

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

Volume 23 Number 20
Council Chambers, Pablo, MT

Held: January 10, 2023
Approved: January 12, 2023

MEMBERS PRESENT: Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy, Treasurer; Mike Dolson; Jennifer Finley; Carole Lankford; Jim Malatare; James “Bing” Matt; and Terry Pitts.

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 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for January 3, 2023 were presented for approval.

MOTION by Ellie Bundy to approve the Tribal Council Meeting Minutes for January 3, 2023, with corrections. Seconded by Jennifer Finley. Carried, 9 for; 1 abstention (Len TwoTeeth).

The **Tribal Council Meeting Minutes** for January 6, 2023 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 6, 2023, with corrections. Seconded by Ellie Bundy. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Len TwoTeeth to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (10 present).

Patricia Hibbeler, Tribal Member Services, gave an update on a fire that occurred just before midnight last night at Second Circle. There are two females and four males residing in the facility. Patricia is still waiting to receive the police report. It appears a mattress had been lit on fire. The six children and two staff

Tribal Council Meeting Minutes
January 10, 2023

members were relocated to the Kwataqnuq Resort. It will take some time to complete the investigation and repair the damages so they need a temporary relocation. **Mark Couture**, Tribal Lands Department, advised the Tribes have a three-bedroom home at KHJCC that is vacant. They also have the Smith purchase that has a three-bedroom house that is being remodeled this week. **Len TwoTeeth** requested an update on the Arlene Templer purchase. Mark advised the purchase is not near completion. There was a discrepancy in the appraisal and one parcel needed to be reappraised. Patti suggested having Patricia Courchane determine the best avenue to move forward. **Carole Lankford** suggested renting the Templer place, if needed. **Chairman McDonald** recommended evaluating both homes as a possible relocation. **Martin Charlo** suggested having Rick Eneas check on our insurance. It was the **consensus** of council to look at both homes for possible relocation until the repairs are made to the Second Circle facility.

Jim Malatare requested an update on the fence at Nkwusm. **Mark Couture**, Tribal Lands Department, advised he is working with Desirae on that; two bids were received.

Francis Pierre requested to meet with council in **executive session** to discuss a personal matter. **Dan Decker**, Legal Department, was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

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

Joe Durglo and **Gloria Quiver**, Tribal Health Department, requested approval to enter into a contract with Well Health. Well Health offers HIPAA compliant secure communication for patient appointment reminders and health campaigns to specific patient populations and works well with the EPIC system. Well Health would be linked into the scheduling system and can be used to send direct text messages to patients which would improve communications and also be used for patient registration. This messaging system would cost \$25,000.00 per year. The current messaging system only allows patients to respond yes or no to confirm their appointments. **Lana Page**, Legal Department, advised the contract requires a limited waiver of sovereign immunity and the company was not willing to negotiate that. The Legal Department recommended not waiving sovereign immunity. **Chairman McDonald** had received a complaint about the system having a Spanish option; it was recommended that the language option be our native language. **Terry Pitts** asked how the staff handles it if the patient provides no response and he asked how many times the department initiates contact if there is no response. **Gloria Quiver** responded they reach out 48 hours before

the appointment. If the patient fails to respond, then the Tribal Health staff will call those individuals the day before to get confirmation of their appointment.

MOTION by Ellie Bundy to approve the contract with Well Health. Seconded by Jennifer Finley. Carried, 7 for; 2 opposed (Martin Charlo and Carole Lankford); 1 not voting (Mike Dolson out of the room).

Martin Charlo, for the record, "I am not opposed to the program; I don't like waiving sovereign immunity for anything."

Carole Lankford informed Joe Durglo that the council will be scheduling a meeting with the Tribal Health Department. **Chairman McDonald** told Joe the council wanted to know all the vacant positions and the plan to fill those to be included in the packet so the backlog can be addressed. **Terry Pitts** would like a report on how the Well Health is working six months from now. **Joe Durglo** will follow up. **Martin Charlo** asked how Tribal Health notifies patients when the driver is not going to show up to transport them to their appointment. **Joe Durglo** did not know. The transportation is tied directly to the appointment. There is a transportation coordinator, the CHRs, and a care attendant that manage the schedule. Char Neal also coordinates transportation. Most of the transportation scheduling is done by the two managers from the TCC staff. Martin mentioned a situation where an elder had an appointment with the Diabetes program and the driver was a no-show. Joe requested the details so he can follow up on this specific situation.

Patricia Hibbeler, Tribal Member Services; **Greg Spahr**, Financial Management; **Lisa Shourds**, Administrative Services; and **Renee Joachim**, Personnel Department; returned to council to continue discussions on the request to modify the Temporary COVID-19 Leave Policy to extend the leave through calendar year 2023. The staff followed up on the council's directive to seek a recommendation from the Tribal Health Department, but the department would not provide a recommendation since they follow the CDC guidelines. The staff felt it was not their role to guide on COVID-19 leave, but to guide on ways to prevent and mitigate the transmission of infectious diseases. Patti asked the Tribal Health staff to provide data that would support the request brought forth today. The memo provided to council showed the statistics on employees using the COVID-19 leave. The team recommended approving option 1.

Chairman McDonald suggested compensating emergency hire employees when there is an emergency closure.

MOTION by Carole Lankford to direct financial services to develop a resolution that leave applies to emergency hires to receive administrative leave with pay. Seconded by Martin Charlo. Carried, unanimous (9 present -Mike Dolson out of the room).

Lisa Shourds stated resolutions are only good for one year, so she recommended including that action in the Personnel ordinance. **Carole Lankford** commented this has been talked about for years; resolutions will go on forever if nobody questions them. Carole stated that is a council decision on how long a resolution is good for. **Martin Charlo** wanted the calendar year removed.

MOTION by Len TwoTeeth to go with option 1 based on the calendar year and make it retroactive to January 1, 2023. Seconded by Jennifer Finley. **MOTION NOT CARRIED**, 2 for (Len TwoTeeth and Jennifer Finley); 7 opposed (Tom McDonald, Carole Lankford, Martin Charlo, Bing Matt, Ellie Bundy, Jim Malatare, and Terry Pitts); 1 not voting (Mike Dolson out of the room).

MOTION by Martin Charlo to approve option 1 omitting the calendar year and making the effective date January 10 and include language if departments what policy said it wouldn't affect anyone if we have personnel action forms that were submitted as they should have been can find funding to pay for those hours. **Carole Lankford** advised the council cannot take up the same action twice in one day. **Martin Charlo** withdrew his motion. He commented that we are two weeks in to the new year and this is why things need to be brought in before they expire. **Council** will discuss it again on Thursday.

Greg Spahr, Financial Management; **Rick Eneas**, Tribal Executive Officer; **Lisa Shourds**, Administrative Services; and **Renee Joachim**, Personnel Department; met with council to discuss PayScale. **Martin Charlo** requested input from Lorretta Hoots. **Loretta Hoots**, Tribal Employee, informed council she works at Safety of Dams. They were under the old personnel pay scale system when she was hired. A year into it they switched to PayScale benchmarking. The department heads were in control because they have eyes on their budgets and know what is being spent. Some departments do not receive funding from the Tribes. Her budget comes from the Bureau of Indian Affairs. Now they took the authority away from the department heads without any knowledge of what the budgets were, how they were being paid, what jobs they were doing, and took it upon themselves to do this by themselves. Council hired those department heads to do this job because they qualified for the job and proved over time they could do the job. She is a program manager and knows what is going on in her program. Loretta has 12 employees with 6 different pay rates. Her budget is blown and she is scrambling around wondering where the money is going to come from. She may need to RIF a position since she cannot afford it. Loretta does not know why they tried to fix something that was not broken. It should have been left the way it was last year and should have been left with the department heads to do what the council pays them to do. She does not recommend doing it this way. Loretta was concerned because she does not know where she is going to come up with the money she needs for her budget since it is out of whack now. **Martin Charlo** had asked Loretta to come in today because

Tribal Council Meeting Minutes
January 10, 2023

she is very knowledgeable. He received another call from a different department saying the same thing. This is not working and Martin wants to start the process of eliminating PayScale.

Carole Lankford asked where the authority came from and if the Tribal Executive Officer asked that the delegation of authority be turned over to the executive team. Departments know their budgets. This is an issue she had with the reorganization. She was not sure why the council does not know about it. **Chairman McDonald** talked about PayScale being mandated in the ordinance. PayScale is not sustainable. Having it done on an annual basis is not necessary and adds conflict. Departments are put in an awkward position when they do not have enough money for it, and then they have to cut staff or services. It was out of whack and employees received no increases for 12+ years, so something had to happen to correct it. He would like it to bump periodically based on our tribal minimum wage. If programs do not have the money, they should not be mandated to give a pay raise. **Jennifer Finley** agreed with the chairman's statements and she would like to offer some free health insurance options to our employees. **Ellie Bundy** agreed with Tom's statements. She asked if we are at a good time to cancel the PayScale contract. **Lisa Shourds** responded they just renewed the contract with PayScale, but we would not need to use it. We could change the language in the ordinance to "may" instead of "shall" which would prevent us from doing it every year and it would give the option for the council to keep abreast of this and approve the market adjustment before it goes out. A consultant will be coming on and will address some of these issues. Not all employees have been made whole yet. They have 8 departments that are completed. The team needs to reach out to the departments to have further discussions. **Chairman McDonald** does not want to put programs in a position where they cannot afford this. **Jennifer Finley** mentioned some of the positions are unique in that they require cultural knowledge which would be difficult to classify. **Lisa Shourds** stated a perfect match may not be attainable for all positions. Tom asked about a position being paid one rate of pay and then the pay was decreased. Lisa would need to know the specific information to follow up on it. The market is the driving force, so some rates of pay for positions may be decreased. To her knowledge, the Tribes have not decreased the rate of pay for any of the exiting employees.

Rick Eneas stated the other scenario that was described where a position was filled and then became vacant and had a lower rate when it was filled is possible under PayScale and that would not be the employee that got the reduction; it would be the position. If the benchmarked rate went down, the employee would not receive a reduction, but if they left and it was filled the new person could possibly receive a lower rate. The market adjustments and merits are the only increases. **Chairman McDonald** would like to change the ordinance to "shall" instead of "may" and mandate that the program managers and department heads make the determination if their budgets can afford the increases. **Rick Eneas**

Tribal Council Meeting Minutes
January 10, 2023

explained he was trying to implement the ordinance as written, but the tool has shown some weaknesses that need to be addressed. The intent was to give the ability to have raises, and make the organization competitive with the market. There are enough examples that that is not the case; we need to look at this very hard in the near future. The ability to make the change from “shall” to “may” bides time to implement something better that meets the needs of the organization. The real unfortunate part of the change that was implemented is it is twofold negative. There have been a lot of staff who received wage increases, and that should be a good thing, but it is causing friction. Because it is designed to go up and not down, there is only a mechanism for wages to increase for individual employees with the current structure we have. We may see scenarios where a job becomes devalued and we have an incumbent making significantly more than someone hired in a similar role but, in general, this is a cost increasing plan over time and it does create a fiscal challenge that we need to look at. He thinks this is a good time for the council to change the language in the ordinance from “shall” to “may”. When the HR consultant comes on, it will be a good time to talk about what the structure looks like, how we learn from the mistakes of using the market-based system annually, and how to make improvements into the future. The frustrations from the pay freeze were similar in trying to build something that is adjustable and make sure a pay freeze situation would not happen has created some challenges.

Lisa Shourds informed council that the staff are reviewing the proposals that were received and the HR consultant should be on board soon. The consultant is an expert and will help us function as a HR department and have updated procedures. **Chairman McDonald** would like to offer free health insurance coverage for our employees instead of having pay increases. Some employees cannot afford insurance plans so they rely on Tribal Health. He wants to mimic what Salish Kootenai College has. **Carole Lankford** wanted to know what the HR consultant will be working on, if the consultant is being hired to do someone’s job that is currently on the payroll, whether we need to have a consultant on board, and stated if the Personnel Department has remote workers they need to come back to work. **Loretta Hoots** commented on the health packages. Some of the employees are taking care of their grandchildren and great-grandchildren and those costs come out of pocket because they cannot be added to the employee health insurance plans. That is a huge burden to grandparents. **Jennifer Finley** would like to know the demographics of our workforce and how many of them are raising children. She also wanted to know the age of our workforce. That information is important for succession planning. **Terry Pitts** appreciated Loretta’s comments. He wants to meet again next Monday to see what has come to the surface so they can keep things moving. **Rick Eneas** clarified the budget implications. There is a reserve set aside to cover costs that departments and programs cannot afford due to PayScale increases that should be sufficient to take them through the current fiscal year. That should allow time for any changes to be implemented. There will not be another market adjustment

until next fiscal year apart from the ones still being implemented from this current fiscal year. **Council** will continue to have further discussions on PayScale and asked the staff to come back in two weeks.

MOTION by Ellie Bundy to change the Personnel Ordinance to change the wording from “shall” to “may” in relation to PayScale. Seconded by Jennifer Finley. Carried, 9 for; 1 opposed (Mike Dolson).

Chairman McDonald would like changes in the ordinance regarding emergency hires, administrative leave, clarification to require personnel action forms to be initiated by the respective employee’s program, and come up with a tribal minimum wage to be used as the baseline for our entire pay scale to offer a livable wage to our employees. **Ellie Bundy** wanted more discussion on the benefits package, including the health insurance plans. **Martin Charlo** showed council a breakdown of Montana’s minimum wage ranges.

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

Bing Matt left the meeting for the remainder of the day.

Katie Jones, Legal Department; **Michelle Mitchell** and **Miranda Burland**, Tribal Education Department; discussed Indian policies and procedures to ensure the Tribes and Indian parents can provide input and make schools accountable, and they presented for consideration a proposed resolution denying any requests from public schools on the Flathead Reservation to waive tribal consultation and/or Indian policy and procedures as a part of Impact Aid applications.

MOTION by Ellie Bundy to approve the resolution denying any requests from public schools on the Flathead Reservation to waive tribal consultation and/or Indian policy and procedures as a part of Impact Aid applications. Seconded by Mike Dolson. Carried, 8 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

RESOLUTION 23-044

A RESOLUTION DENYING ANY REQUESTS FROM PUBLIC SCHOOLS ON THE FLATHEAD RESERVATION TO WAIVE TRIBAL CONSULTATION AND/OR INDIAN POLICY AND PROCEDURES AS A PART OF IMPACT AID APPLICATIONS

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

Tribal Council Meeting Minutes
January 10, 2023

WHEREAS, given the historic and continued achievement gap between tribal students and their peers, tribal consultation is warranted and essential for tribal student success;

WHEREAS, the Confederated Salish and Kootenai Tribes require consistent efforts in consultation from reservation public school districts in our tribal communities; and

WHEREAS, true tribal consultation must be timely and meaningful. It must seek guidance, dialogue, discussion, collaboration, and feedback from all tribal stakeholders in the best interest of tribal students based on student achievement data; and

WHEREAS, the Confederated Salish and Kootenai Tribes desires to engage in consistent tribal consultation with reservation public schools serving tribal students; and

WHEREAS, the Confederated Salish and Kootenai Tribes support an inclusive educational approach that reaffirms and engages tribal ways centered in our language, traditions, and values. We support formal tribal consultation to improve educational outcomes for tribal students in our tribal communities; and

WHEREAS, the federal Impact Aid Program requires Local Education Agencies to develop Indian Policies and Procedures through tribal consultation to support American Indian student equitable education participation;

WHEREAS, Impact Aid Indian Policies and Procedures are an important mechanism for ensuring that the Tribes and Indian parents have opportunities to provide input on the education of tribal students and hold schools accountable; and

NOW, THEREFORE BE IT RESOLVED, the Confederated Salish and Kootenai Tribes hereby denies any requests from public schools on the Flathead Reservation to waive tribal consultation and Indian Policy and Procedures as a part of Impact Aid, consistent with the purposes outlined in this Resolution.

Dan Decker, Katie Jones, John Harrison, Grace Judge, Michael Wheeler, Stu Levit, Christina Courville, and Melissa Schlichting, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Melanie Piedalue**, Personnel Department, was present for discussion.

Council reconvened into **regular session**.

MOTION by Ellie Bundy to direct the legal team to look at the grievance policy language in Ordinance 69-D. Seconded by Martin Charlo. Carried, unanimous (8 present – Jennifer Finley out of the room).

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

Miranda Burland, Tribal Education Department; **Mark Johnston**, **Eva Green** and **Jessica Johnson**, Ronan School District; presented the 2020/2021 and 2021/2022 Indian Education Reports for the Ronan School District. The Reading program was changed so K. William Harvey and Pablo Elementary had the same reading model. They reached out to Title VI, Title VII, and the Tribal Education Department and held meetings to identify any cultural biases in their writing. Through this process they had a system where the areas of concern were red flagged. The book company thought it was put together well and they sent the president of the company to meet with them to find out how they accomplished that. The Ronan School has a full-time Indian Education Coordinator and four building wide Indian Education representatives who work with the teachers to get professional development and Indian Education materials in. Representatives from the Office of Public Instruction visited the school and they thought it was an amazing place to work and learn. The school makes efforts to keep kids in school so they graduate from high school. They conducted surveys, had a Title VI survey, and asked the committees what is important. They came up with three major goals to complete in three years, consisting of at-risk student support, having cultural identity awareness throughout the year, and having family engagement in the students' education. The grades and attendance are reviewed on a daily basis. The school remains in contact with the parents and guardians to address any concerns. The school has tutors, an afterschool club, and interventions. The school is working with the Tribal Education Department on the Project Aware grant. Eva is working with the students to put in a social area for dry meat and some of the students will build a picnic table. **Chairman McDonald** wanted to know where the Impact Aid funding goes. **Mr. Johnston** responded he goes to Washington, DC each year with the board members to meet with their congressmen to make sure they support Impact Aid. Impact Aid is funding the schools receive in lieu of taxes and the school district submits the number of students that reside on tribal land. The school district also receives funding for any student that goes to the Ronan School that has a parent that works on but does not reside on the reservation. The school can use that funding in any way they want to. 90% of the school's budget goes toward salaries, so the Impact Aid funding goes toward other needs such as upgrades, equipment, and subsidizing housing for teachers. The school does not ask the staff members what their ethnicity is so it is unknown how many tribal member teachers are employed within the district. They have hired several teachers that graduated from Salish Kootenai College. **Len TwoTeeth** asked the status of teaching the Kootenai language and if there was any collaboration with the Kootenai Culture Committee and the Apprentice program. **Eva Green** responded the school does

not currently offer any Kootenai language classes. The teachers are required to possess a Class 7 certification. The school remains in contact with Vernon Finley and transports the students to receive resources from the program. **Jennifer Finley** asked about the dropout rate. **Eva Green** responded they are about 16% to 24% better than the state average. Last year it was 16%. The school started tracking kids that leave the 8th grade. The percentages were lower prior to COVID-19 at about 8%. The average dropout occurs between their sophomore and junior year. Sophomore year appears to be a critical year for students. The mobility reports track all the students. Jennifer asked if the school has a resource officer or a school social worker. Eva advised they only have a resource officer. **Chairman McDonald** commented that when the Tribal Education Department offers a meeting or consultation, he would like to see the administration folks attend those to make sure we have that high level of communication going on with the school systems.

MOTION by Martin Charlo to accept the 2020-2021 and 2021-2022 Indian Education Reports for the Ronan School District. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Velda Shelby and **Janet Camel**, Economic Development Office; and **James Bible**, S&K Business Services; discussed the annual Comprehensive Economic Development Strategy. The CEDS is a locally based and regionally driven economic development planning process and document that creates the space for regions to identify their strengths and weaknesses and brings together a diverse set of partners to generate good jobs, diversify the economy, and spur economic growth. The CEDS is comprised of seven main goals for the Flathead Reservation. The group met with council to discuss, analyze and track ways to prioritize projects and build project work plans in relation to the CEDS document.

MOTION by Ellie Bundy to have departments incorporate succession planning in their work plans. Seconded by Martin Charlo. Carried, 8 for; 1 abstention (Carole Lankford).

Janet Camel gave an overview of the objectives for the seven main goals consisting of: (Goal #1) educate, train and provide work experience for tribal members for today's and tomorrow's employment opportunities; (Goal #2) assist tribal member entrepreneurs and prospective entrepreneurs with access to capital, training, and other business development needs to stimulate the private sector and decrease reliance on tribal government employment; (Goal #3) create a climate that attracts, retains, and grows businesses that are compatible with CSKT cultural and environmental protection values; (Goal #4) nurture emerging, sustainable industries and encourage innovation; (Goal #5) provide community wellness, recreational, and cultural facilities that support traditional principles and values; (Goal #6) research and plan for the best use of tribal and reservation

Tribal Council Meeting Minutes
January 10, 2023

assets, aligned with the cultural values of the Selis, Ksanka and Qlispe people; and (Goal #7) develop a system that maximizes the flow of money in the local, tribal economy and reduces economic leakage.

Jordan Thompson, Tribal Executive Office; and **Lynsey Gaudio**, Legal Department; requested to meet with council in **executive session** to provide an update. **Gwen Lankford** was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 5:32 p.m., and is scheduled to meet again on Thursday, January 12, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary