

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

Volume 19 Number 37
Council Chambers, Pablo, MT

Held: March 5, 2019
Approved: March 14, 2019

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

MEMBERS ABSENT: Carole Lankford; and Fred Matt.

OTHERS PRESENT: Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:11 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for February 21, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for February 21, 2019, with corrections. Seconded by Shelly Fyant. Carried, 7 for; 1 abstention (Ron Trahan).

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

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

Ed Ness; and **Danielle Lefthand**, Department of Human Resources Development; presented a request from Virginia Brockie for Ed to be her personal home caregiver.

MOTION by Charmel Gillin to approve Ed Ness to be Virginia Brockie's personal home caregiver. Seconded by Anita Matt. Carried, unanimous (8 present).

John Carter, Legal Department, gave council some tobacco from his farm in Kentucky.

Shelly Fyant discussed the Missing and Murdered Indigenous Women (MMIW) issue. **Chairman Trahan** advised that the issue was rescheduled for next week so more information could be obtained. Shelly said that the Rosebud Sioux Tribe passed a resolution and wants support of it from surrounding tribes. Ron said the resolution is undergoing legal review.

Vern Clairmont and **Rick Eneas**, Financial Management, requested approval of modification 6 to the fiscal year 2019 Indian Health Service Self-Governance Compact Budget.

MOTION by Anita Matt to approve by resolution modification 6 to the fiscal year 2019 Indian Health Service Self-Governance Compact Budget. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 19-090

RESOLUTION APPROVING MODIFICATION 6 TO THE FY 2019 IHS SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, earmarked FY 2019 funding for Dental Support has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

| Account Number | Description | Current Budget Authority | Increase / (Decrease) | Revised Budget Authority |
|----------------|---------------------------|--------------------------|-----------------------|--------------------------|
| 11-502-4117 | Dental Prevention | 212,737.85 | 23,000.00 | 235,737.85 |
| | TOTAL INCREASE/(DECREASE) | | 23,000.00 | |

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2019 IHS Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that prior year unexpended funds shall be made available to provide for the expenditure of the FY 2019 IHS Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

BE IT FURTHER RESOLVED that the FY 2019 IHS Self-Governance Compact Budget is increased from \$27,942,506.99 to \$27,965,506.99.

Vern Clairmont and **Rick Eneas**, Financial Management, discussed last week's conference with the Tribes' external auditors. The auditors identified a problem with the organization-wide audit. In the audit process we get the single audit and an organization-wide audit. The single audit gets filed with the clearing house. The component units are in the organization-wide audit. The SKHA audit has a problem. The external auditors have to rely upon the audit reports that are conducted for the entities by other auditors. The auditor for SKHA has a failed peer review so our auditors will not use that audit report. One option is they could go in and request to review and re-audit SKHA or they could delete this year the SKHA audit out of the governmental-wide audit. That gives us a different finding, but it would not be included in the audit that gets filed with the clearing house. SKHA would need to get back into our audit in the future. The SKHA auditors need to get a clean peer review or have a new audit done by a different firm so our auditors will include SKHA audits in the future. It is a significant component of our organization. It is recommended to leave it out of our audit this year. SKHA was contacted and asked to check into their auditing firm and determine whether a new audit needs to be done. **Shelly Fyant** wants SKHA to get their audit re-done and have the board of directors meet with the tribal council.

MOTION by Charmel Gillin to remove SKHA from our audit this year. Seconded by Myrna DuMontier. Carried, 7 for; 1 abstention (Shelly Fyant).

Tony Incashola, Jr., Tribal Forestry, requested approval of revised language in the Timber Use Policy Statement (TUPS) regarding the 200-foot rule. Len TwoTeeth thinks it is bad timing to enforce loggers with the extreme weather and people needing firewood. **Shelly Fyant** wants a meeting with the woodcutters and small loggers in making that decision on the policy.

MOTION by Len TwoTeeth to continue on with the waiver of the 200-foot requirements and leave it open at the discretion of the FOIC. Seconded by Dennis Clairmont. Carried, 4 for; 3 opposed (Shelly Fyant, Myrna DuMontier and Charmel Gillin); 1 abstention (Anita Matt).

***Shelly Fyant**, for the record, "I still want tribal council to schedule a meeting with the woodcutters and small loggers to get their input separately from tribal resources we've already heard from."*

***Anita Matt**, for the record, "I don't feel like I have the information that Shelly's speaking about on both sides."*

Charmel Gillin, for the record, *“It’s relative to the fact that as I stated in yesterday’s chairman’s meeting this issue of the 200-foot barrier is stemming from the larger issue of the small loggers not finding a way to get put back to work within the present construct of our policies, so I would have preferred to have seen some options that were favorable to provide a solution. I don’t believe we reached a solution yet which is in consideration of all the interests we’re trying to be considerate of for the health of the forest, the timber workers, and the markets. There is a lot to it that I would like to see some tangible recommendations that we could implement immediately. That’s what I’m holding out for is something brought to the table to regenerate work for small loggers.”*

Myrna DuMontier withdrew her vote of being in favor and changed it to an abstention. **Chairman Trahan** advised that he would need to look at Robert’s Rules to see if she can change her vote after the fact. Legal review will be obtained on this request and will discuss later.

Tony Incashola commented that the options we do have would be to put these woodcutters inside a unit so the resources can do an evaluation and NEPA quality check on the resources. It’s not a timber use issue; it’s a resource concern. We will violate environmental law and set ourselves up for that.

Shelly Fyant asked about performance bonds. **Tony Incashola, Jr.** explained that it is advanced stumpage and its purpose is to ensure the worker and the Tribe get their value of that contract. It is something required in the CFR for permits and contracts. That \$7,500 bond referenced to was specific to one sale. Performance bonds and advanced stumpage are separate. Performance bond is for fixed equipment. Stumpage is money on the books before they can bring logs in. It is an advanced payment. We are talking a small sale. Performance bonds are for commercial.

Charmel Gillin commented that we are looking at potential ways to get them to work, cleanup or contracts, brush piling, road repairs, thinning, planting, etc. We also talked about the requirement for tribal members on job sites, 25 % versus 50%. Tony had explained that there are situations where a larger logger might have 25% tribal members on their core group but split between multiple jobs, so he is looking at a way to have compliance with the tribal members to the job site. This is separate from the impact of skidding equipment, and she is not disagreeing with protecting the environment and habitat and following the rules. Charmel has been a longtime supporter of that, but she believes in the big picture and she is trying to find out what solutions Forestry can bring to the table so we can generate employment for small loggers.

Tony Incashola, Jr. informed council that Tribal Forestry has four small unit sales. One large sale (the Revais West) was taken apart and divided into five small sales. That gives small loggers an opportunity. That way a large logger cannot

come in and take the bids because they will allow one bid for one sale. They will need a performance bond and advanced stumpage. That requirement cannot be waived from the CFR.

Duane Plant, Tribal Forestry, requested approval to advertise the Garden Creek sale, containing 491 acres. The line unit has 389 acres and is a separate sale. Duane wants permission to advertise both sales at the same time.

MOTION by Leonard Gray to approve by resolution the advertisement of the Garden Creek Fire Salvage Tractor Logging Unit sale. Seconded by Dennis Clairmont. Carried, 7 for; 1 abstention (Charmel Gillin).

RESOLUTION 19-091

RESOLUTION APPROVING SALE OF TIMBER ON THE GARDEN CREEK FIRE SALVAGE TRACTOR LOGGING UNIT

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

WHEREAS, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Garden Creek Fire Salvage Tractor Logging Unit,

Sale Information

| <u>Sale</u> | <u>Volume</u> | <u>Advertised Bid Rate</u> | <u>TSI</u> | <u>RDs</u> |
|--|---------------|----------------------------|-------------|------------|
| Garden Creek Fire Salvage Tractor L.U. \$2.00/TON | 9,051 Tons | \$15.00/TON | -DF & O | \$3.00/TON |
| \$2.00/TON | 3,874 Tons | \$15.00/TON- | Whitewds | \$3.00/TON |
| \$8.00/MBF | 378 MBF | \$40/MBF – PP | \$22.00/MBF | |

WHEREAS, the sale will provide for the salvaging of mature, overmature and diseased trees; and

WHEREAS, the minimum acceptable bid rate for sawlogs on the Garden Creek Fire Salvage Tractor Logging Unit is \$40.00 per MBF for Ponderosa Pine and \$15.00/Ton for Douglas-fir and Other Species, \$15.00/Ton for Whitewoods and Other Species; and

WHEREAS, an additional amount will be collected to cover Timber Stand Improvement and Road costs on this unit;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

BE IT FURTHER RESOLVED that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

Duane Plant, Tribal Forestry, requested approval to advertise the 389-acre sale.

MOTION by Dennis Clairmont to approve by resolution the advertisement of the Garden Creek Fire Salvage Cable Logging Unit sale. Seconded by Len TwoTeeth. Carried, 6 for; 0 opposed; 2 abstentions (Charmel Gillin and Anita Matt).

RESOLUTION 19-092

RESOLUTION APPROVING SALE OF TIMBER ON THE GARDEN CREEK FIRE SALVAGE CABLE LOGGING UNIT

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

WHEREAS, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Garden Creek Fire Salvage Cable Logging Unit, Sale Information

| <u>Sale</u> | <u>Volume</u> | <u>Advertised Bid Rate</u> | <u>TSI</u> | <u>RDs</u> |
|--|---------------|----------------------------|-------------|------------|
| Garden Creek Fire Salvage Cable L.U. \$2.00/TON | 9,983 Tons | \$8.00/TON | -DF & O | \$3.00/TON |
| \$2.00/TON | 3,044 Tons | \$8.00/TON- | Whitewds | \$3.00/TON |
| \$8.00/MBF | 346 MBF | \$40/MBF – PP | \$22.00/MBF | |

WHEREAS, the sale will provide for the salvaging of mature, overmature and diseased trees; and

WHEREAS, the minimum acceptable bid rate for sawlogs on the Garden Creek Fire Salvage Cable Logging Unit is \$40.00 per MBF for Ponderosa Pine and \$8.00/Ton for Douglas-fir and Other Species, \$8.00/Ton for Whitewoods and Other Species and,

WHEREAS, an additional amount will be collected to cover Timber Stand Improvement and Road costs on this unit;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council, and,

BE IT FURTHER RESOLVED that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

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

Shelly Fyant requested that a meeting be scheduled for March 21 with woodcutters and small loggers. **Chairman Trahan** will check the agenda.

Gabe Johnson, Natural Resources Department, requested approval of a resolution approving the road inventory. **Len TwoTeeth** wants the access road to the Elmo Clinic added to the inventory list. Gabe commented that he needs to know the council and the program's vision for the roads that are added to the inventory. There are limited BIA maintenance funds and tribal transportation funds, so there needs to be some consideration when moving forward. Discussion will be held later on this issue.

MOTION by Len TwoTeeth to approve by resolution the road inventory and add the Elmo Clinic road to the inventory list. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 1 abstention (Charmel Gillin).

RESOLUTION 19-093

RESOLUTION TO REQUEST ACCEPTANCE AND PROCESSING OF THE COMPLETED AND REVISED TRIBAL TRANSPORTATION PROGRAM'S 2019 NATIONAL TRIBAL TRANSPORTATION FACILITY INVENTORY (NTTFI) UPDATE

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 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 an integrated transportation system links Flathead Reservation residents with cultural, economic, health and recreational resources; and

WHEREAS, the Tribal Council is working through the CSKT Roads Program to perform a NTTFI Inventory Update in 2019; and

WHEREAS, the Tribal Council supports the findings of the NTTFI Inventory Update and approves that the roads recommended for addition to the NTTFI network be added and are eligible for inclusion into the NTTFI as Transportation Facilities defined in the Federal Register, 25 CFR, Part 170; and

WHEREAS, the Tribal Council ensures that there was tribal input before final consideration of the Flathead Nation's NTTFI Inventory Update and revisions; and

WHEREAS, the Tribal Council supports the inventory coding, attachments, revisions, deletions, and additions to the NTTFI network as prepared and entered in the Road Inventory Field Data System (RIFDS); and

WHEREAS, the Tribal Council approves the following Recommended Inventory Table and supporting maps as the NTTFI roadway network and approves all necessary actions within RIFDS to revise the NTTFI to match the attached tables and maps which accurately detail our NTTFI transportation network; and

WHEREAS, the Tribal Council approves and requests the addition of proposed routes 9165-030 and 9560-010 including the supporting information provided for these proposed routes in Appendix A of this resolution. Tribal Council agrees CSKT will provide the necessary right of way for routes 9165-030 and 9560-010.

WHEREAS, NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves the Flathead Nation's NTTFI 2019 Inventory Update, and directs the Department of Interior, Bureau of Indian Affairs, Northwest Region and Central Offices to accept and process the Inventory Submittal.

Rich Janssen, Natural Resources Department; and **Brian Lipscomb**, Energy Keepers, Inc.; discussed the scheduling of the upcoming Department of State meeting on March 19. Detailed talking points will be discussed next week. There is a meeting on March 18 with the 15 Tribes. The information will be emailed to council on March 14. A letter will be drafted from the Tribal Chairman to invite the 15 tribes.

Joe Durglo, Brandy Couture, Brandon Burke, and Chelsea Kleinmeyer, Tribal Health Department, requested approval of a three-year part-time contract with

Shawna Buffalo at her current rate of pay. Shawna is taking a full-time position with the Arlee School and will work part-time at Tribal Health.

MOTION by Dennis Clairmont to convert Shawna Buffalo to part time status and offer her a three-year contract. Seconded by Leonard Gray. Carried, unanimous (8 present).

Joe Durglo, Brandy Couture, Brandon Burke, and Chelsea Kleinmeyer, Tribal Health Department, requested approval to hire Barbara Kipp on a two year contract to fill the Nurse (position 3021) at the proposed rate of pay.

MOTION by Shelly Fyant to approve the hire of Barbara Kipp on a two-year contract to fill position 3021 at the proposed rate of pay. Seconded by Anita Matt. Carried, unanimous (8 present).

Joe Durglo, Brandy Couture, Brandon Burke, and Chelsea Kleinmeyer, Tribal Health Department, requested approval to submit a grant application to the Garrett Lee Smith Tribal Youth Suicide Prevention and Early Intervention Grant Program.

MOTION by Anita Matt to approve by resolution submission of the grant application to the Garrett Lee Smith Tribal Youth Suicide Prevention and Early Intervention Grant Program. Seconded by Charmel Gillin. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 19-094

RESOLUTION SUPPORTING SUBMITTAL OF A GRANT APPLICATION TO THE GARRETT LEE SMITH TRIBAL YOUTH SUICIDE PREVENTION AND EARLY INTERVENTION GRANT PROGRAM

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

WHEREAS, the Confederated Salish and Kootenai Tribes are committed to improving the wellbeing of Tribal Youth, and

WHEREAS, the Tribal Council has identified Tribal goals of Health and Wellness in 2017 including supporting services that keep families together, intervention services for healthy communities and increased opportunities to learn skills that foster resiliency in Tribal youth, and those goals are still important today, and

WHEREAS, the Tribal Health Department (THD) has prepared and will submit a grant application to the Garrett Lee Smith Tribal Youth Suicide Prevention and

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Early Intervention Grant Program in an effort to provide relevant Tribal Youth Suicide Prevention and Early Intervention services, and

NOW THEREFORE BE IT RESOLVED THAT, the Tribal Secretary and the Tribal Council Chairman are authorized to negotiate and execute the grant and or contract documents and any amendments thereto.

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

John Carter, Legal Department, requested approval to make the final payment owed on Thomas Hardy's contract.

MOTION by Shelly Fyant to approve the final payment to Thomas Hardy. Seconded by Anita Matt. Carried, unanimous (8 present).

Brian Upton, Ryan Rusche and **Yolanda Page**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

MOTION by Shelly Fyant to approve the letter regarding the Bison Range. Seconded by Leonard Gray. Carried, unanimous (8 present).

It was the **consensus** of council to move forward with the KHJCC letter with edits.

Council discussed the request from Myrna DuMontier to change her vote this morning on 200-foot requirement waiver. Abby Dupuis was directed to change the minutes to reflect that Myrna was opposed to the action.

Ryan Rusche, Yolanda Page and **Jordan Thompson**, Legal Department, gave a legislative update.

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

Shelly Fyant and **Myrna DuMontier** left the meeting for the remainder of the day to travel to Spokane for the language conference.

Council **recessed** the regular meeting at 1:45 p.m. to conduct an S&K Technologies shareholder meeting.

Council **reconvened** into the regular meeting at 2:30 p.m.

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MOTION by Dennis Clairmont to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (6 present – Shelly Fyant and Myrna DuMontier out of the room).

Council adjourned at 2:35 p.m., and is scheduled to meet again on Tuesday, March 12, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary