

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

Volume 20 Number 11
Council Chambers, Pablo, MT

Held: November 5, 2019
Approved: November 14, 2019

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

MEMBERS ABSENT: Shelly Fyant, Secretary (Voices & Visions Presentation – Pablo, Montana).

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.

The meeting was opened with a **prayer** by Anita Matt.

The **Tribal Council Meeting Minutes** for October 22, 2019 were presented for approval. **Anita Matt** mentioned the discussion where Leeann Marten brought up the Farm Bill and the Good Neighbor Authority, and she wondered if we had our Legal staff look at it because the Tribes were concerned that the revenue remained with the State. **Council** will follow up with Legal today.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 22, 2019, with corrections. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Charmel Gillin).

The **Tribal Council Meeting Minutes** for October 29, 2019 were presented for approval. **Anita Matt** discussed the update where Dan Decker said MDT had approved moving the modular units. She wondered what steps we take from here. Budget wise, we need to talk to Rick because the foundation and hookup will cost about \$30,000. Anita did not know whether council already took action. **Chairman Trahan** will have Rick Eneas provide a report next week.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for October 29, 2019, with corrections. Seconded by Dennis Clairmont. Carried, 8 for; 1 abstention (Ron Trahan).

The **agenda** was presented for approval.

MOTION by Dennis Clairmont to approve the agenda, with additions. Seconded by Charmel Gillin. Carried, unanimous (9 present).

Laurence Kenmille informed council that he had been requested to bring the design of the Flathead Nation of Valor to the tribal council to see if they would approve it as the official valor for the Tribes. The person that previously provided the medals passed away a couple of years ago. People accept the medal with honor, so we wanted to design one specifically for this reservation. Laurence will let the veterans know we have a different medal now.

MOTION by Myrna DuMontier to move forward with establishing the medal of valor. Seconded by Charmel Gillin. Carried, 8 for; 1 abstention (Ron Trahan).

Art McNair requested permission for his son, Thomes Wayne McNair, to help him while hunting. Council gave him approval for one month but they did not get anything, so he needs approval for another month.

MOTION by Myrna DuMontier to allow Thomes Wayne McNair to help Art McNair while hunting for one month. Seconded by Fred Matt. Carried, unanimous (9 present).

Leonard Gray excused himself for the next discussion.

Renee Joachim and **Melanie Piedalue**, Personnel Department, requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

MOTION by Fred Matt to grant a waiver in this specific situation for James Gray to be a caregiver to Nate Gray through the Elders program. Seconded by Charmel Gillin. Carried, unanimous (9 present – Leonard Gray out of the room).

Leonard Gray returned to the meeting.

Bernadette Corum, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Sheila Hurd on a two-year contract to fill the Psychiatric Nurse Practitioner position.

MOTION by Carole Lankford to authorize the hire of Sheila Hurd on a two-year contract to fill the Psychiatric Nurse Practitioner position. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Bernadette Corum, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Angela NorthPiegan on a 90-day temporary employment agreement to fill the Dental Assistant position while the vacancy is advertised.

MOTION by Anita Matt to authorize the hire of Angela NorthPiegan on a 90-day temporary employment agreement to fill the Dental Assistant position. Seconded by Carole Lankford. Carried, unanimous (9 present).

Bernadette Corum, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested approval to hire Sandra McBride on a one-year contract to fill the Radiology Technician position.

MOTION by Carole Lankford to approve the hire of Sandra McBride on a one-year contract to fill the Radiology Technician position. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

Bernadette Corum Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

Whitney Danz, Department of Human Resources Development, requested approval of a modification to MOU No. 18-032 with the Brazelton Touchpoints Center to extend the date to March 31, 2020 and increase the amount by \$41,602.00, for a total cost of \$416,612.00.

MOTION by Anita Matt to approve the modification to MOU No. 18-032 with the Brazelton Touchpoints Center to extend the date to March 31, 2020 and increase the amount by \$41,602.00, for a total cost of \$416,612.00. Seconded by Fred Matt. Carried, unanimous (9 present).

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

Dale Becker and **Stacey Courville**, Natural Resources Department, requested approval of the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategy and signature by the tribal chairman. Over the past 15 months, the Tribal Wildlife Management Program has worked with the Culture Committees, Preservation Department, Tribal Forestry Department, and the Tribal Lands Department to reach consensus on grizzly bear management language included in the NCDE Grizzly Bear Conservation Strategy.

MOTION by Fred Matt to approve the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategy and authorize signature by the tribal chairman. Seconded by Leonard Gray. Carried, unanimous (9 present).

Dale Becker and **Stacey Courville**, Natural Resources Department, requested approval of the proposed regulation to clarify the language of the annual hunting regulations for nonmembers as it relates to the use of non-toxic shotgun shells and match federal migratory bird hunting regulations.

MOTION by Myrna DuMontier to approve the regulation to clarify the language of the annual hunting regulations for nonmembers as it relates to the use of non-toxic shotgun shells and match federal migratory bird hunting regulations. Seconded by Anita Matt. Carried, unanimous (8 present – Len TwoTeeth out of the room).

Dale Becker, Natural Resources Department, discussed the Emergency Chronic Wasting Disease Regulations. The Game Wardens will be updated and provided all necessary information on how to drop and preserve samples. Due to the seriousness of this issue, they will go out as emergency regulations.

MOTION by Myrna DuMontier to approve the Emergency Chronic Wasting Disease Regulations and advertisement of it as soon as possible. Seconded by Anita Matt. Carried, unanimous (8 present – Len TwoTeeth out of the room).

Myrna DuMontier asked about the crew cleaning in the South Fork by the power lines and raised concern since it is hunting season. **Stacey Courville** advised that it is Bonneville Power Administration and they do not consult with us since it is their right of way. **Fred Matt** wants the Tribal Lands Department to follow up because he agrees with Myrna's concerns about this being done during hunting season. **Council** directed Jennifer Trahan to contact Mark Couture.

Shane Morigeau and **Jordan Thompson**, Legal Department, requested approval of contracts with Jackie Johnson and Rothstein Donatelli for an amount not to exceed \$15,000.00 to provide assistance and consultation for the Wellness Court grant. They agreed to do 10 hours pro bono each month prior to billing the Tribes for services. The firm will provide a report identifying action steps that are necessary to create and implement a Juvenile Wellness Court for CSKT after the site visits and roundtable discussions. The consultant will assist in research, planning, reporting, and organizing for the site visits and roundtable discussions. They requested a date be set sometime in March for the roundtable discussions so the full council can be present, if possible. **Council** will check availability and discuss further at the chairman's meeting.

MOTION by Fred Matt to approve by resolution the contracts with Jackie Johnson and Rothstein Donatelli, LLP for an amount not to exceed \$15,000.00. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

RESOLUTION 20-013

A RESOLUTION TO ENTER INTO A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH ROTHSTEIN DONATELLI LLP

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes, and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes, and

WHEREAS, the Confederated Salish and Kootenai Tribes wish to secure, and Rothstein Donatelli LLP wishes to provide professional legal services to assist the Confederated Salish and Kootenai Tribes with facilitation, training, research, examination, and development of a potential Juvenile Wellness Court; and

WHEREAS, Rothstein Donatelli LLP has specialized knowledge in tribal courts, tribal code drafting, tribal ordinances, tribal policies and procedures, legal analysis, facilitation, research, and community wellness; and

WHEREAS, Rothstein Donatelli LLP has agreed to provide their personal professional services according to the terms and conditions of a contract for consultation and professional services.

THEREFORE BE IT RESOLVED, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

Rhonda Swaney and **Brian Upton**, Legal Department, gave an update on the Bison Range film activity. The American Bison Society is reconstituting itself and setting priorities. There will be a film screening scheduled for the Rocky Mountain Tribal Leaders Council.

Rhonda Swaney and **Jordan Thompson**, Legal Department, discussed last week's action to put the Cultural Waterways Ordinance out for public comment for 30 days and asked if the council wants Jordan to set up anything for that. **Council** will let Legal know if they want anything set up.

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

Chairman Trahan left the meeting for the remainder of the day.

Council reconvened into **regular session**.

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

Daliyah Killsback, Montana Budget & Policy Center State-Tribal Outreach Coordinator; and **Preston Parish**, Montana Budget & Policy Center Policy Analyst; discussed tribal priorities. They are members of the State-Tribal Policy Team and they research and advocate for a variety of state investments in tribal communities and individuals across Montana. The MBPC is a nonprofit organization that focuses on budget, tax, and economic issues and how those impact working families and Indian country. Scholarships are provided for travel, and those meetings usually take place in Helena. They handed out reports pertaining to Medicaid expansion, individual taxes Indians pay in the state of Montana, economic development, and legislative updates that impact Indian country. **Myrna DuMontier** recommended that they meet with the legal staff. **Leonard Gray** thought it would be a good idea for them to meet Rick Eneas and Ruth Swaney, as well.

Len TwoTeeth discussed a letter from the State Fish & Wildlife Commission regarding two permits. A letter was sent to the tribal chairman acknowledging that the State would provide two permits for tribal members to take two bison. That concerns him. Len thinks we need to respond to them and let them know that we do not need a permit from the state of Montana to take a bison. We would set precedence if we accepted their proposal. **Council** will request the Legal Department to provide a response.

Dennis Clairmont left the meeting for the remainder of the day.

Council discussed the Economic Development Office Director position and requested recommendations from the council. The council never defined the expectations for what the department would be doing. **Leonard Gray** suggested defining expectations, revise the position description, and then readvertise the vacancy. **Rick Eneas**, Financial Management, joined the discussion. It is necessary for the tribal council to reach a consensus. **Anita Matt** envisioned that the Director would be hired and then that person would be the one telling the council the ideas on what is a good business and proposed projects to pursue. There was discussion on the difficulty in finding the necessary skillset from the position description. **Charmel Gillin** would like to develop procedures to carry out a policy. It could be set up similarly to how the Energy Department

was initially established that then turned into Energy Keepers, Inc. **Carole Lankford** commented that one option is to enter into project specific contracts with a consultant that possesses the required knowledge and expertise instead of filling the Director position. There could be a board of directors. **Council** will continue discussions at a later date.

Council discussed the Tribal Health Department Head vacancy. The council took action to not accept the offer from Patricia Hibbler. Joe Durglo was the runner up for the position. **Leonard Gray** suggested hiring Joe on a contract to set in place the Health Board and keep the accreditation on track until a new department head is hired. Joe submitted his resignation last week and his last day of employment was October 31, 2019. Having a Health Board in place would prevent the political body from overseeing the department on a day-to-day basis and have a board of directors with the specific qualifications to operate healthcare. **Charmel Gillin** would like to have a conversation with the Personnel Department before making a decision on how to proceed.

Myrna DuMontier discussed her previous request to have the Tribal Lands Department follow up on the crews in the South Fork. It is hunting season and Bonneville Power Administration (BPA) does not have a permit to do that work. **Anita Matt** explained that BPA has a right of way to do the maintenance on their lines. **Carole Lankford** commented that it is a waiver of allowing nonmembers to go into a primitive area and it requires council approval for them to be in that area. Myrna wants to send the game wardens up there to tell them to get out of the area. **Len TwoTeeth** explained that utility companies have a right to access their lines and they have identified certain roadways to access them. **Mark Couture**, Tribal Lands Department, joined the discussion. BPA usually notifies the Lands Department to let the department know when they are doing routine maintenance. Mark knew they would be there, but he was not sure of the timeframe. Myrna asked if it is Tom McDonald's responsibility to tell them to go away until hunting season is over and that they need to get a permit. Council needs to make sure Lands and NRD inform each other of what is going on. Mark said underneath the right of way easement, they do not require a permit to do their routine maintenance. **Holly Hitchcock**, Tribal Lands Department, joined the discussion and informed council that BPA has a responsibility to keep those lines cleared and maintained. Myrna thinks they need to respect the land and people during hunting season. There are people hunting and camping in the South Fork. Holly can tell them certain dates to stay clear of. **Mark Couture** will follow up and return to council on Thursday to provide an update.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 2:51 p.m., and is scheduled to meet again on Thursday, November 7, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary