

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

Volume 18 Number 65
Council Chambers, Pablo, MT

Held: May 22, 2018
Approved: May 29, 2018

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

MEMBERS ABSENT: Leonard Gray, Vice-Chairman (Bison Meeting); and Carole Lankford (Montana Medicaid Training and Consultation).

OTHERS PRESENT: Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:05 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman Trahan.

The **Tribal Council Meeting Minutes** for May 15, 2018 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 15, 2018, with corrections. Seconded by Charmel Gillin. Carried, 7 for; 1 abstention (James Steele, Jr.).

The **agenda** was presented for approval. No conflicts of interest were identified. Additions were made to the agenda.

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

Ernie Stevens, Nation Indian Gaming Association, informed council that Carole Lankford had requested a blanket to take to the Boys and Girls Club. Mr. Stevens left the blanket for Carole, and gave the council members scarves and pins.

Krista Ness, Donna Orr and **Charlotte Rose** requested to meet with council in **executive session** to discuss a personal matter. **Rachael BigSam**, Department of Human Resources Development, joined the discussion.

Council reconvened into **regular session**.

MOTION by Troy Felsman to waive the criminal background check results and allow Krista Ness to be a personal home caregiver to Donna Orr and Charlotte Rose. Seconded by Anita Matt. Carried, unanimous (8 present).

Council requested a waiver in writing from Donna Orr and Charlotte Rose to be provided to DHRD. **Charmel Gillin** requested a comprehensive report on background checks, including the statutes regarding background checks. **Anita Matt** requested a program overview of the policies.

***Charmel Gillin**, for the record, "I would ask that the elders who made this request make a written statement for the record to the Elder's program requesting a waiver of policy."*

Art Caye, Tribal Member; and **Carolee Wenderoth** and **Mark Couture**, Tribal Lands Department; followed up on Art's request to remove buildings on tribal property. The parties reached an agreement. The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to enter into a contract with Art Caye at the stated price and have the Lands Department draw up the agreement with the stipulated terms. Seconded by James Steele, Jr. **MOTION NOT CARRIED**, 3 for (Len TwoTeeth, Dennis Clairmont and James Steele, Jr.); 4 opposed (Charmel Gillin, Shelly Fyant, Troy Felsman, and Ron Trahan); 1 abstention (Anita Matt – did not have enough information).

***Troy Felsman**, for the record, "The reason I voted against it is two weeks ago we directed a negotiation to take place, and in my view that did not take place. I am all for Art having an opportunity to take on this project, but I was expecting a negotiation and that is not what took place."*

***Ron Trahan**, for the record, "There is a lease out there and the tribal member lessees may be able to use that barn."*

Carolee Wenderoth, Tribal Lands Department, commented that if council wants to approve her suggestion, she wants to have a discussion with Art Caye about similar projects and follow up with council after the chairman's meeting. We may be able to move forward in a quicker fashion with proposals. **Council** authorized the Lands Department to proceed.

John Neiss and **Don Cline**, Facilities Maintenance, requested approval of a contract with Jackola Engineering in the amount of \$41,000 for the Commodities building.

MOTION by James Steele, Jr. to approve the contract with Jackola Engineering for the Commodities building in the amount of \$41,000. Seconded by Troy Felsman. Carried, unanimous (8 present).

Dale Nelson, Disaster Emergency Services, requested approval of a resolution declaring flood emergency conditions exist.

MOTION by Anita Matt to approve the resolution declaring flood emergency conditions exist. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 18-131

RESOLUTION DECLARING FLOOD EMERGENCY CONDITIONS EXIST

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

WHEREAS, the Council of the Confederated Salish and Kootenai Tribes recognizes the hazardous flood conditions currently exist throughout the Flathead Reservation; and

WHEREAS, the National Weather Service has indicated that snow pack is 140% of normal in many areas of the Mission Front and that severe heavy runoff due to the above normal mountain snowpack is predicted to exceed current flood stages for rivers and streams on the Flathead Reservation, and

WHEREAS, predicted high water levels are expected to exceed flood stages from runoff conditions on the Flathead Reservation which may lead to unforeseeable emergency conditions, and;

WHEREAS, an aggressive response from all Tribal and County entities and programs has been a top priority of the Tribal Disaster Emergency Services; and

WHEREAS, the Tribal Council recognizes the need to declare a state of emergency for the Flathead Reservation; and

WHEREAS, the Tribal Council recognizes the need for a coordinated response by Tribal Programs and employees and to provide specialized personnel and vehicles to enhance capabilities of Tribal Disaster Emergency Services during this flood season to protect life, health and property through coordinated efforts; **NOW, THEREFORE,**

BE IT RESOLVED that the Tribal Council does hereby proclaim that flood

emergency conditions exist on the Flathead Reservation as of May 22, 2018; and

BE IT FURTHER RESOLVED that the Tribal Council Chairperson or their designated representatives are hereby authorized to negotiate and execute the response process as needed through the flood season.

Julie Cajune, Tribal Education Department; and **Karissa Trahan Moore**, STEP Coordinator; requested approval of a temporary employment agreement with Clarissa Stenstrom. There will be 3 teams going into homesites to have weekly visits in each homesite. They will provide cultural activities.

MOTION by Anita Matt to approve the temporary employment agreement with Clarissa Stenstrom. Seconded by Shelly Fyant. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Renee Joachim, Cory Clairmont and **Shelley Grenier**, Personnel Department, informed council that the office is receiving phone calls about the floating holidays in July for the pow wow celebrations. July 3 is tribal payday, so it was suggested that July 5 be designated as the floating holiday.

MOTION by Anita Matt to designate July 5, 2018 as a floating holiday for the Arlee Pow Wow celebration. Seconded by Charmel Gillin. Carried, unanimous (8 present).

MOTION by Len TwoTeeth to designate July 23, 2018 as a floating holiday for the Standing Arrow Pow Wow celebration. Seconded by Shelly Fyant. Carried, unanimous (8 present).

Renee Joachim, Cory Clairmont and **Shelley Grenier**, Personnel Department, informed council that the office received 2 incentive award requests. Bud Gillin recommended that Bret Birk, Salish Kootenai Housing Authority, receive an incentive award in the amount of \$1,000; and Tom McDonald recommended that Amanda Bourdon, Natural Resources Department, receive an incentive award in the amount of \$1,500. Renee recommended approval of the incentive awards. **No action taken.** Council requested that the department heads present the requests.

Renee Joachim, Cory Clairmont and **Shelley Grenier**, Personnel Department, requested approval of Amendment 21 to Ordinance 69-C to grant employees up to 40 consecutive hours bereavement leave. The current ordinance provides up to 5 working days, so the 4/10 employees get more leave than the 5/8 employees. The other ordinance changes that were discussed yesterday are not included in this amendment; Renee wants to have further discussion on those.

MOTION by Troy Felsman to approve Amendment 21 to Ordinance

69-C to change the bereavement leave to up to 40 consecutive hours. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

(Due to the length of the amendment, it does not appear in the minutes. A copy may be obtained from the Office of Records Management).

Renee Joachim, Cory Clairmont and **Shelley Grenier**, Personnel Department; and **Jami Pluff**, Policy Analyst; discussed proposed options to amend the Grievance Policy. **Charmel Gillin** would like additional time to review the information that was provided. **Helen Camel**, Tribal Member, discussed the grievance process and made suggestions to improve the policy. Helen wants to be included in the process to make changes to the Grievance Policy. **Charmel Gillin** wants to review the Grievance Policy along with the definition of harassment and hostile workplace and those policies. **Chairman Trahan** wants bullying included in the Personnel Ordinance. **No action taken.** **Council** took the matter under advisement and will discuss in further detail at the chairman's meeting. **Helen Camel** will continue to meet with Jami Pluff regarding her issues.

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

Rhonda Swaney and **Yolanda Page**, Legal Department, gave an update on the request from the National Congress of American Indians and the Affiliated Tribes of Northwest Indians for the CSKT to sign on the amicus brief in an Indian Child Welfare Act case in Texas. Yolanda would follow up with the Native American Rights Fund if the request is approved.

MOTION by Shelly Fyant to sign on to the amicus brief with the National Congress of American Indians, Affiliated Tribes of Northwest Indians and the Native American Rights Fund regarding the Indian Child Welfare Case in Texas. Seconded by Anita Matt. Carried, unanimous (8 present).

Yolanda Page, Legal Department, requested that she be granted a change of duty to travel to El Salvador July 15-23, 2018 to participate in a cultural exchange program.

MOTION by Troy Felsman to grant Yolanda Page a change of duty, with supervisor approval, to travel to El Salvador July 15-23, 2018, to participate in a cultural exchange program. Seconded by James Steele, Jr. Carried, unanimous (8 present).

Rhonda Swaney and **Daniel Decker**, Legal Department, gave an update on the fee-to-trust application for the Big Arm property. The Bureau of Indian Affairs remanded the case, so the conveyance is back at the regional level. S&K Gaming will most likely meet with the tribal council to seek guidance on how to move

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forward. There has been no change in use of the property. Dan is following up on scheduling a meeting with Bodie Shaw, Solicitor's Office, about how they notified the Tribes about their action.

Rhonda Swaney and **Daniel Decker**, Legal Department, confirmed the meeting with the Montana Department of Transportation next Tuesday from 1:30 p.m. to 3:00 p.m., in the council chambers. Teresa Wall-McDonald had emailed a concept draft; any comments need to be submitted to Teresa. Legal will be scheduled on the agenda to meet with the tribal council this Thursday to discuss further.

Rhonda Swaney and **Jordan Thompson**, Legal Department, presented a request from Katie Jones to provide pro bono services to the CSKT. Katie helped draft the Probate Code. She currently works at an Indian Law Firm in Seattle. Katie graduated from Stanford at the top of her class and then graduated law school from Yale. She would work on the Probate Code, and Violence Against Women Act and Education issues. **Anita Matt** would like to have the Lands Ordinance reviewed. **Chairman Trahan** would like the CSKT to have its own zoning regulations. It was the **consensus** of council to allow Katie Jones to provide pro bono services to the Tribes.

Rhonda Swaney and **Stu Levit**, Legal Department, gave an update on transboundary issues. It was suggested that the CSKT meet with the Alaska Tribes. **Shelly Fyant** asked about the Affiliated Tribes of Northwest Indians resolution with the Kootenai Tribe of Idaho about selenium mining effects in Elk River. Stu has a draft and it is up to council if they want to move forward with it. **Council** agreed to the meeting and will notify Stu of the meeting date. ATNI meets twice yearly. Shelly will contact Gary Akin, Jr., Chairman of the Kootenai Tribe of Idaho.

Rhonda Swaney and **Brian Upton**, Legal Department, requested to meet with council in **executive session** to discuss a legal matter. **Jordan Thompson, Yolanda Page, Daniel Decker, Stu Levit, John Harrison, and Shane Morigeau**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

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

Dennis Clairmont left the meeting for the remainder of the day to go to the Montana Invasive Species Council Meeting in Helena.

Rachael BigSam and **Dan Adler**, Department of Human Resources Development, gave a report on the work crew and projects. Council had requested that an analysis be completed on the projects that the Elder's Crew

has completed for fiscal year 2018 and determine whether it would be more cost effective to contract out the services. Rachael provided a report of the cost breakouts and photos of various projects that have been completed. Rachael contacted the Housing Authority to see how they do projects. Having the crew on staff provides quicker services to the elderly, especially during the winter months for frozen pipes since the bidding process takes longer to get a contractor. It is more cost effective to have the crew on staff. The report reflects the salary costs versus contracting costs. Rachael provided information on the qualifications and credentials of the work crew. She would like to change the age requirement for elder services from 55 to 62 or 65. **Troy Felsman** requested that Rachael meet with council at the chairman's meeting to provide information on the recommended changes, demographics (number of elders living on the reservation), and what the impacts to the program would be. **Charmel Gillin** wanted information on the program's historic performance and impacts to the budget. The program has income guidelines that determine eligibility of services. She wanted to know what kinds of services we should be providing to elders no matter what their income is. Tribal members aged 75+ are eligible to receive snowplowing services and firewood regardless of income. In order to be eligible for elder services tribal members must be at least 55 years of age with a documented disability; otherwise, they must be at least 60 years of age. DHRD spent \$105,000 on snowplowing services this past winter. **Chairman Trahan** had recommended that firewood be stockpiled in the summer months to ensure that there is sufficient firewood available in the winter months for the elders. Rachael requested clarification on firewood services. She had previously been told that if an elder receives services from both LIHEAP and the Elder's Program that it was considered double dipping, and there are some elders that have received both. **No action taken.** Council directed that the Elder's Program generate the requested information and meet with council at the chairman's meeting for detailed discussion.

Tom McDonald, Dale Becker and **Stacey Courville**, Natural Resources Department, discussed the Little Money Wildlife Management Unit Bighorn Sheep permit proposal and requested approval of the recommended permits to be set at 6 rams and 0 ewes. The population has continued to decrease and there is significantly under 300 animals between both herds.

MOTION by Troy Felsman to approve the recommended Little Money Wildlife Management Unit Bighorn Sheep permit proposal to be set at 6 rams and 0 ewe permits. Seconded by Anita Matt. Carried, unanimous (7 present).

Tom McDonald, Dale Becker and **Stacey Courville**, Natural Resources Department, requested approval of the recommended permits for Ferry Basin elk to be set at 30 bulls or either sex. **Len TwoTeeth** reported that the Sanders County Commissioners are willing to work with the Tribes to close roads and he asked Dale to determine what roads need to be closed. **Tom McDonald**

commented that it is a management issue for us due to people entering the area. He suggested that it be removed from a public roadway and the county abandon the roads. Nontribal members cannot be cited for driving on Nenemay Road because it is a public roadway. We can cite them if they get off that roadway.

MOTION by Anita Matt to approve the recommended permits for Ferry Basin elk to be set at 30 permits for either sex. Seconded by Charmel Gillin. Carried, unanimous (7 present).

Tom McDonald wants some flexibility for a depredation hunt and have the opportunity to extend the hunt season, if needed.

Tom McDonald, Dale Becker and **Stacey Courville**, Natural Resources Department, discussed concerns regarding the moose population. The Wildlife Management Program conducted an aerial survey of the big game populations. That survey resulted in the observation of very few moose, even in areas that traditionally provided moose habitat. The tribal council has been provided with the moose harvest data on an annual basis for several years. **Shelly Fyant** requested a copy of the state report.

Tom McDonald, Dale Becker and **Stacey Courville**, Natural Resources Department, discussed concerns regarding the mountain goat population and requested that the tribal council close hunting on an annual basis for mountain goats until the population levels increase to above 100 animals in the Mission Range. The Wildlife Management Program conducted an aerial survey of the big game populations in the Mission Range on and off the reservation. That survey resulted in the observation of 74 goats, which is a decline from past surveys. The reason for the decline is unclear, but similar declines have been reported for other populations elsewhere in Montana and are being assessed. The standard for goat populations for hunting is 100 animals.

MOTION by Troy Felsman to close hunting for mountain goats in the Mission Range for this season. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Tom McDonald, Dale Becker and **Stacey Courville**, Natural Resources Department, requested approval of the Gray Wolf Hunting and Trapping proposal for 2018-2019. Many tags were issued, but only two wolves were harvested last year. The hunting season would be from September 1, 2018 through April 30, 2019 in the northwest and south zones; and September 1, 2018 through March 31, 2019 in the Mission Mountains zone. Hunters and trappers are allowed a maximum of two permits, which can be used for hunting or trapping wolves. Harvest limits would be set at: Mission Mountains zone is one wolf per hunter until a maximum of five wolves are taken or April 30, 2019; the Northwest zone is set at two wolves per hunter until a maximum of ten wolves are taken or April

30, 2019; and the Southern zone is set at two wolves per hunter until a maximum of ten wolves is filled or April 30, 2019.

MOTION by Anita Matt to approve the Gray Wolf Hunting and Trapping proposal for 2018-2019 with the stated maximum harvest limits. Seconded by Charmel Gillin. Carried, 6 for; 1 opposed (Shelly Fyant).

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

Julia Williams and **Gyda Swaney**, Friends Forever Mentoring, showed council a YouTube promotional video. FFM was awarded a grant and made a video that speaks to who the organization is. Julia requested that the Tribes provide annual fiscal support in the amount of \$50,000. She provided a program update and collaboration on services for youth and families. FFM is a Native-led, grassroots nonprofit prevention program that uses mentoring as the vehicle to make positive change for youth and families and has served the area for 40 years. The organization offers yearly wrap-around prevention services reservation-wide on a consistent weekly basis to high-risk youth. FFM has three core mentoring programs: School-based mentoring, Youth Leadership mentoring program, and the Summer Mentoring program. Julia wants to create a social enterprise for the youth to develop soft skills. The FFM building in Polson is for sale, so FFM may be moving to Ronan. **No action taken.** Council took the request for support under advisement.

Tom McDonald, Natural Resources Department; **Martha Williams**, Montana Fish, Wildlife & Parks Director; **Jim Williams**, Montana Fish, Wildlife & Parks Regional Director; and **Michael Leske**, Montana Fish, Wildlife & Parks Helena Office; met with council for a meet and greet. Tom wants to continue working with MFWP on an aquatic invasive species agreement and a cross-deputization agreement. Shelly Fyant discussed the current situation at the Smurfit Stone site. There is a video that was made from a drone, and Congressman Gianforte is demanding that the EPA do something about the berm.

Troy Felsman discussed the starting salary for the Forestry Department Head. **Council** directed that Tony Incashola, Jr. be scheduled on Thursday's agenda to discuss.

Charmel Gillin will be gone on Thursday due to her husband's medical appointment so she needs an alternate to provide the welcoming remarks at the Women 4 Wellness event. **Shelly Fyant** will provide the remarks.

Leonard Michel, Tribal Member, asked if the tribal council had any money available to purchase tribal land. He has 5 acres that he would like the Tribes to purchase so he can remodel his home. **Anita Matt** asked about fencing. **No action taken.** Council took the request under advisement.

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MOTION by Charmel Gillin to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Council **adjourned** at 4:04 p.m., and is scheduled to meet again on Thursday, May 24, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary