

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

Volume 19 Number 60
Council Chambers, Pablo, MT

Held: June 4, 2019
Approved: June 18, 2019

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

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 9:05 a.m. Quorum established. **Carole Lankford** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for May 28, 2019 were presented for approval.

MOTION by Myrna DuMontier to approve the Tribal Council Meeting Minutes for May 28, 2019, with corrections. Seconded by Fred Matt. Carried, 8 for; 1 abstention (Leonard Gray).

The **agenda** was presented for approval.

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

Rio Liberty, Tribal Member; **Ron Warren**, Rocky Mountain Surveying; **Yvonne Dennis**, Trustee; and **Carolee Wenderoth**, Tribal Lands Department; discussed the McCollum Estate. Rio is not an owner in the property but he is an heir. There was a parcel he planned on retaining, and he was not in agreement with what changed. Carolee explained that Mr. Liberty is not part of this land issue. Rio has a cease and desist letter from the attorneys handling the estate and our legal staff. The agreement was accepted by both parties and Lands is not authorized to deal with Mr. Liberty. Council had previously approved option 2.
No action taken.

Jim Taylor, Tribal Defenders Office, requested a nonmember hire without advertising. Stacey Stinger has been employed with the Tribes for 22 years and Jim wants to hire her to fill the Office Manager position. She has been determined qualified for it. A Legal Assistant would then be hired as well. Stacey has been working late and on weekends due to the caseload. He is attempting to fix some of the problems in the office. Stacey has been doing both jobs for the past two years. **Fred Matt** asked about the in-house transfer policy. The Prosecutors Office makes between 86-112 court appearances per day and Stacey does the drafting of legal documents. **Renee Joachim**, Personnel Department, advised that the promotion policy still remains in effect. The request requires council action because Stacey is a descendant.

MOTION by Leonard Gray to go with the recommendation of the Prosecutor's Office and promote Stacey Stinger to the Office Manager position. Seconded by Fred Matt. Carried, 7 for; 2 opposed (Len TwoTeeth and Charmel Gillin).

Len TwoTeeth, for the record, *"I understand the situation that the department is in, but I feel we need to stay with the policy when it comes to providing jobs."*

Charmel Gillin, for the record, *"I hope the department and Ms. Stinger do not misunderstand my political position. You're making an advertisement and I would have liked to see the advertisement for that. I appreciate your hard work and dedication."*

Myrna DuMontier, for the record, *"I support this vote even though commonly I don't for nonmember hires. One, is that I know the backlog and it affects children, and we need to get this cleaned up for our kids' sake. Second, when our department heads come in and advocate for their employees and if they sell us on their employees, it tells me they pay attention to their employees and value them. This person has worked here for 22 years and is a valuable asset. Something needs to be done with policy for those people that fit into that category."*

Ron Trahan, for the record, *"There should be something with that policy where we have that. It should be on an individual basis. We should look at it and come up with something."*

Renee Joachim, Personnel Department, presented for consideration an incentive award for Ken Clairmont in the amount of \$1,500. The entire staff signed off on the incentive award itself, and then it was signed by Dan Decker. Renee recommended approval.

MOTION by Charmel Gillin to approve the incentive award for Ken Clairmont. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Dennis Clairmont).

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

Joe Durglo, Tribal Health Department, requested approval to apply for the 2019 AAA Child Passenger Safety Donation Program to purchase car seats.

MOTION by Fred Matt to approve by resolution submission of the 2019 AAA Child Passenger Safety Donation Program to purchase car seats. Seconded by Charmel Gillin. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-133

RESOLUTION SUPPORTING THE SUBMISSION OF THE AAA 2019 CHILD PASSENGER SAFETY DONATION PROGRAM

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

WHEREAS, the CSKT Tribal Council is the duly-elected governing body of the Confederated Salish and Kootenai Tribes and is authorized to act on behalf of the CSKT Tribes; and the CSKT Tribal Council established the Tribal Health Department pursuant to Public Law 93-638 to administer and manage its healthcare programs and services per CSKT Tribal Ordinance 83; and

WHEREAS, the Confederated Salish and Kootenai Tribes consider the safety of tribal people to be one of the most important responsibilities of tribal government; and

WHEREAS, in meeting this responsibility, the Tribes have established a Safety on All Roads (SOAR) program to provide safe travel information to the Flathead service area; and

WHEREAS, one of the safety concerns facing the Tribes and Indian people is car seat safety and appropriate usage,

WHEREAS, the Tribes qualify for a grant to purchase car seats for families in need to keep children safe while traveling in cars,

NOW THEREFORE, BE IT RESOLVED that the CSKT Tribal Council approves the submission for the AAA 2019 Child Passenger Safety (CPS) Donation Program. The award will allow the SOAR program to purchase car seats for the people in need in the Flathead service area; and

BE IT FURTHER RESOLVED, that the Tribal Council authorizes that Tribal Council Chairman the authority to execute any documents and agreements necessary as may be required to give effect to the transactions herein contemplated and to take such other actions as may be hereby necessary and appropriate to carry out the obligations there under; and that this resolution shall take effect immediately.

Julie Cajune and **Miranda Burland**, Tribal Education Department, requested approval to form a committee comprised of various departments to address American Indian student absenteeism. Having the individual student data could help the committee address the problem. Julie gave the draft Education Code to the Legal Department and they were concerned because it was very directive.

Carole Lankford joined the meeting.

MOTION by Leonard Gray to approve the development of a committee to address American Indian student absenteeism, and include the Defenders Office on the committee. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Julie Cajune, Tribal Education Department, provided council with her comments regarding the CSKT consultation in a digital form. It is a funding priority in the Department of Education to privatize services, such as tutoring. It could affect the STEP funding. **Council** will review the comments and Julie will return to council on Thursday for follow-up.

Shelly Fyant wanted to know if Legal drafted a letter for us to Polson High School. **Chairman Trahan** advised that Julie Cajune is drafting it and then submitting for legal review. It was already in process before the meeting happened. Regina Madplume had made a formal complaint and contacted the ACLU.

Shelly Fyant asked if NCAI has been informed of our nomination of Charmel for the Lands and Conservation Committee. **Chairman Trahan** said not yet, and he asked Charmel if she would accept the nomination. **Charmel Gillin** agreed to serve on that committee.

Shelly Fyant asked if the Forestry resolution from yesterday would be coming forward today. **Chairman Trahan** told her that the resolution is being reviewed and it will be brought back in after changes are made.

Canyon Plant, Institute of American Indian Arts Student, informed council that she is conducting a survey at The People's Center as part of her senior research project and she requested approval to hand out the survey to Native American

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Flathead Reservation public school students. Parent consent forms will be required. No identifying information will be used. **Julie Cajune**, Tribal Education Department, thinks the information obtained from the survey would be useful. Julie raised concern of her not reaching many students at The People's Center. She asked that the data be shared with the Education Department since it would be useful in staff development with teachers. Jerome Felix will be attending the same school and Shelly Fyant requested that Canyon reach out to him. There are some other venues/events where she could do the survey.

MOTION by Myrna DuMontier to authorize the survey. Seconded by Shelly Fyant. Carried, unanimous (10 present).

Len TwoTeeth gave a report on his district meeting last week. Rick Eneas did an introduction and explained his intent on how to operate the financial department; Brian Lipscomb gave a positive update on where we are at with SKQ Dam; Janet Camel gave a presentation on some of the projects the Economic Development Office is working on; Bryon Miller did an update on S&K Gaming projects/issues, including how they are dealing with customer service; and Mike Kenmille gave an update on the Northern Transboundary trip he went on.

Rhonda Swaney, Legal Department, informed council that Ryan Rusche did some presentations to congressional staffers on the Irrigation Project and they now have a better understanding of the problems we face. We still need to get OMB out here. Good progress has been made on letting them know it is a different kind of settlement and includes irrigation, restoration, and mitigation.

John Carter, Legal Department, discussed a NAGPRA issue. In 1960, the Army Corps of Engineers built Kooconusa predominantly on US Forest Service lands. Raising and lowering the reservoir are the Corp's responsibility. John worked on the dam regulation issue and what agency is responsible for cultural resources and patrimony and how to get those objects back to tribal possession and control. The KCC focused heavily on those practices and has been successful getting those objects and human remains under that act. They put together a collective claim of all objects removed from the Kooconusa drawdown area to be returned. It was filed with the US Forest Service and Army Corps of Engineers and it gives them a one-year timeline to return the individual collections. If the deadline is not met, it will be taken as a denial and legal action will proceed in Federal District Court. John requested authority to send it out to the US Forest Service and Army Corps of Engineers. It was the **consensus** of council to go with John's recommendation. John will present the final document next week.

John Carter, Legal Department, discussed the employee survey regarding Ordinance 69-C. About 28 responses were received. Not following existing laws was the main concern brought up by employees.

Stu Levit, Legal Department, gave an update on the Governor's meeting. They talked about how incarcerated people can get out for family events such as funerals. That discussion focused primarily on the lack of communication. Other issues discussed included the Elk River Water Shed, the Highway 93 Ronan project, and aquatic invasive species issues. The Tribes have been talking to the State for two years to get a memorandum of understanding in place to address AIS issues. The Governor's staff is working to resolve the MOU issue. **Len TwoTeeth** asked about continued operation of a boat inspection site in Elmo and an unknown site up north. He wanted to know if funding for those projects was discussed. Stu advised that the DNRC said they have grant funding available that we can apply for.

Council **recessed** the regular meeting at 10:56 a.m. to conduct an Energy Keepers, Inc. Shareholder Representative meeting.

Council **reconvened** into the regular meeting at 11:06 a.m.

Rhonda Swaney, **Brian Upton**, and **Daniel Decker**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council met in **executive session**.

Charmel Gillin was excused from the meeting due to the next discussion being a conflict of interest.

Council reconvened into **regular session**.

Charmel Gillin returned to the meeting.

MOTION by Len TwoTeeth to impose a written reprimand as a result of the council's determination that Charmel Gillin violated the Code of Conduct. Seconded by Leonard Gray. Carried, 6 for (Len TwoTeeth, Leonard Gray, Carole Lankford, Dennis Clairmont, Ron Trahan, and Fred Matt); 3 opposed (Shelly Fyant, Myrna DuMontier and Anita Matt); 1 abstention (Charmel Gillin).

Chairman Trahan took a roll call vote: Carole Lankford voted yes; Dennis Clairmont voted yes; Shelly Fyant voted no; Myrna DuMontier voted no; Ron Trahan voted yes; Leonard Gray voted yes; Fred Matt voted yes; Anita Matt voted no; Len TwoTeeth voted yes; and Charmel Gillin did not vote.

Anita Matt reported on her district meeting. Jami did the MMIW presentation. Updates on the Farm Bill were discussed. They talked about EDO. A tribal member from Mission attended the meeting and he talked about assisting tribal business owners and wants the Tribes to let businesses have pull tabs again due

to the revenue source. Many taverns are struggling. **Chairman Trahan** said it would need to be reviewed by Legal.

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

Carole Lankford left the meeting for the remainder of the day on personal time off.

Council met in **executive session** to conduct interviews for the Two Eagle River School Board vacancies. **Melanie Piedalue**, Personnel Department, was present for interviews.

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

Council reconvened into **regular session**.

MOTION by Charmel Gillin to accept the results of the ballot and appoint Leandria CutFinger and Rene Wildcat to serve on the Two Eagle River School Board for a four-year term. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

MOTION by Fred Matt to appoint Brian Bigsam to serve on the Tribal Gaming Commission for a three-year term. Seconded by Anita Matt. Carried, unanimous (9 present).

Chairman Trahan discussed a personnel matter. Insurance is required for the vehicle, and a driver's license is required to obtain vehicle insurance. Ron will continue trying to resolve this matter.

Anita Matt informed council that during NCAI they will have an update on the Farm Bill on Wednesday; consultation is on Thursday. She will be at the quarterly IAC and might be able to get a flight there. If not, then she will have to vote by proxy.

Shelly Fyant announced that tomorrow at 1:30 p.m. there is a consultation by conference call with Senator Tester's staff, and they are requesting input on how the process went this year. The CSKT received a grant through DHRD/TSS.

Shelly Fyant informed council that she would be at Climate Change all day tomorrow at KwaTaqNuk Resort.

MOTION by Len TwoTeeth to adjourn the meeting.

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Council **adjourned** at 2:33 p.m., and is scheduled to meet again on Thursday, June 6, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary