

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

Volume 18 Number 35
Council Chambers, Pablo, MT

Held: February 15, 2018
Approved: February 20, 2018

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

MEMBERS ABSENT: James Steele, Jr. (National Congress of American Indians – Washington, DC).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; 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 Troy Felsman.

The **Tribal Council Meeting Minutes** for February 8, 2018 were presented for approval.

MOTION by Troy Felsman to approve the Tribal Council Meeting Minutes for February 8, 2018, with corrections. Seconded by Dennis Clairmont. Carried, 8 for; 1 abstention (Charmel Gillin).

The **agenda** was presented for approval. No conflicts of interest were identified.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Leonard Gray. Carried, unanimous (9 present).

Eldon White discussed his medical bills. The medical provider had told Eldon that they were unable to make contact with Tribal Health for approval of services. The Tribal Health Department staff member would not return his call. He posted a complaint on Facebook and then 15 minutes later the staff member returned his call. **Chairman Trahan** commented that most likely the staff member was busy for that 15 minutes while he was waiting for a return call and there should have been a different staff member Eldon could of spoken to about his bills. Eldon informed council that Tribal Health denied payment of his bill because services were not deemed life threatening. He found out on

Facebook that these unpaid medical bills are getting turned over to collection agencies and is affecting people's credit rating. Eldon wants all the medical bills paid. **Carole Lankford** would like Tribal Health to work it out with the elders; the elders should not receive medical bills. Tribal Health could use the deferred services account to pay his old medical bills. **Charmel Gillin** commented that she read Eldon's Facebook posts and the paid care system is unacceptable. She suggested that tribal council and the health committee address the problems. Charmel wants the staff to provide a presentation to the tribal council. Many people are dealing with delinquent medical bills that are not getting paid by Tribal Health. Charmel receives complaints from tribal members. People's personal credit is at risk. She has also received concerns from Tribal Health employees about the processes and transition that are not effectively working. **Troy Felsman** will follow up with the Tribal Health acting department head today and will report back to Eldon. **Frank Pierre** informed council that creditors continue to call and harass his mother about her medical bills, and he would like that to stop.

Frank Pierre and **Mary Stasso** requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

Wilbert Michel discussed Eldon White's situation regarding his medical bills.

Laurence Kenmille, Enrollment Office, requested approval of a resolution authorizing the April 4, 2018 per capita distribution.

MOTION by Leonard Gray to approve by resolution the April 4, 2018 per capita distribution. Seconded by Troy Felsman. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 18-079

RESOLUTION AUTHORIZING THE APRIL 4, 2018 PER CAPITA DISTRIBUTION

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

WHEREAS, The Tribal Council established policy by Resolution 96-83 to make per-capita payments to tribal members three times annually during the months of December, April and August for each fiscal year; and

WHEREAS, said policy states that three equal per capita payments of \$400.00 will be made annually and that one-half (1/2) of each per capita distribution

Tribal Council Meeting Minutes
February 15, 2018

for each minor child enrolled in the Tribes is to be issued to said minor's parent or legal guardian and the other one-half (1/2) is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age; and now, therefore,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Northwest Regional Director is requested to authorize the \$400.00 per capita distribution to be made during the month of April 2018; and

BE IT FURTHER RESOLVED, that the Director of Financial Management is directed and authorized to request sufficient tribal monies on deposit in the United States Treasury to be advanced to local status to effect said distribution; and

BE IT FURTHER RESOLVED, that the Superintendent, Flathead Agency, and the Director of Financial Management are authorized to apply these funds to judgments held by Tribal Court, to assignments through Tribal Credit, and voluntary child support and to those accounts under the control of the Superintendent; and

BE IT FURTHER RESOLVED, that the April 4, 2018 per capita distribution will be made to those members enrolled in the Tribes as of March 15, 2018 at 5:30 p.m., and

BE IT FINALLY RESOLVED that the deadline for claims to be withheld from individuals' April 4, 2018 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than March 15, 2018 at 5:30 p.m.

Joe Durglo, Tribal Health Department, requested approval of a memorandum of agreement with S&K Gaming to host events at the Kwataqnuq Resort.

MOTION by Anita Matt to approve the memorandum of agreement with S&K Gaming to host events at the Kwataqnuq Resort. Seconded by Carole Lankford. Carried, unanimous (9 present).

Barbara Aston, Washington State University Tribal Liaison; and **Julie Cajune**, Tribal Education Department; gave an overview of memorandum of understanding between WSU and CSKT for in-state tuition for CSKT tribal members. Barbara requested that the tribal council select a delegate for the Native American Advisory Board. **Council** advised that James Steele, Jr. was appointed as the delegate.

Germaine White, Natural Resources Department, requested approval to

Tribal Council Meeting Minutes
February 15, 2018

submit an application to the Bonneville Power Administration for funding of \$19,995 for an educational project to develop an AIS mobile app.

MOTION by Leonard Gray to approve submission of the application to the Bonneville Power Administration for funding of \$19,995 for an educational project to develop an AIS mobile app. Seconded by Anita Matt. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; **Brian Lipscomb**, Energy Keepers, Inc.; and **Stu Levit**, Legal Department; requested approval of a letter addressed to Jill Smail, Department of State Chief Negotiator, regarding the Columbia River Treaty. The next Tribal Leaders meeting is scheduled for March 5 & 6 in Spokane, Washington. The draft agenda will be emailed to the tribal council. They contacted the Bureau of Indian Affairs for end-of-year funding.

MOTION by Dennis Clairmont to approve the letter to Jill Smail regarding the Columbia River Treaty. Seconded by Leonard Gray. Carried, unanimous (9 present).

Brian Lipscomb, Energy Keepers, Inc., informed council that FERC made a ruling today on the P5103 hearing and ruled to uphold most of what the judge said and protected our position. **Stu Levit** reported that the Legal Department will be scheduled on the agenda to provide council a full briefing on this issue.

Shelly Fyant left the meeting for the remainder of the day.

Rich Janssen, Natural Resources Department, presented a request from the University of Montana for a collection permit for the Yellow Bay Biological Station to collect eDNA samples.

MOTION by Anita Matt to approve a collection permit to the University of Montana for the Yellow Bay Biological Station to collect eDNA samples. Seconded by Leonard Gray. Carried, unanimous (7 present – Troy Felsman out of the room).

Rich Janssen, Natural Resources Department, presented a request from Jesse Stine, Salish Kootenai College, for a collection permit to investigate chromium in surface water.

MOTION by Carole Lankford to approve the collection permit for Jesse Stine, Salish Kootenai College, to investigate chromium in the surface water. Seconded by Dennis Clairmont. Carried, unanimous (7 present – Troy Felsman out of the room).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Perma Canyon North project.

MOTION by Carole Lankford to approve the project specific agreement with the Montana Department of Transportation for the Perma Canyon North project. Seconded by Anita Matt. Carried, unanimous (7 present – Troy Felsman out of the room).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Post Creek Mill project.

MOTION by Carole Lankford to approve the project specific agreement with the Montana Department of Transportation for the Post Creek Mill project. Seconded by Leonard Gray. Carried, unanimous (7 present – Troy Felsman out of the room).

Len TwoTeeth gave a report on the Kootenai Elders Committee meeting he attended. The Kootenai National Forest subject came up again and the importance of filling the Liaison position. They asked Preservation to draft a letter to the Kootenai National Forest Supervisor to look at the existing memorandum of understanding we have in place for that and have a discussion about what we need to do to move forward. **Wilbert Michel** thought the elders wanted tribal council involvement because of their clout. Len explained that we wanted a government-to-government consultation. Len will obtain a copy of the MOU.

Kelly Parker and **Corky Sias**, Department of Human Resources Development, requested approval for the tribal transit program to apply for TransAde funds in the amount of \$247,848 and a grant application for the Flathead Intercity 5311 funds in the amount of \$171,717.

MOTION by Anita Matt to approve the tribal transit program to apply for TransAde funds in the amount of \$247,848 and a grant application for the Flathead Intercity 5311 funds in the amount of \$171,717. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Kelly Parker, Department of Human Resources Development, requested approval of a contract modification with John Dibattista to increase compensation by \$12,000 to provide additional teambuilding sessions. John has a contract for \$42,075 to provide teambuilding sessions. John provides telephonic sessions and some make-up sessions are necessary for the staff. There are sufficient funds in the professional training budget. **Charmel Gillin** wanted to know if the Indian Preference list was exhausted or if John is an

Indian preference provider. Kelly responded that there are no Indian Preference businesses that provide this type of teambuilding training and John is not an Indian preference business. Charmel wants to see the uniqueness of this provider's qualifications. **No action taken.** Council directed that Arlene Templer bring back this issue next Tuesday with the requested information.

Kelly Parker, Department of Human Resources Development, requested approval of a one-year contract with Jacque Dolberry to fill the Home Care Program Manager position. The vacancy was advertised three times and she was the only qualified applicant.

MOTION by Charmel Gillin to approve the hire of Jacque Dolberry on a one-year contract to fill the Home Care Program Manager position, due to no qualified tribal member applicants. Seconded by Carole Lankford. Carried, 7 for; 1 abstention (Troy Felsman).

Carole Lankford discussed the Western Montana Mental Health building that is for sale in Ronan. It could fit well for Tribal Health and the Tribal Health Improvement Plan funding would be used for the purchase. A buy/sell agreement would be necessary. **Carolee Wenderoth**, Tribal Lands Department, joined the discussion and reported that THD has the funds necessary. Tribal Lands would do the paperwork, but it would be a Tribal Health Department building.

MOTION by Troy Felsman to enter into a buy/sell for the Western Montana Mental Health building at the negotiated price, to be funded from the THIP funds. Seconded by Carole Lankford. Carried, 5 for; 1 opposed (Charmel Gillin); 1 not voting (Ron Trahan out of the room).

Charmel Gillin, for the record, "I am opposed because I want to see the language of the buy/sell agreement and contingencies since a buy/sell is a contract. I would like to have a discussion with the Tribal Health Department about the plans for that program relevant to the identified priorities of the tribal membership before agreeing to expend those funds."

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

Martin Charlo and **Arlene Bigby**, Kicking Horse Job Corps Center, gave an update on KHJCC issues. \$1.2 million from the Department of Labor was received today to recover salary expenses. The staff is still working on the November, December and January invoices. The staff is working proactively to address outstanding issues. The warehouse will be closed so the inventory can be done by the deadline. Leave-without-pay issues are being addressed. Employees that only have 40 hours of PTO and use leave are placed on an improvement plan. Some employees have been placed on probation. It is

important that the employees show up for work. **Jan Gardipe**, Personnel Department, discussed the turnaround time for fingerprints and background checks. It takes up to 4 weeks to get the results from the State of Montana. If we had a machine for that it would be beneficial for all the departments that need that service. Employees are hired on a probationary status until the fingerprints and background check results come back. **Len TwoTeeth** does not want employees to be penalized due to their circumstances and using their PTO benefit. **Renee Joachim**, Personnel Department, informed council that she received some personnel action forms placing employees on probation for using their PTO. KHJCC is taking a different approach by taking disciplinary action against the employees that do not have at least 40 hours PTO and it is not done consistently. Ordinance 69-C does not have this requirement. **Chairman Trahan** would like KHJCC to work with the Personnel Department to work out a different approach regarding employees taking PTO. Martin believes that the center has a different status with Ordinance 69-C since KHJCC is a federal program. He is not sure KHJCC is required to follow Ordinance 69-C. **Charmel Gillin** wants to take a global look at the background checks being required, the authority to require them, and how we could address that globally. If there is a Code of Federal Regulations that allows KHJCC to circumvent Ordinance 69-C to place restrictions on employees using their PTO, she wants to see that. Charmel would like to have further discussion on this issue. **Martin Charlo** commented that the center needs to have 24/7 coverage and he is trying to take a different approach for the safety and security of the staff and students.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (8 present).

Council **adjourned** at 11:42 a.m., and is scheduled to meet again on Tuesday, February 20, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary