

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

Volume 18 Number 26  
Council Chambers, Pablo, MT

Held: January 16, 2018  
Approved: January 23, 2018

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

**MEMBERS ABSENT:** Carole Lankford (AMERIND).

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; Bill Kehoe, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Leonard Gray.

The **Tribal Council Meeting Minutes** for January 9, 2018 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for January 9, 2018, with corrections. Seconded by Charmel Gillin. Carried, unanimous (9 present).

**Rob McDonald** asked about new or repeat photos for the newly elected council members. The photoshoot was scheduled for Friday, February 2nd.

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

**MOTION** by Dennis Clairmont to approve the agenda, with changes. Seconded by Troy Felsman. Carried, unanimous (9 present).

**Troy Felsman** gave an update on the S&K Gaming LLC board meeting. Overall, Gaming is increasing its profits and will begin paying off their loans to the Tribes early. SKG is having food and beverage challenges, particularly at Gray Wolf Peak. Interviews for the Gray Wolf Peak general manager position are scheduled for tomorrow, and there are 3 candidates that will be interviewed. KTN has long-term plans to renovate The Nook to make it a different concept and it will be named Falling Waters. Big Arm will have cabins

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built on the lake but septic issues need to be addressed prior to construction. SKG is still waiting for a decision from the IBIA on the county's appeal to place the Big Arm property into trust status. **Len TwoTeeth** asked about the 20 machines SKG purchased. Troy reported that SKG did a pilot study. SKG purchased 20 machines (10 at GWP and 10 at KTN) which brought in revenue and created a cost savings of vendor leasing fees. Rocket Gaming merged with AGS, so that company will now have more than 50 percent of the casino floor space.

**Mike Mitchell**, Tribal Employee, requested to meet with council in **executive session** to discuss a personnel matter. **Clayton Matt**, Tribal Services; and **Renee Joachim**, Personnel Department; were present for discussion.

Council reconvened into **regular session**.

**Joe Durglo**, Tribal Health Department; **Anna Whiting Sorrell**, **Chelsea Kleinmeyer**, **Missy Hensley**, **Richard Felix**, **Brenda Bodnar**, **Cindy Rossmith**, and **Amy Johnson**, THIP Team; discussed planning and the implementation strategy for the Tribal Health Improvement Plan. This plan will create additional staffing of 40 – 50 people and space needs for those positions. Last year, the Department of Public Health & Human Services received a state waiver for the Montana Medicaid program which is called THIP. It is a federally funded program to improve the health of Indians on reservations. Funding will be paid per member per month to create health improvement programs for people on Montana Medicaid. The team wants to move forward with tier 1 and will begin receiving money on February 1. **Shelly Fyant** would like there to be a consideration of naturopath and acupuncture services to be covered/offered through Tribal Health; and she informed the team of issues and concerns regarding confidentiality within the Tribal Health Department; the need to have information on services provided in the Char-Koosta News about community health nurses; getting employees trained as CNAs; transportation needs to medical appointments; home visiting; exempt employees; beneficiaries not being personally contacted to notify them that their appointments are going to be cancelled; and information on whether the pharmacies will be open on holidays and snow days. **James Steele, Jr.** commented that there are a number of tribal members that do not use the Tribal Health Department because of the lack of confidence in services there and he suggested that THD offer a patient satisfaction survey. The team requested approval to place an advertisement in the Char-Koosta News that the department is able to advertise for these generic positions and get people to start submitting applications. The team wants to expand services to cover naturopath, acupuncture, chiropractic care, and massage services that might be expanded with this money. **Charmel Gillin** thanked the team for assisting with getting her husband home from Albuquerque due to an emergency surgery last year. Their work is not unnoticed. Charmel asked about veterans being eligible for services under the high risk category. She was concerned about problems occurring due to quick growth of the department. Sustainability will be difficult. Corporate culture will help them pull their team together. Joe informed council that the department was authorized to purchase software for surveys. THD is working on a closure response

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plan. 103 prescriptions were filled on the Friday that the offices were closed due to bad weather. THD continues to operate on snow days. There is a meeting scheduled for Wednesday with DHRD to discuss services that can be offered through THIP. **Joe Durglo** requested that a box titled THIP be added to the organizational chart.

**MOTION** by Anita Matt to add a box titled THIP to the Tribal Health Department organizational chart. Seconded by Troy Felsman. Carried, 8 for; 1 opposed (James Steele, Jr.).

***Ron Trahan**, for the record, "This is going to take up to three months, so that gives you 23 months to get it to work. I have all the faith in the world you can do it and I hope you take care of the issues that were brought up today."*

***James Steele, Jr.**, for the record, "I wanted clearer language in the agreement that clearly defines a patient satisfaction survey process."*

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

**Ron Swaney**, Division of Fire, requested approval of a contract with Flathead Communications in the amount of \$15,000 and a contract with Montana Electronics in the amount of \$15,000 to provide radio services. An RFP was advertised and Flathead Communications was the only Indian Preference bidder.

**MOTION** by Anita Matt to approve a contract with Flathead Communications in the amount of \$15,000 to provide radio services. Seconded by James Steele, Jr. Carried, unanimous (9 present).

**MOTION** by Troy Felsman to approve a contract with Montana Electronics in the amount of \$15,000 to provide radio services. Seconded by Shelly Fyant. Carried, unanimous (9 present).

**Ron Swaney**, Division of Fire, requested approval to purchase capital equipment consisting of a new ping pong dispensing machine for the helicopter ignition devices. Two quotes were obtained: \$7,991.21 from Aerostat; and \$9,649.00 from a company in British Columbia. The program wants to purchase it from Aerostat. There would also be the cost of shipping.

**MOTION** by Troy Felsman to approve the purchase of capital equipment consisting of a new ping pong dispensing machine for the helicopter ignition devices, in the amount of \$7,991.21 from Aerostat. Seconded by Anita Matt. Carried, unanimous (9 present).

**Ron Swaney**, Division of Fire, discussed a cost-of-living increase. The program

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is funded through federal funds from the PL 638 contract. Every year a COLA is included in the allocation and each year the department denies it. This is not tribal funds that would pay for the increase. The other agencies are getting an increase. Historical percentage is used when receiving the annual allocation and our allocation continues to decrease every year since we deny the COLA funding. Ron will return at a later date to discuss further.

**Dan Lozar**, Natural Resources Department, requested approval to submit a DNRC Renewable Resource Grant and Loan planning grant in the amount of \$15,000 to fund a study to determine the most technologically relevant means for measuring the water surface elevations of the dams within the Safety of Dams inventory and conduct an evaporation study at the reservoirs.

**MOTION** by Anita Matt to approve submission of a DNRC Renewable Resource Grant and Loan planning grant in the amount of \$15,000 to fund a study to determine the most technologically relevant means for measuring the water surface elevations of the dams within the Safety of Dams inventory and conduct an evaporation study at the reservoirs. Seconded by Troy Felsman. Carried, unanimous (9 present).

**Dan Lozar**, Natural Resources Department, requested approval of a revised organizational chart to replace Equipment Operators to Construction Technician – Furloughable (8 positions).

**MOTION** by Troy Felsman to approve the revised organizational chart to replace Equipment Operators to Construction Technician – Furloughable (8 positions). Seconded by Dennis Clairmont. Carried, unanimous (9 present).

**Dan Lozar**, Natural Resources Department, requested approval of a letter addressed to Ed Toavs, Montana Department of Transportation, regarding the 4(f) impacts associated with the Highway 93 design and construction. The program wants to minimize impacts but does support completing the corridor.

**MOTION** by James Steele, Jr. to approve the letter addressed to Ed Toavs, Montana Department of Transportation, regarding the 4(f) impacts associated with the Highway 93 design and construction. Seconded by Troy Felsman. Carried, unanimous (9 present).

**Greg Wilson** and **Dan Lozar**, Natural Resources Department, requested approval of a modification to Contractor Agreement 17-090 with Stantec Consulting Services for a not-to-exceed amount of \$475,000 to provide assistance in construction management on the Crow Dam Spillway Project. **Len TwoTeeth** asked about a different engineering firm that was going to provide this service. Dan explained that MWH Engineering previously provided

this service but Stantec bought MWH. Oversight is not included in the original bid because the scope of work cannot be finalized until the design is completed.

**MOTION** by Anita Matt to approve the modification to Contractor Agreement 17-090 with Stantec Consulting Services for a not-to-exceed amount of \$475,000 to provide assistance in construction management on the Crow Dam Spillway Project. Seconded by Leonard Gray. Carried, unanimous (9 present).

**Troy Felsman** asked about micro hydro and power opportunities. **Greg Wilson** commented that the new outlets work will look into that. The program is tentatively looking at expandability as the design continues and looking at hydro in the future. That will be investigated.

**Gabe Johnson**, Natural Resources Department, requested approval of a resolution authorizing and supporting the construction of the South Fork Valley Creek (P839 – V-1200) and Valley Creek (V-1000) bridge replacement projects.

**MOTION** by Troy Felsman to approve by resolution the construction of the South Fork Valley Creek (P839 – V-1200) and Valley Creek (V-1000) bridge replacement projects. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

#### **RESOLUTION 18-054**

#### **RESOLUTION AUTHORIZING AND SUPPORTING CONSTRUCTION OF THE SF VALLEY CREEK (P839, V-1200) AND VALLEY CREEK (V-1000) BRIDGE REPLACEMENT PROJECTS CSKT/ROADS 18-03**

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

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Reservation with the responsibility to assure that Tribal transportation needs are met; and

**WHEREAS**, the Tribal Council recognizes the need for an integrated transportation system to link Flathead Reservation residents with cultural, economic, health, educational, and recreational resources; and

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes receive Tribal Transportation Program (TPP) funds under the authority of the Fixing Americas Surface Transportation Act (FAST) and other transportation related funds. The Tribal Transportation Program uses these funds for

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transportation projects on the National Tribal Transportation Facility Inventory System on the Flathead Indian Reservation; and

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes receive Transportation Facility Maintenance Funds under the authority of 25 CFR Part 170. Under 25 CFR Part 170.460(b), a Tribal resolution of or other authorized document supporting the project must be provided prior to construction.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council authorizes and supports the construction of the South Fork Valley Creek (P839, V-1200) and Valley Creek Bridge Replacement Projects CSKT/Roads 18-03.

**Tom McDonald, Pablo “Chib” Espinoza, Travis Arlee, and Dan McClure**, Natural Resources Department, presented the quarterly report for Fish & Game for the period of October 1, 2017 through December 31, 2017.

**Rhonda Swaney and Daniel J. Decker**, Legal Department, discussed the upcoming Department of Interior consultation in Portland next week regarding the fee-to-trust acquisitions. Comments are being prepared.

**Rhonda Swaney and John Harrison**, Legal Department, reported that the United States Supreme Court granted cert in the *United States vs State of Washington* culverts case and will hear that case. The state of Washington was ordered to replace all the culverts for salmon passage. The ruling could affect all the Stevens Treaty Tribes. **Council** agreed to submit an amicus brief.

**Rhonda Swaney, Brian Upton and Jordon Thompson**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Ryan Rusche, Shane Morigeau, John Harrison and Daniel J. Decker**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

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

Council **recessed** the regular meeting at 1:02 p.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 2:37 p.m.

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

**Council** discussed the rate of pay for the tribal chairman and vice-chairman positions. **Anita Matt** would like council to begin working on policies, and

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work on the Personnel policy first. Anita would like a position to be hired to assist employees with personnel issues so the council does not spend so much time dealing with personnel matters. **Charmel Gillin** would like to review compensation in a constructive approach government wide. She also recommended establishing some committees to review outstanding issues. Some programs have funding available for a cost of living adjustment. **Shelly Fyant** commented that if programs have outside funding sources, such as what Ron Swaney brought up this morning, and the KHJCC Department of Labor contract, or grant funds, those positions have been exempted from the pay plan so positions could be paid a higher rate of pay. Instead of waiving our pay classification system, we could take a different approach to the outside funding. We could reduce our staff and be more efficient. A desk audit would be an objective way to address these issues. We could increase our revenue through economic development and that would help fund an increase for tribally funded employees. **Troy Felsman** commented that with the pay freeze in effect so long the morale of the staff is really low. **Len TwoTeeth** is opposed to paying any employee more than \$100,000. **Leonard Gray** recommended leaving everyone's pay the way it is for the time being. Council took action last week to no longer allow the chairman to accrue personal time off. **No action taken.** The chairman's and vice-chairman's rates of pay will remain as is.

**Council** discussed the structure of the chairman's meeting. Council recommended that the executive staff attend the meetings instead of the staff.

**Vern Clairmont**, Financial Management, requested approval of Policies & Procedures for Tribal-Issued Credit Cards. In an effort to reduce accrued interest and late payment fees, Central Accounting will pay all the credit card bills in full each month. Any reward benefits of the credit cards would go to the Tribes. The Tribes' air miles are used to fly people home to attend funerals and emergency situations. Vern will find out if there are any reward benefits associated with the credit cards and include language on that if there are any rewards.

**MOTION** by Troy Felsman to approve by resolution the Policies & Procedures for Tribal-Issued Credit Cards. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

**RESOLUTION 18-055**

**RESOLUTION APPROVING POLICIES AND PROCEDURES FOR TRIBAL-  
ISSUED CREDIT CARDS**

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

**WHEREAS**, it is necessary to establish policies and procedures for Tribal-Issued credit cards used by elected officials and employees of the Tribes; and

**WHEREAS**, the attached “Tribal-Issued Credit Cards” is proposed for inclusion in the CSKT Accounting Policies and Procedures Manual and it shall apply to all elected officials and CSKT employees to whom credit cards are issued; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve the policies and procedures for Tribal-Issued Credit Cards and include such in the CSKT Accounting Policies and Procedures Manual, effective on the date adopted by this Resolution.

**Vern Clairmont**, Financial Management, reported that in the last few years we have been able to increase revenue streams, such as with the state-tribal revenue sharing agreements. That account funds the elder assistance payments each January. The other major increase in revenue established in the last couple of years is the revenue generated from the dedicated trust fund. There is a step increase as part of the pay plan in accordance with the Personnel Ordinance that was frozen in fiscal year 2008; the other part that was frozen was all cost-of-living adjustments. There was discussion to review the pay plan and determine whether to continue allowing step increases or if there was a way to just implement a cost-of-living adjustment on an annual basis due to the rise in the cost of living. The Personnel Department was supposed to gain from their contractor what pay levels the staff were at. Vern will find out the status of that from Personnel so recommendations can be made to council. **Shelly Fyant** commented that the council took action to look at all the revenue streams within the Tribe, like Blue Bay fees, but we did not review the recreation permits because it is a state cooperative agreement. If there are other permit fee increases that could be adjusted, she would like Vern to look at that. Vern reported that there are 29 revenue-producing departments within the organization. The Economic Development Office was supposed to do an analysis and produce a report on whether those revenue streams should remain within the departments or be converted to businesses. It is possible that third party revenue could be used for some of the costs of services that would be provided at the Hot Springs Bath House.

**Anita Matt** was contacted by Jennifer Perez-Cole about Eric wanting to hold a National Agriculture Statistics meeting here in February. We would help coordinate the meeting. Anita told Jennifer to contact the Flathead Extension Office and the extension agent said they did not have time to assist and was not cooperative. Anita suggested that the Lands leasing department host the meeting. She contacted the Lands Department last week and has not received a call back. **Council** will follow up with the Lands Department Head. Council needs to address issues regarding the Extension Office. Anita will follow up

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and report back on options.

**MOTION** by Leonard Gray to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (9 present).

Council **adjourned** at 3:55 p.m., and is scheduled to meet again on Thursday, January 18, 2018, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Troy Felsman  
Tribal Secretary