jami Pluff of this training and the MMIW work group will be invited to participate. There are no tribal members on the Indian Preference list that provide this type of training. One day of the training will be open for the public to attend. The training will be advertised in the Char-Koosta News. **Charmel Gillin** requested that the MMIP Work Group members and the Lifeguard Group members be specifically and individually invited.

MOTION by Shelly Fyant to approve a facilitator agreement with Jeri Moomaw in the amount of \$7,000 to provide training July 8-10, 2019 on human trafficking and doing an action plan. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

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

Carolee Wenderoth, Tribal Lands Department, followed up on Jessica Lozeau's issue. The Tribal Lands Department agreed to do the fencing along the road, which will allow SKHA access to the pump house. The pump house was out of compliance with EPA so it required monitoring. There were customer services issues as well, and Lands will do what they can to increase customer service. SKHA drove across the new grass seed Jessica planted, so the Tribal Lands

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Department will supply some grass seed for the damage that was done. SKHA will continue to access the pump house through Jessica's property, and it will be done in a respectful way.

Lesa Evers, Marie Matthews, Karen Kentrell, and Christy Trudowsky, Montana Department of Public Health & Human Services; and **Joe Durglo**, Tribal Health Department; met with the tribal council as part of the DPHHS's spring tribal tour. On June 5, there is going to be a listening session regarding Early Childhood systems. The department will reimburse up to six tribal representatives/staff to attend. Chairman Trahan was invited to participate in a teleconference regarding the Montana Access to Pediatric Psychiatric Network. The invitation will be sent out electronically to everyone. Marie gave an overview of the budget. Medicaid Expansion was passed. As of March 1, there are 95,715 Montanans that are covered by Medicaid. On July 16 there is a listening session on the new waiver. Karen will take the lead on the Community Health Aid program implementation. The Office of American Indian Health was established by an executive order of Governor Bullock. Karen has been in this position for seven months and working on a strategic plan. She is working on a resource book. Christy has three bureaus within her division (Low-Income Heating Assistance Program, Early Childhood Services, and Public Assistance). She has been working with the Tribal Health Department on Medicaid eligibility determination work. Coverage is no longer in effect when people are incarcerated. Lesa gave an update on the Suicide Prevention initiative, coalition, and strategic plan. The master agreement expires in May of 2022 and Lesa would like the agreement renewed. **Len TwoTeeth** talked about One Heart and the treatment needs of our people; and nursing home care for elders in need. Marie discussed elder care and nursing home care. The rates are negotiated with each facility. **Charmel Gillin** discussed veterans care, homelessness, and supportive housing for those in need. Lesa gave an overview of House Bill 696. Lesa serves on the Governors Challenge committee that was approved and the committee is working with SAMHSA on technical assistance and the development of a plan. Karen gave an overview of supportive housing. A report will be published on June 18. She will make sure the tech team is reaching out and the appropriate people are on that team. The Montana Healthcare Foundation has an interest in this topic and is partnering with communities to work on community priorities. **Anita Matt** discussed the Native Youth Initiative. We had over 200 youth that met at SKC on Honoring Our Roots. Anita does not know if there are any more pots of money but she wants to reach out to more youth. The Inter-Tribal Ag Council is having a Youth Summit and it could be a component of it. It will be hosted on a Friday. **Shelly Fyant** commented that the Mountain View Care Center was offered to the Tribes. They have all the licensing and staff. The council would need to set it as a priority. She does not know if that offer is still out there. The health board could visit other tribally operated facilities. Northern Cheyenne has an assisted living center. **Joe Durglo** reported that the Tribal Health Department is ready to move forward with tier 2

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of THIP and that will be coming in to council in the near future. Transportation is an issue. **Lesa Evers** explained how the THIP program works. It is a three-tier program and tier 2 is a different process than tier 1. The Tribes would send them a proposal for tier 2 implementation. The team will review the proposal, measurements and deliverables, and then formally respond to the CSKT. A final statement of approval will be provided. The task order will need to be amended to add tier 2 along with the effective date of the new rate.

Chairman Trahan reminded council of a meeting with the Lake County Commissioners scheduled for tomorrow at 1:00 p.m. George Waters will be here at 12:30 p.m. and requested a luncheon meeting with the tribal council. Rob McDonald is working on the agenda for tomorrow's meeting and it will be distributed to council.

Leonard Michel informed council that he was here last Thursday and met with Anita Matt. Anita gave Leonard a copy of the court opinion from Teresa Wall-McDonald's grievance. Dan DePoe went to Tribal Court to request a copy of it and was told the file was in the Personnel Department. Dan then went to Personnel and they refused to give him a copy because they said personnel matters are confidential. If the Missoulian reporter can get a copy of it, he doesn't know why Dan can't get one. **Anita Matt** explained that she gave Leonard a copy of it because she thought it was public record. **Chairman Trahan** will follow up.

Shelly Fyant wants to arrange the meeting with George Waters so everyone can attend. Jennifer said that George is here for a limited amount of time. Shelly suggested having breakfast with George and then attend the commissioners meeting.

Shelly Fyant requested that the council set the holidays for July. The proposed dates are July 8 for Arlee and July 22 for Elmo.

MOTION by Myrna DuMontier to make July 8 and July 22 tribal holidays to accommodate the pow wows both at Arlee and Elmo. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Council met in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

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

Fred Matt left the meeting for the remainder of the day to go to a medical appointment.

Lydia Hewankorn, David, Paul, and Levi, One Heart, gave an update on the Black Bear Ranch and requested approval of a MOA with the Tribal Health Department. The purpose of the MOA is to get matching tribal funds required by the grant agency. One Heart is trying to open a transitional living center for people recovering from addictions. One Heart needs funding to hire an Executive Director and another person with expertise in the field that can help with the bureaucratic work to get started. They are applying for a grant through the Montana Healthcare Foundation. They also need some tools and equipment for the ranch. Anita Dupuis drafted the MOA and wrote the grant application. **Joe Durglo**, Tribal Health Department, said the group approached him about supporting their ongoing efforts. The tribal council provided additional resources for care. Those funds could be used if it is an allowable cost and Joe supports the request. The TRC funds were carryover from the Indian Health Service and the tribal council set that funding aside for other projects. Measurements at periodic times should be developed for the people who access this care. **Len TwoTeeth** reminded council of the 2014 resolution providing all available resources to the group so we can get the facility off the ground. He wants the departments given a reminder that they had been directed to provide all available resources to this effort. **Rick Eneas** wants the language in the resolution and the MOA reviewed because there are references to the property at KHJCC that are potentially challenging. The process we have with our equipment and property disposal process could be worded so we are not out of compliance of federal and internal policy.

MOTION by Len TwoTeeth to authorize the Tribal Health Department to provide the match of funds of \$50,000 for the group One Heart for the grant application. Seconded by Anita Matt. Carried, unanimous (7 present).

Council asked the group to meet with Rick Eneas about the language in the MOA. **Rick Eneas** explained that the MOA references accessing the needed furniture, equipment and tools from KHJCC. The language would need to be stated differently because many of those items do not belong to the Tribes. **Lydia Hewankorn** reported that Pete White told her that on May 26 they could access items and they have already received some mattresses from KHJCC. The Drug Court provided some funding to One Heart.

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

Mike Durglo and **Mary Rogers**, Preservation Office, followed up on a letter from about a year ago regarding the efforts to get some artifacts back. They were going to take the SKC artifacts to St. Louis, but now they are talking regionalization efforts of facilities. Mike went to Colville to look at their facility. The Army Corps of Engineers has not decided the facilities yet. They will not pay for a Curator position but will pay for the storage. Under their standards, our Curator is not

qualified to be a Curator. Mike wants to send a letter saying we found the items to be culturally patrimony under NAGPRA so we should get them back. Someone needs to talk to Lori about what NAGPRA is since she does not understand it. **No action taken.** Council requested a copy of the letter so they can review it prior to taking action.

Rhonda Swaney, Dan Decker and John Harrison, Legal Department, provided updates to council. The Herrera decision was issued. The treaty right was upheld. What the conservation standard means will be remanded. The Attorney General's Office requested a copy of our off-reservation hunting regulations. An electronic copy of the court opinion was emailed to council support.

Rhonda Swaney, Dan Decker and Brian Upton, Legal Department, gave an update on the Bison Range and requested approval to submit comments.

MOTION by Charmel Gillin to approve the draft provisional comments. Seconded by Anita Matt. Carried, 6 for; 1 abstention (Shelly Fyant).

Rhonda Swaney, Dan Decker and Brian Upton, Legal Department, reported that the film screening in DC went well. Brian is working on the final detailed report to present to council.

Rhonda Swaney and Dan Decker, Legal Department, discussed the proposed transaction to purchase the McCollum Estate. A modification was approved two weeks ago. Another one of the representatives had a different modification suggestion. The recommendation from the Lands Department is to stay with the original proposal that was already approved two weeks ago. An EA will be needed. It was the **consensus** of council to stay with the option that was already approved.

Rhonda Swaney and Dan Decker, Legal Department, discussed the Ronan Urban agreement. The State and Montana Department of Transportation is agreeable to go to Federal District Court if there is a dispute.

MOTION by Anita Matt to agree to Federal District Court for dispute resolution. Seconded by Myrna DuMontier. Carried, 6 for; 1 opposed (Shelly Fyant).

Anita Matt told Dan that a resolution to transfer ownership of the trailer was never found. **Dan Decker** said it was through the Tribal Lands Department and he will follow up.

Charmel Gillin informed council that she and Shelly Fyant went to the Tribal Leaders Summit last week and it was affirmed there is no hindrance with proceeding with the Post Creek section.

Rhonda Swaney, Dan Decker and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **John Harrison**, Legal Department; and **Rob McDonald**, Communications; were present for discussion.

Council reconvened into **regular session**.

Dan Decker, Legal Department; and **Rick Eneas**, Financial Management; gave an update on KHJCC issues and letters to the Department of Labor that need council approval to confirm the conversations that took place regarding management of the inventory process and what needs to be done before the Tribes take ownership of the property.

MOTION by Shelly Fyant to approve the letter to Doug Goslin, Contracting Officer, regarding the Kicking Horse transfer. Seconded by Charmel Gillin. Carried, 6 for; 1 abstention (Ron Trahan).

MOTION by Anita Matt to approve the letter regarding inventory. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Janet Camel and **Dacia Whitworth**, Economic Development Office, discussed a small grant that Junior Caye received. Grants are awarded through a contract, which requires proof of workers compensation insurance or exemption, proof of general liability insurance, and proof of vehicle insurance. Mr. Caye has a firefighting truck that is equipped with a 200-gallon water tank. The general liability insurance premium quote he got for his business was between \$3,500 and \$7,000. Mr. Caye has requested a waiver of the general liability insurance requirement for his grant contract. This would not be a waiver of anything through Forestry. **No action taken**. Council requested additional information.

Janet Camel and **Dacia Whitworth**, Economic Development Office, informed council that in preparation for Thursday's meeting with Lt. Governor and State Economic Development and other staff, she developed a list of potential priorities for discussion that need to be ranked by the council: (1) Hot Springs Rejuvenation Project; (2) agri-business/food sovereignty; (3) promotion of culturally-appropriate tourism; (4) energy conservation, including installation of solar panels where feasible; (5) infrastructure development, such as broadband, where economically feasible; (6) provide entrepreneur opportunities grant opportunities, technical assistance and training; and (7) provide workforce training, support high school graduation and college readiness, and higher education and training opportunities; (8) warehousing and storage; (9) accounting, tax prep, bookkeeping, payroll services incubator; (10) individual and family services – day care centers (Adult and Child); (11) community care facilities – treatment center; (12) real estate – N. Pablo Business Park, Polson

Airport Hangers, retirement community; and residential lots - development and leasing; and (13) forest product development is another topic to be discussed. **Council** provided input on topics that are important to them. There was discussion about hemp.

Charmel Gillin suggested that Janet Camel ask Junior Caye to find out if professional liability insurance is more affordable and if the agent can provide an explanation of general liability and professional liability insurance coverage. **Janet Camel** will follow up with Legal.

Council approved submission of the list to the Lt. Governor's Office. Janet informed council that the SKHA Director is backing out of the supportive housing project due to funding issues regarding upkeep and maintenance after the grant funding runs out. Janet was not invited to the city zoning meeting about the supportive housing project in Ronan. Janet wants authority to visit with Rick Eneas about finding funding to have the architect and engineer attend the next meeting. **Council** authorized Janet to follow up with Rick.

MOTION by Anita Matt to adjourn the meeting.

Council **adjourned** at 4:19 p.m., and is scheduled to meet again on Thursday, May 30, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary