

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

Volume 19 Number 38
Council Chambers, Pablo, MT

Held: March 12, 2019
Approved: April 2, 2019

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

MEMBERS ABSENT: Shelly Fyant, Secretary (Legislative Session - Helena, Montana).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:03 a.m. Quorum established.

The meeting was opened with a **song** by the Red Horn Drum Group.

Elias Alexander, Red Horn Drum Group, informed council that the drum group is raising funding to travel to Denver to participate in a pow wow later this month. He requested funding assistance from the Tribes. Two Eagle River School has given them the opportunity to showcase the drum group in this event and will allow usage of the school bus for transportation. **Mike Kenmille** gave a report on last year's trip. **Council** took the request under advisement and requested that they fill out the donation request form.

The **Tribal Council Meeting Minutes** for February 28, 2019 were presented for approval. **Anita Matt** requested the status of the Personnel Director creating a position description for the EEO position. Council directed that it be done by today. **Chairman Trahan** has not seen anything on that yet. **Carole Lankford** requested clarification of the action taken for the Internal Auditor to investigate 26 employment complaints. She did not think that position was intended to take over Ordinance 69-C. **Chairman Trahan** advised that it would be discussed later today.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for February 28, 2019, with corrections. Seconded by Fred Matt. Carried, unanimous (9 present).

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

MOTION by Leonard Gray to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (9 present).

Rob McDonald, Communications, informed council that there is a hearing in Helena tomorrow at 3:00 p.m. about an act revising legal holidays in Montana to remove Columbus Day from state recognition and replace it with Indigenous Peoples' Day. Rob was told that council would provide a van and offer a change of duty to the first 17 employees who sign up to ride the van. He wants permission, with supervisor approval, for the change of duty. Rob asked if council would consider a meal ticket since those employees will not be provided per diem, or whether lunch would be on their own. **Myrna DuMontier** commented that if this bill passes it will be changing Montana history. She wants a tribal presence there and would like to provide a meal to them. **Fred Matt** commented that he could attend tomorrow's hearing and can use his credit card to purchase the meal. The hearing will be streaming on video.

MOTION by Myrna DuMontier to support the travel expense to Helena with Fred Matt using his council credit card for the meal to provide anyone a meal who wishes to go on the trip. In addition, the first 17 employees who sign up to ride the van will be granted a change of duty, with supervisor approval. Seconded by Fred Matt. Carried, unanimous (9 present).

Rob McDonald asked about individuals contacting him to take their own car and want mileage paid. **Council** clarified that they are providing the transportation, so they would need to pay their own mileage if they choose to drive their own vehicle.

Renee Joachim, Personnel Department, presented a request from Early Childhood Services. ECS has an individual who is hired under an employment contract as a Teacher Aid in Training. ECS wants to hire the person as a Cook, which is a pay increase. Council action is required.

MOTION by Carole Lankford to approve the request and move Lavinia Bravo into a Cook position. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Anita Matt out of the room).

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

Cheryl Finley, Bureau of Indian Affairs, introduced the new Acting Superintendent for 120 days, Robert Compton, who is from the Regional Office. **Mr. Compton** provided his background information. He would like to schedule

a meeting with the tribal council so he can better serve the Tribes. **Charmel Gillin** gifted Mr. Compton a 2019 Salish Culture Committee calendar.

Dani Bisson, Tribal Employee, requested to meet with council in **executive session** to discuss a personal matter. **Renee Joachim** and **Cory Clairmont**, Personnel Department, were present for discussion. **Clayton Matt**, Tribal Services, joined the discussion.

Council reconvened into **regular session**.

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

Carolee Wenderoth, Tribal Lands Department, requested approval to extend the emergency housing stay for Greg Kenmille to remain in Duplex 2A of the units in Pablo for an additional 90 days and recommended a \$100 payment attached to that. The Tribal Lands staff will keep the tribal council updated on the housing situation.

MOTION by Len TwoTeeth to extend for 90 days at a rental rate of \$100 per month. Seconded by Anita Matt. Carried, unanimous (9 present).

Carolee Wenderoth, Tribal Lands Department, discussed the former Halvorson house in Hot Springs. Nick Barber has shown interest in purchasing it. He wants to rent the residence for one year for a rental payment of \$350 per month. After that time, he wants an option to purchase the residence and a portion of the property.

MOTION by Leonard Gray to approve a one-year rental agreement for the residence at a \$350 rental payment per month. Seconded by Dennis Clairmont. Carried, 8 for; 1 opposed (Charmel Gillin).

Charmel Gillin, for the record, *“My opposition is based on the fact that the Tribal Lands Department has reported this as an offer that was submitted, and I believe it could have been negotiated.”*

Jami Pluff, Policy Analyst, followed up on a resolution from last week. The Legal staff reviewed the resolution and told her that it is okay to present as is. Jami was preparing it for CSKT, but it is different because the resolution talks directly about the tribe and it being impacted by the XL Pipeline. Jami wants to speak to the Legal Department one more time and get a resolution in support of the tribes being impacted. **Council** authorized Jami to consult with legal counsel.

Jami Pluff, Policy Analyst, gave an update on the community meetings that took place on the Missing and Murdered Indigenous Women & Girls (MMIWG) issue. The next work group meeting will be held next Tuesday evening at 6:00 p.m. in

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the council chambers, and each subsequent meeting will be held in different communities on the reservation. Jami will confirm that there is no meeting conflict for next Tuesday and get the meeting scheduled. The work group will develop and organize a centralized resource center. Jami requested approval of the MMIWG training, workshops and community event at the KwaTaqNuk Resort on March 25, 2019. Jami reviewed the proposed agenda for the event. There will be a silent auction, and the money raised will go to Jermaine Charlo's family. The total cost of the event is \$6,645.18. Sponsors have donated \$5,081.20 and the Tribal Defenders staff contributed \$50. The remaining funds needed for the conference is \$1,513.93. Jami requested approval to have the meeting next week for the work group; and requested approval of the budget, agenda and flyer for the MMIWG event.

MOTION by Fred Matt to approve the work group meeting next week; and approve the budget, agenda, and flyer for the MMIWG event on March 25, 2019. Seconded by Anita Matt. Carried, unanimous (8 present – Len TwoTeeth out of the room).

Ryan Rusche, Legal Department, gave a legislative update.

Whisper Camel Means and **Dan Lozar**, Natural Resources Department, requested approval of a letter from the chairman to the United States Fish & Wildlife Service (USFWS) regarding take of lands by the Federal Highways Administration owned by CSKT and leased for Nine Pipe Reservoir. An agreement is needed for a small section of the highway where Nine Pipe Ridge is.

MOTION by Anita Matt to approve the letter from the tribal chairman to the USFWS regarding take of lands by the Federal Highways Administration owned by CSKT and leased for Nine Pipe Reservoir. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

Stu Levit, Legal Department; **Brian Lipscomb**, Energy Keepers, Inc.; **Rich Janssen**, Natural Resources Department; and **Mike Durglo**, Preservation Office; discussed the talking points for the upcoming meeting with the Department of State regarding the Columbia River Treaty. The discussion continued in **executive session**.

Council reconvened into **regular session**.

Len TwoTeeth informed council that Vern Clairmont had sent out an email about a tribal member; he wants to discuss that issue this afternoon.

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

Patricia Courchane, Department of Human Resources Development; and **Shelley Grenier** and **Evelyn Charlo**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

MOTION by Carole Lankford to go along with the recommendation of the department head and allow retro pay for Elizabeth Talbert from October 7 to December. Seconded by Anita Matt. Carried, unanimous (9 present).

Julie Cajune, Education Department; and **Marie Torosian**, The People's Center; requested approval to submit a grant to BPA for summer youth science programs.

MOTION by Fred Matt to approve submission of a grant to BPA for summer youth science programs. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

Julie Cajune, Education Department; and **Marie Torosian**, The People's Center; requested approval and signature of an education and employment agreement with Geraldine Hewankorn. Geraldine is currently employed at The People's Center as a Curation Technician. Ms. Hewankorn is requesting a leave-of-absence to obtain an Associate of Art's Degree in Museum Studies. Marie supports the leave-of-absence and the education and employment agreement since this degree will help Geraldine in her position.

MOTION by Len TwoTeeth to approve the education and employment agreement with Geraldine Hewankorn. Seconded by Carole Lankford. Carried, 8 for; 1 abstention (Charmel Gillin).

Teresa Wall-McDonald, **Joe Durglo** and **Chelsea Kleinmeyer**, Tribal Health Department, requested approval to hire Angela (Angel) Grant on a two-year contract to fill the Guided Care Nurse position (number 3015). The vacancy has been advertised several times and there were no qualified tribal member applicants.

MOTION by Len TwoTeeth to authorize the hire of Angela (Angel) Grant on a two-year contract to fill the Guided Care Nurse position (number 3015), due to no qualified tribal member applicants. Seconded by Carole Lankford. Carried, unanimous (9 present).

Teresa Wall-McDonald, **Joe Durglo** and **Chelsea Kleinmeyer**, Tribal Health Department, requested approval to purchase noncompetitive capital equipment consisting of 2 digital x-ray machines from Dentrrix. There is sufficient funding in the existing budget.

MOTION by Len TwoTeeth to authorize the noncompetitive purchase of capital equipment consisting of 2 x-ray machines from Dentrax. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Leonard Michel, Tribal Member, requested that Forestry assist with a funeral on Thursday. It was the **consensus** of council to authorize assistance from the Forestry Department.

John Harrison, Legal Department, informed council that the appeal brief was filed in the McCoy vs. SKC lawsuit in Federal District Court. John is waiting to hear if the court will hold arguments or issue a ruling on the briefs.

John Harrison, Legal Department, informed council of upcoming meetings. On April 23rd there is a field day in the Beattie Gulch basin. On April 24th there is an IBMP meeting in Gardiner. The Nez Perce attorney will be leaving, so Mike Lopez will be counsel for the bison work. The Northern Arapaho Tribe wants to do bison hunt training and meet with the bison hunt MOA tribes. The group can meet with them along with the bison staff on April 23rd, or in May before the next hunt managers meeting. **Council** agreed to the meeting.

John Harrison, Legal Department, informed council that he and Mary Price would be participating in a conference call with Smurfit Stone this afternoon. There is an EPA meeting in Missoula on April 10th, and the council was invited to attend.

Brian Upton, Legal Department, requested approval to submit a grant to the Greater Montana Foundation for \$10,000 to help defray costs for the Bison Range film screenings.

MOTION by Leonard Gray to approve by resolution the submission of a grant application to the Greater Montana Foundation. Seconded by Myrna DuMontier. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-095

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES (“TRIBES”):

WHEREAS, the Tribal Council has identified a need to educate and inform the public about the Tribes’ history, and relationship, with bison and the National Bison Range; and

WHEREAS, film/video can be a powerful education tool in presenting facts, interviews, landscapes, and other information and images; and

WHEREAS, Tribal staff worked with Daniel Glick of Kings Road Media to develop a short film titled “In the Spirit of ?Ataticé?: The Untold Story of the National Bison Range”; and

WHEREAS, the Tribal Council has screened this documentary film in Pablo and Missoula, as well as at various schools and film festivals; and

WHEREAS, the Tribal Council believes that this documentary film can help foster public support for the Tribes’ efforts with respect to the National Bison Range, as well as foster public awareness of the Tribes’ record and capacity as a natural resources manager; and

WHEREAS, the Greater Montana Foundation offers grants in support of programming in Montana, and such grant funding could assist the Tribes with staging screening events for the film; **NOW, THEREFORE**,

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Legal Department is authorized to submit an application to the Greater Montana Foundation for ten thousand dollars (\$10,000) in funding to assist in defraying costs for screening events of the Tribes’ documentary film titled “In the Spirit of ?Ataticé?: The Untold Story of the National Bison Range”.

Yolanda Page and **Brian Upton**, Legal Department, informed council that the event planner in Washington, DC received a donation of bison meat from the National Buffalo Association that can be used at a reception. Brian asked if the tribal council wants to see if they will donate bison meat for our reception. It was the **consensus** of council to proceed with the request for donation.

Yolanda Page and **Stu Levit**, Legal Department, discussed the complaint form that was developed. The original intent was when a person comes to make a complaint to the tribal council that the form would be used to follow up on the matter. The form would go to the supervisor or appropriate staff. The form was developed to allow what is happening to ensure that issues are resolved appropriately. The form was not intended for personnel matters. Tribal employees need to follow the established process in place through Ordinance 69-C. **Teresa Wall-McDonald** requested a copy of the complaints. **Chairman Trahan** advised that Teresa would be provided a copy of the complaints. **Stu Levit** advised that if the tribal council wants a form and process in addition to 69-C, that can be developed. **Chairman Trahan** scheduled further discussion for this Thursday.

Yolanda Page and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss a legal matter.

Council reconvened into **regular session**.

Yolanda Page and **Mary Price**, Legal Department, informed council that on April 10th there is a meeting with EPA in Missoula regarding fish tissue data.

Anita Matt reported that some departments have separate complaint forms for employees and customer complaints. She wants Legal to get ahold of those forms. **Yolanda Page** advised that would need to be discussed with the departments.

Len TwoTeeth was contacted by a tribal member about the status of his per capita payments. He has not received one for many years. Vern Clairmont had sent an email regarding the tribal member's education loan and the way the loan is structured with interest and late fees. Len wants to dismiss this loan because of the tribal member's situation. We should see how many other tribal members are in this situation. **Chairman Trahan** will follow up.

Len TwoTeeth informed council that on April 8 and 9 there is a border summit in Niagara Falls. The Kootenai Tribe of Idaho and Lower Kootenai Band have taken the lead on transboundary issues. He has two tribal members heavily involved and he wants to continue to have them support the Kootenai Tribe of Idaho in the summits. Len suggested sending Mike Kenmille and Laurence Kenmille and pay their per diem to attend the 2019 Border Summit in Niagara Falls. The Kootenai Culture Committee budget could cover expenses.

Leonard Gray received an email from Rosemary Caye who wants to attend the Kootenai Language Conference in British Columbia the week of March 18th. She also wants a change of duty for her and her staff. It was the **consensus** of the council to grant a change of duty.

Leonard Gray informed council that a veteran contacted him from Hot Springs. They will walk through the reservation in July, and wants tribal member veterans to carry the baton. Leonard will meet with him this week and bring back further information.

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

Jami Pluff, Policy Analyst, presented for consideration a resolution supporting the Rosebud Sioux Tribe impacted by the TransCanada pipeline.

MOTION by Fred Matt to approve the resolution supporting the Rosebud Sioux Tribe and other tribes impacted by the TransCanada Pipeline construction. Seconded by Myrna DuMontier. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 19-096

RESOLUTION IN SUPPORT OF THE ROSEBUD SIOUX TRIBE AND OTHER TRIBES IMPACTED BY THE TRANSCANADA PIPELINE CONSTRUCTION

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

WHEREAS, the Rosebud Sioux Tribe and other tribes will be impacted negatively by the building of the tar sands pipeline across their lands and water without adequate consultation; and

WHEREAS, by virtue of how pipelines are built-concentrating transient laborers, mostly men- may violate the safety of women and children who are trafficked; and

WHEREAS, CSKT believes that meaningful consultation needs to happen with the impacted tribes regarding these issues, **NOW, THEREFORE**,

BE IT RESOLVED, that the CSKT are supportive of the Rosebud Sioux Tribe and other tribes impacted by the TransCanada Pipeline construction and are in support of the resolution that those tribes have adopted.

Jami Pluff, Policy Analyst, informed council that the Missing and Murdered Indigenous Women & Girls (MMIWG) work group meeting has been scheduled for March 19th. She has a letter addressed to 8 different tribal leaders that will be sent out inviting them for a roundtable discussion in conjunction with the MMIWG event.

Anita Matt mentioned that council had talked about some USDA programs that she suggested the Tribes look into. One of the programs is Economic Impact Initiative Grants that can be used for healthcare, hospitals, community support services, education, utility, local food systems, greenhouses, and kitchen appliances. The next grant was Community Facilities/Loans used for construction and operations. We have talked about the Hot Springs Bathhouse, and this is a way it could get constructed. Anita wants to look at these programs for potential development.

Myrna DuMontier asked if the council was doing gifts for the people here next Tuesday. **Chairman Trahan** said no.

Myrna DuMontier informed council that Dr. Katie Carter was going to come back to council on Thursday, but the meeting with the lawyers is scheduled. **Chairman Trahan** advised that it is set for the morning for as long as it takes to

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get through, and he asked Myrna to get with Jennifer to get it scheduled on the agenda.

Len TwoTeeth informed council that the Rocky Mountain Tribal Leaders quarterly meeting is June 18 and 19 and they requested to see if council could host a lunch or dinner.

MOTION by Len TwoTeeth to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (9 present).

Council **adjourned** at 4:10 p.m., and is scheduled to meet again on Thursday, March 14, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary