

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

Volume 18 Number 24  
Council Chambers, Pablo, MT

Held: January 9, 2018  
Approved: January 16, 2018

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

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

The **Tribal Council Meeting Minutes** for December 28, 2017 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for December 28, 2017, with corrections. Seconded by Carole Lankford. Carried, 7 for; 3 abstentions (Troy Felsman, Charmel Gillin and James Steele, Jr.).

The **agenda** was presented for approval. No conflicts of interest identified. **Charmel Gillin** received a call from Louise Stasso regarding qualifications and recruitment of the Tribal Health Department Head position. Charmel would like to have a discussion on filling department head vacancies. **Len TwoTeeth** informed council that in his previous tenure he was working with the Shakopee Tribe to get a youth center constructed in Elmo. A \$150,000 grant was approved to enhance the kitchen that would support the youth facility. Len did not have an architectural design outlining the cost of construction at the time he submitted the grant application. Len requested that he be allowed to continue communications with the Shakopee Tribe to begin this process again. Substantial work was done on the kitchen in Elmo, and the remaining grant funds of about \$68,000 were approved to be used to make improvements at the Long House. **Carole Lankford** discussed the need to have facilities in all the communities. **Ron Trahan** commented that once this project is completed he wants a survey of all the community needs prior to applying for future grant

funds. **Council** will review the priority schedule and make necessary updates.

**MOTION** by Carole Lankford to approve the agenda, with changes. Seconded by Charmel Gillin. Carried, unanimous (10 present).

\*\*\*\*\* **Break** \*\*\*\*\*

**Kelly Parker**, Department of Human Resources Development, requested authorization to hire Jacque Dolberry to fill the Home Care Program Manager position. The vacancy was advertised twice and a nurse has not applied. The program needs a Nurse position to complete reassessments. The Tribal Health Department does not have the staff available to assist DHRD. Kelly requested approval of a one or two-year contract and authority to negotiate the wage since the classified rate is low. The program has reached out to tribal members but they have declined the position due to the wage offered. **Council** recommended that the vacancy be readvertised at a negotiable rate.

**MOTION** by Shelly Fyant to authorize DHRD to advertise the Home Care Program Manager position at a negotiated salary. Seconded by Troy Felsman. Carried, unanimous (10 present).

**Kelly Parker**, Department of Human Resources Development, requested authorization to transfer Brooke Filesteel from the TANF Family Intervention Advocate position to a Child Protection Services Social Worker position on a two-year contract. Brooke has worked for the program since November and there is a shortage of staff in the CPS program.

**MOTION** by Carole Lankford to proceed with the transfer of Brooke Filesteel to a Child Protection Services Social Worker position on a two-year contract. Seconded by Troy Felsman. Carried, 9 for; 1 opposed (Charmel Gillin).

**Kelly Parker**, Department of Human Resources Development, requested to meet with council in **executive session** to discuss a personnel matter. **Renee Joachim**, Personnel Department, joined the discussion.

Council reconvened into **regular session**.

It was the **consensus** of council to advertise the Adult Protection Services Social Worker position.

**Kelly Parker**, Department of Human Resources Development, requested authorization to modify the snowplowing contracts with D. Fred Matt to increase the amount by \$15,000; Lloyd Irvine, Jr. to increase the amount by \$15,000; and Jay Skellenger to increase the amount by \$15,000. The

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increases are necessary due to the amount of snow fall this winter. The program was directed by tribal council last year to do four-inch snow removal and slush removal, which also increased services. **Troy Felsman** has received a lot of calls about the Schley Homesites and the need to get gravel there. Kelly advised that gravel would be Salish Kootenai Housing Authority's responsibility. The discussion continued in **executive session**.

Council reconvened into **regular session**.

**MOTION** by James Steele, Jr. to approve the modification to the snow removal contract with Lloyd Irvine, Jr. to increase the amount by \$15,000. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Len TwoTeeth); 1 not voting (Charmel Gillin out of the room).

**MOTION** by Leonard Gray to approve the modification to the snow removal contract with Jay Skellenger to increase the amount by \$15,000. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Len TwoTeeth).

**MOTION** by Charmel Gillin to approve the modification to the snow removal contract with D. Fred Matt to increase the amount by \$15,000. Seconded by Dennis Clairmont. Carried, 9 for; 1 abstention (Len TwoTeeth).

**Joe Durglo**, Tribal Health Department, requested that we change our Medicaid designation from a tribal clinic to a tribal FQHC designation to allow THD to bill for medical services provided outside the clinic. An example of this type of service is speech therapy at Early Childhood Services.

**MOTION** by Troy Felsman to change our designation to tribal FQHC. Seconded by Anita Matt. Carried, unanimous (10 present).

**Melanie Piedalue**, Early Childhood Services, requested authorization to hire Desara Yellow Owl on a three-year contract to fill the Head Start Teacher Aide position. The vacancy was advertised and there were no qualified tribal member applicants.

**MOTION** by Anita Matt to authorize the hire of Desara Yellow Owl on a three-year contract to fill the Head Start Teacher Aide position, due to no qualified tribal member applicants. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Dale Becker**, Natural Resources Department, requested approval of a modification to the contract with Homestead Helicopter, Inc. to provide helicopter flight services for wildlife surveys for fiscal year 2018. An RFP was advertised for this service. Homestead has provided this service for the past four years. There is a potential to use drones in the future, but the technology

is not currently available for our landscape.

**MOTION** by James Steele, Jr. to approve the modification to the contract with Homestead Helicopter, Inc. to provide helicopter flight services for wildlife surveys for fiscal year 2018. Seconded by Troy Felsman. Carried, unanimous (10 present).

**Germaine White** and **Erik Hanson**, Natural Resources Department, requested approval to submit a grant application to the Bureau of Indian Affairs for aquatic invasive species. The funding would be used to evaluate existing watercraft inspection training materials and purchase an enforcement vehicle.

**MOTION** by Troy Felsman to approve the submission of a grant application to the Bureau of Indian Affairs for aquatic invasive species. Seconded by James Steele, Jr. Carried, unanimous (10 present).

**Jordan Thompson**, Legal Department; **Greg Buzzard**, **Taylor Jones** and **Chelsi Miller**, Yale Law School Students; presented for approval for public comment the final draft Probate Code. The Yale students have worked on this code for the past several years. The Probate Code supports tribal sovereignty. A mixture of federal, tribal and state laws must be followed in the current probate process. **Carole Lankford** recommended that the Legal Department revise the Tribal Administrative Procedures Ordinance (TAPO) to make it more user friendly. **Len TwoTeeth** requested that the draft code be presented to the Elders. Jordan informed council that the group is scheduled to meet with Tony Incashola this afternoon and Daniel Stiffarm tomorrow. The group previously presented this draft code to both culture committees. Jordan also requested that a copy of the draft be provided to the BIA for review of the portions regarding trust property.

**MOTION** by James Steele, Jr. to advertise for a 30-day public comment period the final draft Probate Code. Seconded by Anita Matt. Carried, unanimous (10 present).

**Shelly Fyant** requested that the draft probate code be presented at the Arlee District Meeting on February 12. **Charmel Gillin** has a Polson District Meeting scheduled for the fourth Wednesday of February and requested that Jordan make a presentation.

**Jordan Thompson**, Legal Department; **Greg Buzzard**, **Taylor Jones** and **Chelsi Miller**, Yale Law School Students; provided an update on the Cultural Waterways Code. The Natural Resources Department and the Culture Committees requested this type of ordinance to protect the waterbodies deemed culturally significant. **Len TwoTeeth** commented that it is critical that the Kootenai Culture Committee be involved in this process. The Natural

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Resources Department would need to develop a management plan for any waterbodies deemed culturally significant. The students would like to raise public awareness of this ordinance at the River Honoring event. **James Steele, Jr.** commented on the North Fork Watershed Protection Act. **Shelly Fyant** commented that the cultural significance of all waterbodies should be documented.

It was the **consensus** of council to continue working on the Cultural Waterways Code.

**Jordan Thompson** and **Rhonda Swaney**, Legal Department; **Greg Buzzard**, **Taylor Jones** and **Chelsi Miller**, Yale Law School Students; provided an update on Public Law 280 Retrocession. The group had requested that all affected departments (Prosecutors, Defenders and Tribal Court) provide the financial impacts to their programs under six different scenarios. The students are conducting interviews and are cataloguing all the responses. The data is being compiled on the impacts of full retrocession and partial retrocession. The students will produce a written report to be provided to tribal council. **James Steele, Jr.** raised concern of the capacity of the tribal jurisdictional system and suggested conducting a review. He discussed the option of only retroceding from Lake County. **Carole Lankford** questioned the accuracy of the data and the need to verify all the information provided. Rhonda reported that the plan needs to be approved by the Secretary of Interior.

**Jordon Thompson** informed council that the Yale Law School Students provided valuable assistance on aquatic invasive species issues. The students provide these services at no cost to the Tribes. **Charmel Gillin** would like the students to consider providing research/information on enrollment and redistricting issues. **Council** expressed their appreciation for all the work the students have done for the Tribes.

\*\*\*\*\* **Break** \*\*\*\*\*

**Daniel J. Decker** and **Rhonda Swaney**, Legal Department, gave an update on various issues. On January 25 there is a consultation in Portland regarding changes to the off-reservation fee-to-trust regulations, and the Legal staff is developing comments. Lake County appealed the Tribes' application to place the Sunny Shore property into trust status, and it could take up to 3 years to receive a decision. Legal has a meeting with Housing this Thursday regarding the Big Arm water/sewer issues. The CSKT became a member of the Native Farm Bill Coalition. There is a Senate Committee meeting next week and will be accepting testimony from Tribes. Legal will draft comments. There is an NCAI meeting February 12-15 in Washington, DC. The Farm Bill will be addressed at that meeting. **Anita Matt** mentioned the 12 titles of the Farm Bill at the quarterly council meeting and requested input from the public and tribal

departments. Anita would like to be involved in the meetings.

**John Harrison** and **Rhonda Swaney**, Legal Department, reported that the Salish Kootenai College remand case is scheduled for hearing next month in Great Falls. A motion to dismiss was filed. The final discovery consisted of 37,000 pages of documents that the Tribes provided. The Bison Ops Plan was signed by all parties. The bison hunt is going well so far this season. The Government Accountability Office was tasked to do a case study of how the Environmental Protection Agency consults tribes affected by potential superfund sites. We are one of the Tribes that were selected. A follow-up call will be scheduled this month sometime. The docket for the Supreme Court was released. Legal staff continues to monitor cases involving the treaty rights case from Wyoming and the U.S. vs. Washington culverts case. John gave an update on the Massachusetts case regarding Indian gaming. The Supreme Court denied cert and upheld the Tribes' right to game.

**John Carter** and **Rhonda Swaney**, Legal Department, gave an update on the Ninth Circuit Court of Appeals case Joint Board of Control vs. US and CSKT case. Oral Argument is scheduled. We intervened in that case successfully regarding turnover operations and management. The State Water Court issued stays in adjudications by petition of the Tribes pending the outcome of the water compact. The stay is set to expire this spring and the Tribes will petition for renewal of the stay. John hopes legislation will be scheduled by the time we request the stay. John thanked the tribal council for allowing him to take a sabbatical. When the council began the Legal Department they instituted a sabbatical for attorneys who have worked for the Tribes for at least five years.

**Yolanda Page** and **Rhonda Swaney**, Legal Department, gave an update on an Indian Child Welfare Act case from Alaska that the Tribes intervened in. The Native American Rights Fund had to be brought in to the case to argue that ICWA applied in this case. The case was going to be appealed, but it was remanded for full adjudication and a hearing was held in December. The judge ruled it was an ICWA case and a termination hearing is scheduled. Proposed amendments to the Law & Order Code will be presented to council for consideration to clearly define the ICWA code.

**Ryan Rusche** and **Rhonda Swaney**, Legal Department, informed council of a hearing that will be coming up this month before the Law and Justice Interim Committee regarding Public Law 280. Ryan will testify on behalf of the Tribes. Ryan will attend the public hearing on January 30. **Carole Lankford** commented that we need to gear up for planning the legislative reception and get a date set.

\*\*\*\*\* **Lunch** \*\*\*\*\*

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**Council** reviewed the list of boards and committees.

**Amerind**. Carole Lankford will serve as delegate. Charmel Gillin will serve as alternate.

**Amerind Sell**. Carole Lankford will serve as the delegate and her stipend for serving on the Board of Directors is donated to the Boys & Girls Club. Charmel Gillin will serve as alternate.

**ATNI**. Ron Trahan will serve as delegate. Leonard Gray, Shelly Fyant and James Steele, Jr. will serve as alternates.

**Border Crossing**. Len TwoTeeth will serve as delegate. James Steele, Jr. and Charmel Gillin will serve as alternates.

**Columbia River Treaty**. Leonard Gray will serve as delegate. Dennis Clairmont will serve as alternate.

**Clark Fork Task Force**. This group is no longer active and will be removed from the list.

**Flathead Basin Commission**. All council will be involved.

**Housing Authority**. Carole Lankford will serve as delegate. James Steele, Jr. will serve as alternate.

**Inter-Tribal Agriculture Council**. Anita Matt will serve as delegate. Dennis Clairmont and Charmel Gillin will serve as alternates.

**Indian Health Service**. CSKT compacted this program, so it is not really useful to be on this committee. No delegate or alternative were appointed.

**Indians Into Medicine**. Shelly Fyant previously served on this committee. Students go through the program at the North Dakota University. INMED is funded through the Indian Health Service. All council will serve on this committee.

**Inter-Tribal Monitoring Association**. ITMA has not been active for several years. No delegate or alternate were appointed.

**Inter-Tribal Bison Council**. Leonard Gray will serve as the delegate. Len TwoTeeth will serve as alternate.

**Inter-Tribal Timber Cooperative**. Carole Lankford will serve as delegate. Len TwoTeeth and Leonard Gray will serve as alternates.

**Large Land Base Tribes.** This organization has not been active for some time. Len TwoTeeth will serve as the delegate. Anita Matt will serve as the alternate.

**Montana Advisory Council on Indian Education.** Charmel Gillin will serve as delegate. Shelly Fyant will serve as the alternate.

**Rocky Mountain Tribal Leaders Council.** Council will obtain further information and see what has been accomplished by being a member of this organization. Len TwoTeeth will serve as delegate. Anita Matt will serve as first alternate, and Carole Lankford and Troy Felsman will serve as second and third alternates.

**Native American Fish & Wildlife Society.** Dennis Clairmont will serve as delegate. Len TwoTeeth will serve as alternate.

**National Bison Range.** All council appointed delegates to this organization.

**National Congress of American Indians.** James Steele, Jr. will serve as delegate. Troy Felsman and Shelly Fyant will serve as alternates.

**National Indian Gaming Association.** Troy Felsman will serve as the delegate. Len TwoTeeth and James Steele, Jr. will serve as alternates.

**National Indian School Board Association.** No longer in existence.

**Highway 93 Project Oversight Group.** Len TwoTeeth will serve as delegate. Troy Felsman will serve as alternate. Remaining council will serve as second alternate.

**Salish Point.** Tom McDonald has served on this committee as the tribal representative. All council will serve as alternates.

**Self-Governance.** Troy Felsman will serve as the delegate. Shelly Fyant will serve as the alternate. All council will serve as second alternate.

**State-Tribal Economic Development Commission.** This is a governor-appointed position. Shelly Fyant is the delegate. A bill was passed to provide funding to promote Indian country.

**Tribal Education Committee.** Anita Matt will serve as the delegate. Dennis Clairmont will serve as the alternate.

**Tribal Energy.** All council appointed as delegates.

**Water Rights.** All council appointed as delegates.

**Western Regional Air Partnership.** The CSKT has not been involved in this organization for some time. Council will obtain further information from Randy Ashley to find out if this organization remains in existence and if a delegate needs to be appointed.

**Land Committee.** All council appointed as delegate.

**Tribal Health Committee.** It may be beneficial to institute a Tribal Health Board of Directors. Troy Felsman will serve as delegate. All council will serve as alternates. Council requested that Clayton Matt, Director of Tribal Services, Vern Clairmont and the Legal Department be assigned to come up with a list of the pros and cons of implementing a Tribal Health Board.

**Suicide Prevention Task Force.** All council appointed as delegate.

**Gaming LLC Committee.** Troy Felsman will serve as the delegate. Len TwoTeeth and James Steele, Jr. will serve as the alternates.

**National Indian Education Association.** Charmel Gillin will serve as the delegate. James Steele, Jr. will serve as the alternate.

**Crown of the Continent Round Table.** Shelly Fyant will serve as the delegate. Dennis Clairmont, Anita Matt and Charmel Gillin will serve as alternates.

**FSA State Committee.** Anita Matt will serve as delegate until the new appointments are made.

**Two Eagle River School.** TERS is a grant-funded school. Legislation was drafted last year to be appropriated to TERS but did not pass. Shelly Fyant will serve as delegate. Leonard Gray will serve as alternate.

**Nkwusm.** Council needs to find out when the meetings are held. The CSKT funds the school through a memorandum of understanding. Charmel Gillin will serve as the delegate. Leonard Gray will serve as the alternate.

**Budget Committee.** Dennis Clairmont will serve as the delegate. All council will serve as the alternates.

**MOTION** by Leonard Gray to appoint Len TwoTeeth to the Montana Leaders Council. Seconded by Troy Felsman. Carried, abstention (Len TwoTeeth).

**Carole Lankford** requested that the Ronan and Polson Boys & Girls Clubs be

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part of the council board appointments. **Council** will discuss further on Monday.

**James Steele, Jr.** informed council that he serves on the Montana American Civil Liberties Union Board of Directors and will not ask for compensation or travel to attend those meetings.

**Charmel Gillin** informed council that she serves on the Leadership Board for her church and is launching a project in St. Ignatius that is a community-wide nonprofit project.

**IBMP.** Leonard Gray will serve as the delegate. All council will serve as the alternates.

**Leonard Gray** and **Dennis Clairmont** left the meeting for the remainder of the day.

**Charmel Gillin** followed up on the issue from Louise Stasso and asked if there will be a conversation on the topic of reviewing the recruiting procedures and any unfilled positions at that level. Louise was concerned about the educational requirements of the position. **Council** will discuss in further detail next Monday. Council informed Charmel that they reviewed and revised that position description prior to readvertising.

**Anita Matt** received an email from Jennifer Cole-Perez to have the Tribes appoint a representative to the Aquatic Invasive Species Technical Committee.

**James Steele, Jr.** discussed a Tribal Member student that has Tribal Court fines. The tribal member has worked with the Defenders' Office and the Tribal Court. The court has no record of his fines. He requested Jami provide assistance.

**Council** discussed the tribal council pay plan for the chairman and vice-chairman positions. **Jami Pluff** reported that the pay has not been changed. There are some changes to the job titles that need to be made to the pay plan. 2002 was when the pay plan was adopted by tribal council. The Personnel Director never received any council action changing the council's rate of pay. **Council** took the information under advisement for further discussion next week.

**Anita Matt** discussed the structure of the chairman's meeting. She commented that Jane Clairmont, Vern Clairmont and Clayton Matt should be in attendance since they are responsible for the departments and should be reporting issues in their departments.

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**MOTION** by James Steele, Jr. to adjourn the meeting. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Council **adjourned** at 3:05 p.m., and is scheduled to meet again on Thursday, January 11, 2018, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary