

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

Volume 18 Number 69
Council Chambers, Pablo, MT

Held: June 5, 2018
Approved: June 14, 2018

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

MEMBERS ABSENT: Leonard TwoTeeth (Inter-Tribal Timber Council Meeting – Ocean Shores, WA); and James Steele, Jr. (National Congress of American Indians – Kansas City, MO).

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

The meeting was called to **order** at 9:10 a.m. Quorum established. **Leonard Gray** out of the room.

The meeting was opened with a **prayer** by Charmel Gillin.

The **Tribal Council Meeting Minutes** for May 29, 2018 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 29, 2018, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

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

MOTION by Shelly Fyant to approve the agenda, with changes. Seconded by Troy Felsman. Carried, unanimous (7 present).

Julie Cajune, Tribal Member, informed council that she has been dealing with a neighbor's aggressive pitbull for the past two years. Julie has called law enforcement several times and the owner was ticketed. Fish & Game also spoke to the dog owner. Julie may have to rent a different home to get out of this situation. **Carolee Wenderoth**, Tribal Lands Department, advised that we do not have a dog ordinance or a dogcatcher, so we have no way to enforce dog

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issues. She encouraged Julie to continue calling Law & Order for vicious dog or dog attack. **Craige Couture**, Law & Order, commented that Ordinance 70 is the Dog Ordinance, and it needs to be updated. The female lives on a tribal homesite and the male is a nontribal member and he is claiming ownership of the dog. Law & Order cannot do anything to nontribal members although the dog is located on tribal property. **Carole Lankford** wants the council to send the dog owners a 10-day eviction notice. **Shelly Fyant** reported that there is a similar situation in the Martin Charlo Homesites. Carolee sent out a notice to the homesite lessees due to a similar complaint in the Sundown Homesites. The same notice will be sent out to Julie's neighbor. The Lands Department has no legal avenue to pick up dogs or charge the owners with unlawful conduct. **Art Caye**, Tribal Member, informed council that a dog killed his sister's dog, so he is in a similar situation. **Council** will follow up with the Legal Department and Tribal Law & Order.

Bonnie Asencio, Tribal Member; requested that her daughter-in-law, Billie Black, be hired as a personal home caregiver for Francis Burke while he is recovering from medical issues. He needs 24-hour care and Billie is a licensed CNA.

MOTION by Charmel Gillin to authorize the hire of Billie Black to be a personal home caregiver for Francis Burke. Seconded by Carole Lankford. Carried, unanimous (7 present).

Rob McDonald, Communications, informed council that he was in discussion with Erica Shelby and thought council approved admin leave for voting today.

MOTION by Troy Felsman to allow employees up to one hour to vote, with supervisor approval. Seconded by Anita Matt. Carried, unanimous (7 present).

Rob McDonald, Communications, informed council that he received an email from Gale Decker on May 29 wanting to know if council wanted a meeting with the county commissioners.

Rob McDonald, Communications, informed council that the contract was secured for the Arlee Warrior 12x24 billboard in Elmo. The cost is \$300 per month for 12 months; and a one-time \$366 set-up fee. He can pay for it in his budget. **Council** authorized Rob to proceed.

Rob McDonald, Communications, informed council that the media has been calling about a potential name change at Yellowstone Park. In September 2017 several tribes had a signing ceremony asking that they change the name of a site. They want to know if the CSKT wants to provide comment. **Council** wants to see the other comments and more information.

Rob McDonald, Communications, asked if the council wants to use the RAVE system to remind employees to go vote today. **Council** said the everyone email was a sufficient reminder. **Troy Felsman** requested that Rob provide council with a copy of the ballot list.

Charmel Gillin discussed issues brought up at the Polson district meetings and she wanted to know if Rob had any experience with working with other systems, besides RAVE, where people could subscribe to the messaging system to receive a news bulletin. **Rob McDonald** commented that Information Technologies has the capacity to develop something like that in-house. We also have mail chimp that people can sign up for and get newsletters mailed to them on specific topics. Charmel wants that type of communication to be included in Rob's work plan.

Leonard Gray joined the meeting.

Charmel Gillin wants the media policy to be broader based. The membership is asking council to improve their communications with the membership. **Council** will discuss in more detail after Rob develops options that can be pursued.

Craige Couture and **Louis Fiddler**, Law & Order, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Chairman Trahan out of the room.

John Neiss, Facilities Maintenance, requested approval of a two-year contract with WCEC in the amount of \$30,000 to resume groundwater monitoring and air sampling at the Polson Professional Building.

MOTION by Shelly Fyant to approve a two-year contract with WCEC in the amount of \$30,000 to resume groundwater monitoring and air sampling at the Polson Professional Building. Seconded by Carole Lankford. Carried, unanimous (7 present – Ron Trahan out of the room).

John Neiss, Facilities Maintenance, informed council that one bid was received for the St. Ignatius Community Center roof project. R&R Builders was the bidder. He requested approval to accept the bid in the amount of \$180,250.

MOTION by Troy Felsman to approve the bid from R&R Builders.

The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION WITHDRAWN upon further investigation.

Rich Janssen and **Gabe Johnson**, Natural Resources Department, requested to not award the 2018 Chip Seal Project CSKT/Roads 18-05M, due to the only bid being 159% higher than the engineer's estimated amount and beyond the program budget for this project. It was the **consensus** of council to rebid the project.

Willie Keenan, Natural Resources Department, requested approval of a consultant agreement with Georgia Smies, Springbrooke Consulting, for a not-to-exceed amount of \$34,000 through September 30, 2018 to do data analysis, report writing, sample collection, and public education for select NRD programs. NRR requested bids, and Georgia was the only person that submitted a proposal.

MOTION by Charmel Gillin to approve the consultant agreement with Springbrooke Consulting as requested. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Ron Trahan – not present for discussion).

Tom McDonald, Natural Resources Department, requested review and final action for the 2018 SKQ Dam Mitigation Submittals consisting of the fiscal year 2017 Annual Report and fiscal year 2019 Work Plan. No comments were received from the required consultation groups. There was discussion on the FWIS account. An accountant is needed to find out what the cause of the different amounts is and to reconcile the accounts back to 2000. Tom had John Whitworth review it, and now he would like Bill Bjarko to review those. The Department of Interior is aware of the discrepancies and that we are looking to find the error that occurred. **Council** will direct Vern Clairmont to follow up.

MOTION by Troy Felsman to approve the 2018 SKQ Dam Mitigation Submittals consisting of the fiscal year 2017 Annual Report and fiscal year 2019 Work Plan. Seconded by Leonard Gray. Carried, 7 for; 1 abstention (Carole Lankford).

Tom McDonald, Natural Resources Department, discussed a proposed Missoula County Open Space Bond and CSKT support for the new bond proposal to be on the ballot.

MOTION by Shelly Fyant to approve the letter of support to the Missoula County Commission for the new bond proposal to be on the ballot. Seconded by Troy Felsman. Carried, unanimous (8 present).

Rich Janssen, Natural Resources Department, discussed the annual Earth Day cleanup on the employee stretch of the highway and asked for a change of duty, with supervisor approval, for employees to participate in the cleanup.

MOTION by Anita Matt to approve a change of duty, with supervisor approval, for employees to participate in the Earth Day Cleanup. Seconded by Troy Felsman. Carried, unanimous (8 present).

John Harrison, Legal Department; **Tom McDonald**, **Pablo “Chib” Espinoza**, **Steph Gillin**, and **Germaine White**, Natural Resources Department; discussed issues for this year’s all-party bison hunt managers meeting scheduled for June 13, 2018. John will send council a copy of the draft MOA. Comments are due soon. John will prepare draft comments.

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

Daniel Decker and **Shane Morigeau**, Legal Department, requested approval of a letter as follow-up on a response letter to the Regional Forester’s letter regarding curation of the Kootenai (Libby Dam) artifacts collection that is stored at Salish Kootenai College. The Tribes would like to have consultation to discuss options. **Council** directed that the edits be made to the letter and presented back this afternoon for action.

Daniel Decker, **John Harrison**, **Stu Levit**, and **Mary Price**, Legal Department, gave an update on the Smurfit Stone site. Missoula County met with Regional EPA Administrator for Region 8 last week. Potentially contaminated water was receded from the Smurfit Stone site. EPA wanted the water sampled. Montana Congressional Delegation said they must respond to the EPA concerns. An emergency action plan will be developed. The sampling resulted in dioxin being detected. The Tribes want them to do further sampling on the groundwater levels when the water level is up. John requested approval of the letter about a notice of a natural resources damage assessment.

MOTION by Shelly Fyant to approve the notice of intent for the natural resources damage claim assessment for the chairman’s signature. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

John Harrison informed council that the CSKT was invited to the Clark Fork Coalition meeting on June 12 about some legal actions they will be pursuing on the site.

Daniel Decker, Legal Department, informed council of the DOI reorganization efforts meeting that is scheduled for June 21 in Billings. Council was invited to attend the meeting.

Daniel Decker, Legal Department, discussed a letter regarding the Farm Bill Coalition to add language to set aside added funding for Rural Development for infrastructure purposes for Tribes and added funding for food nutrition.

MOTION by Anita Matt to approve the letter. Seconded by Charmel Gillin. Carried, unanimous (7 present – Leonard Gray out of the room).

Daniel Decker and **Stu Levit**, Legal Department, gave an update on transboundary issues. A motion was drafted to NCAI requesting a resolution on the issue.

Daniel Decker and **Stu Levit**, Legal Department, gave an update on the Columbia River Operations System. There are some upcoming meetings in Spokane that we declined to take since our message would have remained the same as it was before.

Shelly Fyant reported that the NCAI committee meetings are this afternoon and James Steele, Jr. will keep council updated on the issue.

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

Carole Lankford left the meeting to go to the Rocky Mountain Tribal Leaders Meeting.

Arlene Templer and **Kelly Parker**, Department of Human Resources Development; and **Shelley Grenier**, Personnel Department; requested approval to hire Julieann Pankey Mamula to fill the Children's Trauma Services Social Worker position on a contract through the term of the grant ending on September 30, 2019. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Troy Felsman to authorize the hire of Julieann Pankey Mamula to fill the Children's Trauma Services Social Worker position on a contract through the term of the grant ending on September 30, 2019, due to no qualified tribal member applicants. Seconded by Anita Matt. Carried, unanimous (7 present).

Teresa Wall McDonald, Tribal Health Department; and **Cory Clairmont**, Personnel Department; requested authorization to hire Geoffrey William Rohrlach as a contract employee for a three-year period in Tribal Council TH authorized position #1012.

MOTION by Troy Felsman to authorize the hire of Geoffrey William Rohrlach as a contract employee for a three-year period in Tribal Council TH authorized position #1012. Seconded by Leonard Gray. Carried, unanimous (7 present).

Teresa Wall McDonald, Tribal Health Department; **Cory Clairmont** and **Jan Gardipe**, Personnel Department; requested authorization to hire Karyn Thornton

for a three-year period as a part-time contract clinician in approved position #1017.

MOTION by Troy Felsman to approve the hire of Karyn Thornton for a three-year period as a part-time contract clinician in approved position #1017 at the specified rate and benefits package. Seconded by Anita Matt. Carried, unanimous (7 present).

Teresa Wall McDonald, Tribal Health Department; and **Jan Gardipe**, Personnel Department; requested authorization to hire Dr. Harrop on a three-year consultant contract for chart review/clinical support at the rate of pay stated.

MOTION by Anita Matt to authorize the hire of Dr. Harrop on a three-year consultant contract for chart review/clinical support at the stated rate of pay. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Teresa Wall McDonald, Tribal Health Department; and **Jan Gardipe**, Personnel Department; has been attempting to resolve the complaints at the Polson Pharmacy and is doing an internal analysis. Teresa requested authorization to hire Vince Lee Stone at the stated rate to fill position # 1083.

MOTION by Troy Felsman to approve the hire of Vince Lee Stone at the stated rate to fill position # 1083. Seconded by Leonard Gray. Carried, unanimous (7 present).

Teresa Wall McDonald, Tribal Health Department; and **Jan Gardipe**, Personnel Department; requested authorization to hire clinicians on an emergency hire basis if a current provider resume and licensing credentials are on file at Tribal Personnel. Emergency hires cannot exceed 60 days without additional authorization. **No action taken.** THD will obtain additional information and present back for consideration.

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

Council met in **executive session** to discuss personnel matters.

Council reconvened into **regular session**.

Ramona Liberty discussed a 100+ year-old BIA ditch being tampered with, dewatering of wetlands, homesite violation letter, and tribal department collusion with non-tribal landowner. She requested tribal support for protection of historic ditch on original Delphine Morigeau allotment (Ramona's homesite lease); support for places of natural beauty and protection of wetlands and endangered unique species of Westslope cutthroat fish. All previous landowners instructed to not trespass near or tamper with ditch. Ramona requested a copy

of the permit the individual was given to drain the ditch. Clarence Skaw, Natural Resources Department; Christina Courville, Legal Department; Carolee Wenderoth, Tribal Lands Department; were present for discussion and provided information. The Tribes purchased the allotment and Ramona has a homesite lease on that property. This has been an ongoing issue for several years and the staff has been monitoring. Mr. Glow has a right to use the water from the ditch. It is unlawful to block a ditch on tribal property without specific permission from the Tribes and it would be a lease violation for unlawful conduct. Lands does not deal with water issues unilaterally and they refer them to NRD or Irrigation. The record indicates there is a 1919 water right that reflects the Glow family has the right to receive water from the ditch going through the Liberty parcel. There was a state appropriation to channel water through the allotment in 1919, but there is no secretarial water right. It is classified as a private ditch. Allotment 281 was designated to Delphine Morigeau. The US filed on these waters for use of the irrigation project so any right is subsequent to the right of the Flathead Irrigation Project. **Rhonda Swaney** suggested researching the water rights and review all information in the files on this matter. Council directed Legal to follow up.

Rhonda Swaney, Legal Department, met with council in **executive session**.

Council reconvened into **regular session**.

Council reviewed a resolution for the Rocky Mountain Tribal Leaders Council appointment.

MOTION by Troy Felsman to approve the resolution for Rocky Mountain Tribal Leaders Council appointment and grant Carole Lankford voting authority. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 18-136

RESOLUTION ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL (RMTLC) APPOINTMENT

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

WHEREAS, The Rocky Mountain Tribal Leaders Council (RMTLC) is dedicated to improving health, economic development and education for Tribes and their members through a variety of programs, policy recommendations, and Tribal Leader meetings. RMTLC also endeavors to coordinate advocacy and promote the similar interests of member Tribes through various collaborative initiatives and projects.

WHEREAS, the Confederated Salish and Kootenai Tribes place a high value on the Tribal membership; and

WHEREAS, the membership of the RMTLC Board shall be composed of the representatives, elected or designated by the tribal councils of each of the reservations in, Montana, Idaho, and Wyoming; and

NOW, THEREFORE, BE IT RESOLVED that the Tribes appoint Len TwoTeeth as delegate, and to appoint Anita Matt, Carole Lankford and Troy Felsman as alternates.

Shane Morigeau, Legal Department, requested approval of a letter he prepared regarding the Libby Dam artifacts.

MOTION by Dennis Clairmont to approve the letter. Seconded by Shelly Fyant. Carried, unanimous (7 present).

MOTION by Anita Matt to adjourn the meeting. Seconded by Leonard Gray. Carried, unanimous (7 present).

Council **adjourned** at 4:16 p.m., and is scheduled to meet again on Thursday, June 7, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary