

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

Volume 19 Number 83
Council Chambers, Pablo, MT

Held: September 5, 2019
Approved: September 19, 2019

MEMBERS PRESENT: Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Shelly Fyant, Secretary; Anita Matt, Treasurer; Carole Lankford; Fred Matt; Dennis Clairmont; Myrna DuMontier; 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 9:08 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for August 27, 2019 were presented for approval. **Anita Matt** asked if the council as a whole discussed whether we are going to do anything with the county or not address the resolution from the county. **Chairman Trahan** will follow up. **Carole Lankford** discussed the request from Vernon Finley. Council found out information that there were some contracts that were a mess. There was different information brought up at the budget meeting. She wants Rick to explain that to the full council. There was concern about a department head doing a walk in at the last minute. **Charmel Gillin** commented that council was told that the Legal Department does not review all contracts when the template is used. The template had been changed. **Rick Eneas**, Financial Management, explained the process. In June or July, Vernon had brought in two nontribal member contracts for the camp cooks. Rick had suggested if council approved the contracts, to do so with the proper form of the agreements to be settled because there were three people that were hired as employees for those specific periods to be cooks that were going to be processed through Payroll. Some were through A/P and some were done through Payroll. That was stopped in Central Accounting and they wanted them all treated the same. After that meeting, Rick brought in Dallas and determined the proper form for those agreements was a non-employment contract as a service contract. Then recently some of those contracts were presented to the council after the fact since the work was already performed. There has been confusion when people are employees versus a contractor. Some of the people that were contracted are already tribal employees so it appeared to be the reason

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they were paid through Payroll. Those instances should be vendor contracts, not temporary employment agreements. When departments get approval as a walk-in during council meetings, there is no opportunity for departmental review to ensure the proper process has been followed. **Chairman Trahan** suggested sending those people back to follow the process prior to meeting with the council. **Charmel Gillin** thinks the council has the oversight responsibility of that department and needs to ensure its success. **Len TwoTeeth** is still in favor of handing out the Bison Range film posters to the tribal membership rather than selling them, and he wants to hand them out on Election Day when tribal members come in to vote. **Council** took the suggestion under consideration.

MOTION by Carole Lankford to approve the Tribal Council Meeting Minutes for August 27, 2019, with corrections. Seconded by Dennis Clairmont. Carried, 9 for; 1 abstention (Ron Trahan).

The **agenda** was presented for approval.

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

Rob McDonald, Communications, gave an update on the Welcome 1002 fire. The fire continues to be manned. Cooler weather and moisture is forecasted, which should help contain the fire. The information will be posted on Facebook and sent out in an email. **Charmel Gillin** was contacted by a tribal member that has not been called out on this fire, and she wants a report from the Indian Preference Office on the opportunities for tribal members to be called out on fires. **Carole Lankford** explained that there is a rotation to be called out on fires, and she suggested contacting the Contracting Officer for further information.

Constance Morigeau, Catherine Baylor and **Patricia Courchane**, Department of Human Resources Development, requested to meet with council in **executive session** to report on a directive. **Dan Decker**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

Janet Camel, Economic Development Office, requested approval of a noncompetitive negotiated contract with Tina Begay in the amount of \$10,499.00 to assist tribal member entrepreneurs with business planning and submission of grant applications to the Indian Equity Fund and CSKT Small Business Assistance Program. The Native American Advisory Fund will cover the costs of the consultant. November 4 is the deadline to apply for these grants. The contract would go through June. Janet discussed this grant in the chairman's meeting and she was directed by the chairman to apply for the grant. There are no tribal members on the Indian Preference Office list that have the required

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experience to provide this service. Janet is required to get council approval prior to having Contracts & Grants review the contract. Legal review is not required since it is a template contract that is used. She provided a copy of the grant application to Contracts & Grants.

MOTION by Fred Matt to approve a noncompetitive negotiated contract with Tina Begay in the amount of \$10,499.00 to assist tribal member entrepreneurs with business planning and submission of grant applications. Seconded by Charmel Gillin. Carried, 9 for; 1 abstention (Ron Trahan).

Ron Swaney, Tribal Forestry, gave an update on the Welcome 1002 fire. The stand of trees burning are located in the Hot Springs drainage. There are a lot of dead trees and downfall. The fire moved towards Hot Springs. The crew got to the top of the fire yesterday and are pushing lines into the bottom. They are building indirect lines and may be 200-400 acres in size. Ron had received a question on contract equipment. Outside of the outhouses and ambulances, everything is tribal. They go through the IPO list. They contracted 6 skidders, dozers, Type 2 IA crews, and 2 tenders. The two state sections should not be impacted by this fire. **Charmel Gillin** was asked about contracting opportunities for tribal members. Ron reported that the department follows the dispatch priority list through the Best Value system. **Dan DePoe**, Tribal Member, was over there yesterday because he is buying a house by Hot Springs Creek. A helicopter was dipping out of the pond of the property Dan is buying. He asked if that would disturb the fish in that pond. Ron advised that they have two land use agreements in place with the landowners to use those ponds. Dan has a buy/sell agreement and was not notified of anything. Ron was interested in entering into an agreement with Dan as well.

Kisha Gurule, Salish Kootenai College Student; **Amy Lisk** and **Amy Coffman**, National Bison Range, discussed Kisha's project on a Traditional Ecological Knowledge Plan for the National Bison Range. The TEKP was included as part of the Comprehensive Conservation Plan, and Kisha was hired by the Fish & Wildlife Service to write this plan. Kisha met with the Culture Committees. The final plan will be presented to the Fish & Wildlife Service Leadership. The final Comprehensive Conservation Plan will be published in the federal register tomorrow through October 6, 2019. They invited the Culture Committees and Tribal Council to the roundup opening and to bless the riders on October 7, 2019. The regional folks want to begin discussions on the new Visitor Center and they want to meet with the tribal council representatives next week. **Art Caye**, Tribal Member, asked questions about the roundup not being open for the public. Amy explained that it has not been open to the public for the past couple of years due to putting less stress on the animals. It will be open to the public on October 8.

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

Bryan Van Strippen, National Indian Carbon Coalition; and **George Ducharme**, Tribal Lands Department; gave a presentation on carbon crediting. An analysis could be done for the Tribes to use in making a decision whether to move forward. There would be a third party contract and a memorandum of understanding would be required to do the feasibility study.

George Ducharme, Tribal Lands Department, requested approval of a resolution for the purchase of the Post Office in Polson. The purchase is contingent upon the environmental review and inspection. **Charmel Gillin** wants the contingencies stated in the resolution. Rick Eneas said when the property was brought up, there was a desire to move forward. The contingencies were specific to the environmental review and for the Legal Department to look at the transferability of that lease to CSKT. **Anita Matt** commented that the normal process is for the council to approve the resolution when they are ready to make the purchase. **No action taken.** The issue will come back to council next week.

George Ducharme, Tribal Lands Department, requested approval of a resolution for the land exchange with Dorothy Clinkenbeard.

MOTION by Charmel Gillin to approve by resolution the land exchange with Dorothy Clinkenbeard. Seconded by Dennis Clairmont. Carried, 9 for; 0 opposed; 1 abstention (Anita Matt).

RESOLUTION 19-185

RESOLUTION AUTHORIZING THE EXCHANGE OF CONFEDERATED SALISH AND KOOTENAI TRIBES A PORTION OF FLATHEAD TRIBAL TRACT NO. T2902 FOR DOROTHY CLINKENBEARD'S FEE PARCEL

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

WHEREAS, The Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402); and

WHEREAS, Dorothy Clinkenbeard has offered to exchange all right, title and interest in a tract of land in a portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, Township 15 North, Range 20 West, P.M.M., Missoula County, Montana, further shown and described as Tract 2 Certificate of Survey No. 203-47124, on file in the office of the CS & KT Land Titles and Record's Office, containing 1.81 acres, more or less, for a portion of Tribal Tract No. T2902, creating Flathead Tract No. 2902-A described as follows: A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 15 North, Range 20 West, P.M.M., Missoula County, Montana, further shown and described as Tract 3 on Certificate of Survey No. 203-47124, on file in the office

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of the CS & KT Land Titles and Record's Office, containing 1.86 acres, more or less.

WHEREAS, Dorothy Clinkenbeard's 1.81 acres of fee property and Tribal Tract T2902 (1.86 acres) were determined to be of equal value; and

WHEREAS, Dorothy Clinkenbeard and The Confederated Salish and Kootenai Tribes have accepted the appraisal values for each parcel; and

WHEREAS, the Tribal Council has determined the exchange within its best interest; as the Tribes will acquire acreage bordering other Tribal property;

WHEREAS, Dorothy Clinkenbeard has determined the exchange is within her best interest as her fireworks storage unit is located on subject property;

WHEREAS, the Tribal Council has agreed to exchange the above mentioned properties with Dorothy Clinkenbeard at a value for value basis; and

BE IT RESOLVED that the Chairman of the Tribal Council or his delegated representative is authorized to execute the transactional documents necessary to complete the land conveyance for real property situated in Missoula County, Montana.

Dan Decker and **Yolanda Page**, Legal Department, requested to meet with council in **executive session** to discuss legal issues.

Council reconvened into **regular session**.

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

Chairman Trahan left the meeting for the remainder of the day.

Council met in **executive session** to conduct interviews for the Salish Kootenai College Board of Directors vacancies, the Two Eagle River School Board vacancy, and the S&K Gaming Board of Directors. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

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

Melanie Piedalue, Personnel Department, requested to meet with council in **executive session** to discuss a personnel matter.

Council continued to meet in **executive session** to conduct interviews for the S&K Gaming LLC Board of Directors vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

MOTION by Carole Lankford to appoint Jamie Courville and Ronda Howlett to the Salish Kootenai College Board of Directors for a four-year term. Seconded by Fred Matt. Carried, unanimous (9 present).

MOTION by Len TwoTeeth to accept the results of the ballot and appoint Leroy Black, Jr. to the Two Eagle River School Board for a four-year term. Seconded by Anita Matt. Carried, unanimous (9 present).

MOTION by Dennis Clairmont to accept the results of the ballot and appoint Troy Felsman to the S&K Gaming LLC Board for a three-year term. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Charmel Gillin informed council about an invitation for the tribal council to go to the Fire and Flood Emergency Services demonstration in Polson on Saturday, September 7, 2019, at 11:30 a.m., on the East Shore of Flathead Lake. There is a company from Canada that has the technology taken from the fracking industry to move water so massive amounts of water can be moved in a short period of time.

Carole Lankford informed council that she was contacted by an individual regarding an incident that occurred at the Tribal Health Pharmacy in Polson.

Renee Joachim and **Melanie Piedalue**, Personnel Department, gave an update on the tribal pay plan. There are 3 steps between Pay Levels 26 and 30 where one step is lower than the higher step. Renee took the step above the rate that is incorrect and subtracted it from the lower step and averaged them. It would change the pay plan to be consistent where it keeps increasing. Personnel had been directed to change an employee's Step Level, but that step paid a lesser salary than the lower step. Renee requested approval to change the pay plan to change Pay Level 26 Step 9 to a corrected rate, Step 27 and 6; and Pay Level 28 Step 2 to a corrected rate.

MOTION by Charmel Gillin to approve the corrected tribal pay plan. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Dennis Clairmont announced that the Medicine Tree fall trip is on September 19.

MOTION by Len TwoTeeth to adjourn the meeting.

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

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary