

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

Volume 18 Number 74
Council Chambers, Pablo, MT

Held: June 21, 2018
Approved: July 17, 2018

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

MEMBERS ABSENT: Ronald Trahan, Chairman; Leonard TwoTeeth (STED Commission – Billings, Montana); and Arlee District Seat (Vacant).

OTHERS PRESENT: Jami Pluff, Policy Analyst; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:30 a.m. Quorum established.

The meeting was opened with a **prayer** by Dennis Clairmont.

The **Tribal Council Meeting Minutes** for June 12, 2018 were presented for approval.

MOTION by Dennis Clairmont to approve the Tribal Council Meeting Minutes for June 12, 2018, with corrections. Seconded by Anita Matt. Carried, 6 for; 1 abstention (Shelly Fyant).

James Steele, Jr. requested that the council minutes reflect the Arlee District Seat as vacant on the members absent portion. It was the **consensus** of council to have the minutes reflect the vacancy.

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

MOTION by James Steele, Jr. to approve the agenda, with changes. Seconded by Charmel Gillin. Carried, unanimous (7 present).

Cinda Burd-Meineke, Senator Tester Re-Election Campaign, is looking for organizers to help get Senator Tester re-elected and is willing to help get out the vote in Indian country. The campaign welcomes input from the CSKT. **Shelly Fyant** informed her that we have two Salish Kootenai College interns and we

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could coordinate our efforts. **Thai Nguyen**, Montana Democratic Party Blue Bench Group; and **Rob McDonald**, Communications; joined the discussion. Rob has resources in his budget for get out the vote. Thai reported that the absentee ballots will be sent out in October. The Blue Bench Group will be knocking on doors, making phone calls, and registering voters on June 30 and July 1. This effort is specifically to work on electing Caroline McDonald. The group tries to elect democrats in local government. **Carole Lankford** suggested hiring the necessary staff for get out the vote efforts since the college interns are assigned other projects for the tribal council.

John Neiss, Facilities Maintenance, requested approval of a contract with R&R Building Productions, LLC for the Quicksilver bathrooms project. R&R Building Productions, LLC was the lowest and best bid, and John recommended awarding the contract to R&R Building Productions, LLC.

MOTION by Dennis Clairmont to award the bid for the Quicksilver bathrooms project to R&R Building Productions, LLC. Seconded by Anita Matt. Carried, 6 for; 1 opposed (Charmel Gillin).

***Charmel Gillin**, for the record, "I am opposed because I still have questions about the recent history on that contractor through the Indian Preference Office that has not been resolved yet."*

John Neiss, Facilities Maintenance, requested approval of a contract with R&R Building Productions, LLC for the St. Ignatius Community Center roof project. R&R Building Productions, LLC was the lowest and best bid, and John recommended awarding the contract to R&R Building Productions, LLC. The discussion continued in **executive session**. **Vern Clairmont**, Financial Management, was present for discussion.

Council reconvened into **regular session**.

MOTION by James Steele, Jr. to award the bid for the St. Ignatius Community Center roof project to R&R Building Productions, LLC. Seconded by Carole Lankford. Carried, 6 for; 1 opposed (Charmel Gillin).

John Neiss, Facilities Maintenance, requested approval of a contract with R&R Building Productions, LLC for the Char-Koosta roof project. R&R Building Productions, LLC was the lowest and best bid, and John recommended awarding the contract to R&R Building Productions, LLC.

MOTION by Shelly Fyant to award the bid for the Char-Koosta roof project to R&R Building Productions, LLC. Seconded by Dennis Clairmont. Carried, 6 for; 1 opposed (Charmel Gillin).

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John Neiss, Facilities Maintenance; and **Renee Joachim**, Personnel Department; discussed the floor in Personnel due to the number of file cabinets. The floor is sagging. Jackola Engineering looked at it and said it would require beams and posts, which is costly. **Shelly Fyant** would like the McArthur Means & Wells Engineering contacted since there should be a warranty on the building. Renee said the floor is getting shaky. More equipment was delivered yesterday and the staff is concerned about the floor falling through. **Carole Lankford** would like those file cabinets removed until the issue is resolved due to safety reasons. Something needs to be done as quickly as possible to take the pressure off the floor. The inactive personnel files will be filed in the basement. John will have the maintenance staff move the file cabinets today. John will research who the engineer was for this building and follow up with them. Renee is willing to relocate the Personnel office, but the floors will still need to be fixed if the office that moves there has file cabinets. **Council** wants those cabinets removed from Personnel today as a safety factor.

Jordan Thompson, Legal Department, requested approval of a memorandum of understanding with the Glacier National Park. The GNP is offering \$10,000 in grant funds for the Elmo Aquatic Invasive Species check station.

MOTION by Anita Matt to approve the memorandum of understanding with the Glacier National Park for \$10,000 in grant funds for the Elmo Aquatic Invasive Species check station. Seconded by Charmel Gillin. Carried, unanimous (7 present).

Rich Janssen, Natural Resources Department; **Rick Everett**, Salish Kootenai College; **David Flagel** and **Gary Belobsky**, University of Notre Dame; followed up on a previous request for a collection permit for the University of Notre Dame and Salish Kootenai College for academic and educational research. The Tribes have approved numerous permits in the past pertaining to undergraduate and graduate level students. Students come from all over the country and Puerto Rico and are considered University of Notre Dame students during this summer course. A professor from SKC is part of the faculty oversight. **Shelly Fyant** had questions about the revised schedule and maps. They gave an overview of their projects. The permit will require the washing of all vehicles used in the collection permit that enter tribal lands, including the undercarriage of the vehicle to prevent the spread of noxious and invasive weed species.

MOTION by James Steele, Jr. to grant a collection permit to the University of Notre Dame and Salish Kootenai College for academic and educational research. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Rich Janssen informed council that in the future he will bring in the permittees making a request to answer any questions that council may have.

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

Vern Clairmont, Financial Management, requested approval of modification 3 to the fiscal year 2018 Investment Fund Budget.

MOTION by Dennis Clairmont to approve by resolution modification 3 to the fiscal year 2018 Investment Fund Budget. Seconded by Shelly Fyant. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-141

RESOLUTION APPROVING MODIFICATION 3 TO THE FISCAL YEAR 2018 INVESTMENT FUND BUDGET

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

WHEREAS, General Fund local revenues were previously allocated to the Grizzly Park subdivision project and such project will not be completed; and

WHEREAS, it is desired to reallocate the revenues to Land Acquisition; and

WHEREAS, the budget will be allocated as follows:

Account	Description	Current Budget	Increase/ (Decrease)	Revised Budget
16-511-6410	Land Acquisition	813,983	277,824.12	1,091,807.12
TOTAL INCREASE/(DECREASE)			277,824.12	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 Investment Fund Budget as reflected above; and

BE IT FURTHER RESOLVED that the total FY 2017 Investment Fund Budget is increased from \$1,183,983 to \$1,461,807.12.

Vern Clairmont, Financial Management, requested approval of a resolution authorizing tribal officials to initiate disbursements, election and term information. This process needs to be done through the Office of Special Trustee every two years.

MOTION by Anita Matt to approve the resolution authorizing tribal officials to initiate disbursements, election and term information. Seconded by Charmel Gillin. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-142

RESOLUTION AUTHORIZING TRIBAL OFFICIALS TO INITIATE DISBURSEMENTS, ELECTION AND TERM INFORMATION

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

WHEREAS, the following individuals are recognized by Tribal Council resolution to conduct business with the Office of the Special Trustee for American Indians:

Tribal Officials Authorized to Initiate Tribal Disbursements:

Vern L. Clairmont	Director of Financial Management
Clayton Matt	Director of Tribal Services
Zachary Conko Camel	Accounting Manager
Violet F. Trahan	AP & AR Manager

Tribal Officials Authorized to Provide Investment Instructions:

Vern L. Clairmont	Director of Financial Management
Zachary Conko Camel	Accounting Manager
John Whitworth	Cash Flow Manager

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the individuals listed above are authorized to initiate or provide direction on Tribal business with the Office of the Special Trustee for American Indians:

BE IT FURTHER RESOLVED that this resolution shall continue forth in the Certification of the individuals list in the resolution, until written notice to the contrary is duly served to the Office of the Special Trustee for American Indians in the form of a Tribal resolution.

Vern Clairmont, Financial Management, requested approval of a resolution to add a counter signature at Tribal Credit.

MOTION by James Steele, Jr. to approve by resolution the addition of a counter signature at Tribal Credit. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-143

RESOLUTION AUTHORIZING SIGNATURES FOR THE TRIBAL CREDIT REVOLVING ACCOUNT

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes has resolved to establish a commercial depository for the Revolving Credit Account to conduct day to day business; **NOW, THEREFORE**,

BE IT RESOLVED that the Eagle Bank of Polson, Montana is designated a depository of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, for the Revolving Credit Account and that funds so deposited may be withdrawn upon a check of the Confederated Salish and Kootenai Tribes; and

BE IT FURTHER RESOLVED that from this date, all draws against said account will be the depository when signed by either of the following:

NAME/TITLE: Clara M. Charlo, Credit Manager
Lorma M. Sloan, Assistant Credit Manager

and countersigned by the following:

Tara Skare, Accountant
Susie M. Loughlin, Compliance Collections Officer
Arnell Phillips, Short Term Loan Officer
Breanna Bertsch, Office Manager

Whose signatures shall be duly certified to said Bank, and that no draws against said Bank shall be valid unless so signed; and

BE IT FINALLY RESOLVED that said Bank is hereby authorized to direct to honor and draw, whether such draw be payable to the order of any such person signing and/or countersigning said draws/transactions, or to the individual in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

Teresa Wall-McDonald, Tribal Health Department, requested approval to hire Katie Burton on a two-year contract in position number 3025 Guided Care Registered Dietician. The position was advertised and there were no qualified tribal member applicants.

MOTION by Dennis Clairmont to authorize the hire of Katie Burton on a two-year contract in position number 3025 Guided Care Registered Dietician at the benchmarked salary. Seconded by James Steele, Jr. Carried, unanimous (7 present).

Teresa Wall-McDonald, Tribal Health Department, requested approval to hire Chynthia Rutherford on a two-year contract in position number 3027 Guided Care Social Advocate. The position was advertised and the only tribal member applicant declined the interview.

MOTION by Charmel Gillin to authorize the hire of Chynthia Rutherford on a two-year contract in position number 3027 Guided Care Social Advocate. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Teresa Wall-McDonald, Tribal Health Department, requested approval to hire Nicole Main on a two-year contract in position number 3023 Guided Care Referral Coordinator. The position was advertised and there were no qualified tribal member applicants. **Shelly Fyant** requested a copy of the position description with the qualifications.

MOTION by Anita Matt to approve the hire of Nicole Main on a two-year contract in position number 3023 Guided Care Referral Coordinator. Seconded by James Steele, Jr. Carried, unanimous (7 present).

Teresa Wall-McDonald, Tribal Health Department, requested approval to hire Mariah Myton on a two-year contract in position number 3022 Guided Care Referral Coordinator. The position was advertised and there were no qualified tribal member applicants. THD is entering employees into the new pay system and will no longer be using the “exempt” terminology.

MOTION by Dennis Clairmont to approve the hire of Mariah Myton on a two-year contract in position number 3022 Guided Care Referral Coordinator. **MOTION WITHDRAWN.** Teresa will provide the requested information and present back for consideration.

Teresa Wall-McDonald, Tribal Health Department, requested approval to renew a three-year contract with Dr. Joe Meng in position number 1088 Oral Surgery for Adults. All terms of the contract remain the same as the last contract.

MOTION by Carole Lankford to approve a three-year contract with Dr. Joe Meng in position number 1088 Oral Surgery for Adults. Seconded by Charmel Gillin. Carried, unanimous (7 present).

Teresa Wall-McDonald, Tribal Health Department, requested approval to renew a one-year contract with Dr. Samantha Clark, with an option to renew 60 days prior to the end of this contract in position number 1100.

MOTION by Charmel Gillin to renew a one-year contract with Dr. Samantha Clark, with an option to renew 60 days prior to the end of this contract, in position number 1100. Seconded by James Steele, Jr. Carried, unanimous (7 present).

Teresa Wall-McDonald, Tribal Health Department, requested approval to renew Cameron Neiss's TEA contract for one year as a TH Summer Scholar to work in TH Pharmacy.

MOTION by Anita Matt to renew Cameron Neiss's temporary employment agreement contract for one year as a TH Summer Scholar to work in the TH Pharmacy. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Teresa Wall-McDonald, Tribal Health Department, discussed the proposed Medically Related Recipient Travel Policy and Controlled Substance Utilization and Dispensing Limitations Policy. She requested authorization to move these policies forward for public hearing scheduled for July 26, in accordance with the Tribal Administrative Procedures Ordinance 86-B. The policies were reviewed by the Legal Department. TAPO requires THD to prepare a document for tribal council where she identifies the policy title, background, purpose, and then declare a hearing date, public comment time limit and deadline. The first policy set is the travel policy. The draft policy is out for hearing and public comment. After the hearing is conducted, THD will bring back all the oral and written comments received and then the tribal council has the discretion to modify or change the draft policy that was put out for public hearing. The travel policy would limit assistance to \$70,000 for ICU related travel (based on historical records). The limit for non-ICU related travel would be set at \$40,000. The \$40,000 limit was based on an average of past financial reports for non-ICU related travel. These amounts are a starting point. **Shelly Fyant** offered to hold a district meeting in Arlee and suggested having one in Elmo. It was the **consensus** of council to hold the public meetings. Teresa will amend her proposal to hold a public hearing in each district. **Shelly Fyant** discussed third party expenditures at the budget committee yesterday and the expenditures exceed the revenue coming into that account. The third party could be depleted in a period of time. Shelly talked about purchasing insurance for high-cost circumstances and referred back to the Payne West Pilot Project that was brought up three years ago. They have been trying to schedule a meeting with Tribal Health, and Shelly would like Teresa to schedule the meeting. Teresa said she had reached out to Payne West trying to schedule a meeting. Shelly wants that meeting scheduled as soon as possible. Teresa will attempt to meet with Payne West by next week. She wants to look at productivity standards across

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the board; that would help resources if the services vs. reimbursements do not benefit the department. If it is not providing enough revenue to recover the costs, then it would be cheaper to contract out some services.

Teresa Wall-McDonald, Tribal Health Department, requested approval of a contract with Arlee Ambulance Service in the amount of \$5,280 to provide coverage at the Arlee Pow Wow.

MOTION by Carole Lankford to approve the contract with Arlee Ambulance Service in the amount of \$5,280 to provide coverage at the Arlee Pow Wow. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Martin Charlo and **Arlene Bigby**, Kicking Horse Job Corps Center, gave an update on KHJCC issues. The Security Senior Manager vacancy will be filled once DOL approves it. The CTT Counselor and CSO positions were advertised. **Shelly Fyant** asked if the 2110 reports have been submitted. Arlene was waiting for some feedback so the reports can be revised and submitted. This has to be resolved by July 1, and KHJCC is on track to have it done. The DOL brought up issues regarding the TABE assessments, GSA vehicles that GSA requested swapping, and requesting a continued analysis of GSA mileage, which the center has been submitting.

James Steele, Jr. brought up a donation request from Art Caye for his daughter to go to a tournament. He submitted the donation request a couple weeks ago, but he has not been notified if it was approved or denied. **Art Caye**, Tribal Member, said the donation was approved and he is waiting for the chairman's signature so the check can be issued. **Jami Pluff** advised that Donna Durglo will issue a check to Art's daughter Josie as soon as the chairman signs off on it.

Jami Pluff, Tribal Employee, informed council that she only received a partial paycheck this last pay period and she needs approval to get a full paycheck since she is an exempt employee and she has always been allowed to make up any hours she misses from work. She also works on Fridays to make up her hours she misses during the workweek. The discussion continued in **executive session**.

Council reconvened into **regular session**.

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

Arlene Templer, Kelly Parker, Carmelita Matt, Karen Renz, and Trish White, Department of Human Resources Development, requested approval of a consultant agreement with the Whitener Group, LLC in the amount of \$24,500 to provide the CSKT Fall Legal Summit ICWA training in September.

MOTION by Shelly Fyant to approve a consultant agreement with the Whitener Group, LLC in the amount of \$24,500 to provide the CSKT Fall Legal Summit ICWA training in September. Seconded by James Steele, Jr. Carried, unanimous (7 present).

Arlene Templer, Kelly Parker, Carmelita Matt, and Karen Renz, Department of Human Resources Development, requested approval of a three-year employment agreement with Jeanette Blythe to fill the Child & Youth Trauma Services Case Manager position.

MOTION by Anita Matt to approve a three-year employment agreement with Jeanette Blythe to fill the Child & Youth Trauma Services Case Manager position. Seconded by Carole Lankford. Carried, unanimous (7 present).

Arlene Templer, Kelly Parker, Carmelita Matt, and Karen Renz, Department of Human Resources Development, requested approval of a revised organizational chart. Changes made were: (1) the creation of a Finance and Grants Division with an in-house promotion and reclassification of TSS Bookkeeping Program Manager position description. This position will have an impact on BIA funding. (2) the creation of a Foster Care Licensor/Second Circle Lodge Program Manager. This position will have no impact on requesting additional funding. (3) changed the title on 13 boxes in the CPS/Foster Care/Licensor Program to Professional/Trainee boxes. In the event there are no applicants that meet the professional requirements, the department will hire a trainee. Once the trainee meets the professional requirements through education and work experience then the trainee will move into the professional position through an updated position description. (4) CPS Support Staff position was modified from one full-time position to two part-time contracted positions. (5) the Child Youth Trauma Services Mental Health Specialist Trainee is no longer a trainee since she has acquired her LCSW.

MOTION by Charmel Gillin to approve the revised organizational chart for the Department of Human Resources Development. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Arlene Templer, Department of Human Resources Development, discussed the Dire Need funding. The program has always received \$85,000 in the past but it gets \$150,000 due to the payback agreements. Arlene requested \$20,000 of the payback funding to continue to fund the Dire Need program. **Charmel Gillin** requested the number of dire need paybacks. DHRD had been directed to stop doing payback agreements three months ago. DHRD has collected \$45,000 so far on payback agreements. Council's concern was people are getting a payback agreement who do not qualify for the program and they are getting an interest-

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free loan. Arlene told council a story from an employee that needed dire need on a payback agreement. **Council** directed this issue to come back when Vern Clairmont can be present for discussion.

Arlene Templer, Department of Human Resources Development, informed council that the staff is going to Seattle regarding the Families Prevention Act to look into direct IV-E July 8-9. The expenses will be covered. She wants a council member to go with them to the meeting.

Council wants a complete report on who is getting dire need and who has payback agreements. The monthly certification of that account number and the detailed report would be helpful.

Renee Joachim, Personnel Department, discussed incentive award requests. SKHA has two incentive award requests but the staff is at their annual picnic today and cannot be here for discussion. According to policy, \$1,500 is the maximum amount over a three-year period that employees are eligible for. The personnel board used to approve/deny the awards, but the personnel ordinance was revised and the board was dissolved and now the tribal council needs to approve or deny them. **Rich Janssen**, Natural Resources Department, joined the discussion. He said he concurred with Tom McDonald's recommendation for an incentive award to an employee. The award nomination was for \$1,500 for Amanda Bourdon, Fish & Wildlife Administrative Assistant, for work on the bison program, which was not included in her position description. She worked willingly on weekends to coordinate shipments of bison. 200,000 pounds of bison meat was shipped and benefited our tribal members and programs. She was not paid overtime. This went above and beyond her regular duties. There are sufficient funds in the NRD budget to pay for this.

MOTION by Carole Lankford to go with the recommendation of the department head and give Amanda Bourdon a \$1,500 incentive award. Seconded by Anita Matt. Carried, 6 for; 1 abstention (Charmel Gillin).

MOTION by Carole Lankford to go with the recommendation of the department to grant a cash incentive award to Bret Birk so long as it is within policy. Seconded by James Steele, Jr. Carried, 6 for; 1 abstention (Charmel Gillin).

MOTION by Anita Matt to go with the recommendation of the department to grant a cash incentive award to Rocki Davis so long as it is within policy. Seconded by Carole Lankford. Carried, 6 for; 1 abstention (Charmel Gillin).

Renee Joachim, Personnel Department, requested input on the Leave Share Policy. The current policy says employees are eligible for no more than 60 days

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of leave sharing, so it is not clear if those are calendar or working days. Personnel has always converted the days to hours due to varying work schedules employees have. The long-term disability waiting period is 60 calendar days. There is no longer a short-term disability plan for employees. It takes about 8 weeks to get a decision when employees apply for disability. **Council** agreed to clarify the leave sharing policy as 60 calendar days. Renee will submit an agenda request form to make that amendment to Ordinance 69-C.

Renee Joachim, Personnel Department, followed up on the file cabinets in Personnel. Those file cabinets will be moved to the Maintenance Shop and Maintenance will redistribute all the cabinets upstairs. That issue will be resolved today.

Renee Joachim, Personnel Department, discussed the retirement policy. The current policy allows tribal employees to withdraw from the employer and voluntary accounts. Last year there was a total of \$5.2 million in withdrawals by a total of 2,028 withdrawal requests. So far this year, \$2.2 million has been withdrawn and requests made by 949 employees. The department has one employee that processes withdrawals, and that employee spends half of her work day standing in front of the fax machine each day processing withdrawals. Employees can file withdrawals themselves online, and if they would file their own it would help reduce the workload of the staff. **Carole Lankford** suggested requiring employees to do it themselves or have a computer set up for people to access to do it themselves and file claims on-line. **Council** directed Renee to bring back options to consider.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Council **adjourned** at 2:44 p.m., and is scheduled to meet again on Tuesday, June 26, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary