

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

Volume 19 Number 51  
Council Chambers, Pablo, MT

Held: April 30, 2019  
Approved: May 7, 2019

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

**MEMBERS ABSENT:** Ronald Trahan, Chairman (Personal Time Off); and Fred Matt (Personal Time Off).

**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 9:17 a.m. Quorum established. **Carole Lankford** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for April 11, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for April 11, 2019, with corrections. Seconded by Len TwoTeeth. Carried, 5 for; 2 abstentions (Dennis Clairmont and Charmel Gillin).

The **Tribal Council Meeting Minutes** for April 16, 2019 were presented for approval. **Shelly Fyant** discussed the request from the Tribal Lands Department to enter into a contract with Oakland Right of Way Services. Shelly had tribal members ask what the right of way service was, like removing trees or paperwork research. She looked up their information online and it said Oakland Right of Way Services is permanently closed and there is no LLC. She is wondering who we entered into a contract with. **Len TwoTeeth** responded that Dee Oakland operates the business and moved to Billings, but she has been doing contract work for the Tribes for quite some time, especially for transmission line renewals. The contract is working with a lot of issues with the Jette Tower easements, and we had some projects going on at the Tribal Health Department building in Mission with fiber optics and such.

**MOTION** by Dennis Clairmont to approve the Tribal Council Meeting Minutes for April 16, 2019, with corrections. Seconded by Anita Matt. Carried, 6 for; 1 abstention (Charmel Gillin).

The **agenda** was presented for approval.

**MOTION** by Shelly Fyant to approve the agenda, with changes. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

**Germaine White** introduced a group of Southeast Asian Leadership Fellows, through the US State Department, and hosted by the University of Montana Mansfield Center. 20 professionals are here representing 11 different countries who were selected for their leadership in the fields of human rights, environmental conservation, and working with youth and education. They will be here for a month to learn best practices to take back to their communities.

**Dan DePoe, Art Caye** and **Francis Cahoon** met with council to file a complaint against Chairman Trahan. Mr. DePoe made the following statements for the record. Dan does not want any harm or retaliation to anyone that has supported the group's efforts with the small loggers or woodcutters. Dan comes here today with a heavy heart. The tribal membership needs leaders that work in the best interest of our people. We need leaders to follow our bearing documents, the Hellgate Treaty, Tribal Constitution, and our Corporate Charter. Dan made a formal complaint against Ronald Trahan under the Tribal Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Article V – Vacancies and Removal from Office. Section 2 – improper conduct and gross neglect of duty. Constitution and Bylaws Article I, Section 6, Oath of Office states each member of the Tribal Council shall take an oath of office prior to assuming the duties thereof, by which oath, he shall pledge himself to support and defend the Constitution and Bylaws. No business shall be transacted unless a quorum is present which shall consist of two-thirds of the entire membership. Mr. DePoe alleged the following violations: Violation 1. On August 28, 2018, a motion was made with 6 members voting and 1 out of the room. Violation 2. On October 11, 2018, a motion was made with 6 members voting and 2 out of the room. Violation 3. On February 14, 2019, a motion was made with 6 members voting and 1 out of the room. Violation 4. On April 11, 2019, Dan received a document from Chairman Trahan to small loggers, woodcutters request that was passed on April 4 by a vote of 8 for and 1 opposed, with legal review. The document states that the Tribal Council and Forestry Department considered the Tribes' legal obligations. After receiving the document, they found out that the council had just received the document and 6 council members confirmed they had no knowledge or input on the document. Dan hopes those council members were not lying. He also found out that Chairman Trahan directed Legal to come to his office and write up the document at his direction. Later that day, Dan spoke to Tony Incashola, Jr., and Tony

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stated that he received it the night before and never reviewed it until the next morning and had no input in the document. Dan believes Ron Trahan violated his position of chairman by going beyond the duties of the chairman, abusing his power and bypassing council. While in the chairman's office, Ron told Dan to review the document, get back to him, and they would set up a meeting on Monday. He also stated that in the council meeting that morning when they approached council about this document. Dan left two messages later that day and still has not received any response. They need to move forward with their plan to put the small loggers back to work and keep the woodcutters working. No official response was received. There was no letterhead, signature, or reference to CSKT in the document. They had a motion to move forward with the plan. When the chairman lies and treats the membership with disrespect, that sends a message to the rest of the tribal employees that it is okay to disrespect and lie to the membership. Page 4 of Resolution 06-48 references demonstrating the highest standards of personal integrity, truthfulness, honesty, and fortitude in all their activities in order to inspire public confidence and trust.

**Carole Lankford** joined the meeting.

Violation 5. On April 11, 2019, there was a Code of Conduct hearing for the Polson council representative. The hearing requires all 10 council members to be present and there were only 9. Resolution 06-48 says any tribal official, elected or appointed, found by majority of the 10 tribal council members after an appropriate hearing to be in violation of this code may further be subject to the provisions and penalties set forth in Article V, Section 2 of the Tribal Constitution entitled Vacancies and Removal From Office and to all other legal remedies available to the Tribes. There are several other violations that occurred in that Code of Conduct hearing that need to be investigated. Violation 6. The complaint and investigation form was a good step. It was passed by the council on November 8, 2019 (sic), by resolution number 19-28. The chairman said the form no longer can be used. Chairman Trahan violated his position as chairman abusing his power and bypassing the council. There is a problem when the membership is required to follow policies, rules and laws, but we have a chairman that is not. Dan attached some documents that highlights the alleged violations. **Mr. DePoe** provided the council with a copy of his complaint and attachments. **Leonard Gray** thought the process is to serve the man in person. Leonard was not sure the handouts should be given to the council without serving Ron first. **Dan DePoe** stated that he believes he is following the proper process. **Shelly Fyant** commented that Mr. DePoe had called ahead and was told that the chairman was not on travel status, so Dan expected him to be here today. **Dan DePoe** requested that someone else handle the investigation instead of the chairman. **Council** took the issue under advisement.

**Leroy Black, Mary Charlo, Leandria Cutfinger, and Danny James**, Two Eagle River School Board of Directors; **Rodney Bird**, Two Eagle River School; and **Dan Decker**, Legal Department; requested to meet with council in **executive session**.

**Council** met in **executive session**. **Rhonda Swaney** and **Dan Decker**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

\*\*\*\*\* **Break** \*\*\*\*\*

**Shelly Fyant** out of the room.

**John Neiss**, Facilities Maintenance, requested approval to convert Wanda Adams from contract status to FTE status in the Maintenance Night Crew position. **Charmel Gillin** raised concerned about Shelly Fyant not being in the room to vote. **Council** advised that it requires 7 council members to be present to establish a quorum so the council can take action without her in the room.

**MOTION** by Len TwoTeeth to go with the recommendation of Maintenance and hire Wanda Adams from contract status to FTE status in the Maintenance Night Crew position. Seconded by Anita Matt. Carried, unanimous (7 present – Shelly Fyant out of the room).

**Shelly Fyant** returned to the meeting.

**Joe Durglo**, Tribal Health Department, requested approval to hire Dave Bristol on a three-year contract at a negotiated rate of pay to fill the Pharmacist position.

**MOTION** by Len TwoTeeth to go with the recommendation of Tribal Health and approve the hire of Dave Bristol on a three-year contract at a negotiated rate of pay to fill the Pharmacist position. Seconded by Dennis Clairmont. Carried, 6 for; 2 abstentions (Shelly Fyant and Myrna DuMontier).

**Joe Durglo**, Tribal Health Department, requested approval to renew a two-year contract with Sandra Fisher at a negotiated rate of pay to fill the Relief Pharmacist position.

**MOTION** by Dennis Clairmont to renew a two-year contract with Sandra Fisher at the negotiated rate of pay to fill the Relief Pharmacist position. Seconded by Carole Lankford. Carried, 6 for; 2 abstentions (Shelly Fyant and Myrna DuMontier).

**Kelly Parker** and **Dana Morales**, Department of Human Resources Development, requested approval to hire Dawnelle Sorrell and Christina Griffin

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on a one-year contract to fill the CPS Social Worker and CPS Social Worker Trainee positions. The vacancies were advertised and the only tribal member applicant declined the position due to personal reasons. CPS positions have a lot of turnover and are difficult to fill based on the nature of those types of positions.

**MOTION** by Charmel Gillin to authorize the hire of Dawnelle Sorrell on a one-year contract to fill the CPS Social Worker position, due to no qualified tribal member applicants. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**MOTION** by Len TwoTeeth to authorize the hire of Christina Griffin on a one-year contract to fill the CPS Social Worker Trainee position, due to no qualified tribal member applicants. Seconded by Anita Matt. Carried, unanimous (8 present).

**Gabe Johnson**, Natural Resources Department, requested approval of modification 1 to contractor agreement 19-095 with Dick Anderson Construction in the amount of \$386,241.50 for GMP Amendment 1.

**MOTION** by Shelly Fyant to go with the recommendation of the department and approve modification 1 to contractor agreement 19-095 with Dick Anderson Construction in the amount of \$386,241.50 for GMP Amendment 1. Seconded by Charmel Gillin. Carried, unanimous (8 present).

**Dan Lozar**, Natural Resources Department, requested approval of a noncompetitive negotiated consultant agreement with Aerotek to provide job placement services for the SOD/Roads Program Manager position for an amount not to exceed 35% of the successful candidate's annual wage. There are no known tribal member licensed engineers to fill the position.

**MOTION** by Charmel Gillin to approve a noncompetitive negotiated consultant agreement with Aerotek to provide job placement services for the SOD/Roads Program Manager position for an amount not to exceed 35% of the successful candidate's annual wage. Seconded by Anita Matt. Carried, unanimous (8 present).

**Dan Lozar**, Natural Resources Department, requested approval of a modification to contractor agreement 16-128 with Morrison-Maierle to increase the not-to-exceed amount by \$70,000 and extend the expiration date to June 1, 2020 to complete NEPA projects.

**MOTION** by Anita Matt to approve a modification to contractor agreement 16-128 with Morrison-Maierle to increase the not-to-exceed amount

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by \$70,000 and extend the expiration date to June 1, 2020 to complete NEPA projects. Seconded by Shelly Fyant. Carried, unanimous (8 present).

**Seth Makepeace**, Natural Resources Department, requested approval of a modification to contractor agreement 18-216 with WGM Group to increase the amount by \$52,910.00, to be reimbursed by Montana DNRC.

**MOTION** by Anita Matt to approve modification 1 to contractor agreement 18-216 with WGM Group to increase the amount by \$52,910.00. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**Seth Makepeace**, Natural Resources Department, requested approval to execute a contractor agreement with Rehbein Enterprises to construct three structures on FIIP in the amount of \$148,920.00, to be reimbursed by Montana DNRC.

**MOTION** by Shelly Fyant to execute a contractor agreement with Rehbein Enterprises to construct three structures on FIIP in the amount of \$148,920.00. Seconded by Anita Matt. Carried, unanimous (8 present).

**Art Caye**, Tribal Member, asked how many tribal members would be hired by Rehbein Enterprises for these projects. **Seth Makepeace** responded that Rehbein must follow the Indian Preference guidelines and submit a compliance plan, and will be required to hire tribal members.

**Seth Makepeace** informed council that the first \$3 million that was put into the technical team was state legislative dollars. In this legislative cycle, the money for the technical team was put through the DNRC budget. They continue to commit to this. **Len TwoTeeth** requested that the Legal Department provide an update on the water compact today. The Legal staff is scheduled on the agenda this morning.

**Rich Janssen**, Natural Resources Department; and **Mark Johnston**, Flow Swimmers; requested a collection permit for Flow Swimmers to conduct water quality sampling at numerous public access swimming areas within the south half of Flathead Lake, including the Blue Bay Campground and Elmo Tribal Park.

**MOTION** by Myrna DuMontier to support the application for a collection permit for Flow Swimmers to conduct water quality sampling at numerous public access swimming areas within the south half of Flathead Lake, including the Blue Bay Campground and Elmo Tribal Park. Seconded by Carole Lankford. Carried, unanimous (8 present).

**Mark Couture**, Tribal Lands Department, presented a request from the Remount Stock Association to have an early turnout date of May 25, 2019 on Range Unit 14. Each year they must request an early turnout date since it is part of the

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Ferry Basin Management Area. The recommendation was for a one-week early turnout. Options discussed were: (1) grant RSA a grazing permit for early turnout; (2) deny request; and (3) further discussion.

**MOTION** by Dennis Clairmont to authorize the Remount Stock Association to have a one-week early turnout date of May 25, 2019 on Range Unit 14. Seconded by Carole Lankford. Carried, 7 for; 1 abstention (Anita Matt).

**Mark Couture** and **Tara Irvine**, Tribal Lands Department, presented a request from Robin Lopez, Super Gyros, for a revocable permit to operate her business each Monday in Pablo from May 13, 2019 through September 30, 2019, at a rate of \$35.00 per day. Options discussed were: (1) grant a 20-day revocable permit so long as all permitting requirements are met, including a rental payment of \$35.00 per day and required insurance; (2) deny request; and (3) further discussion. The land committee recommended going with option one.

**MOTION** by Anita Matt to go with option one by the recommendation of the land committee to grant Robin Lopez, Super Gyros, a revocable permit to operate her business each Monday in Pablo from May 13, 2019 through September 30, 2019, at a rate of \$35.00 per day. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

\*\*\*\*\* **Break** \*\*\*\*\*

**Rhonda Swaney** and **Brian Upton**, Legal Department, gave an update on the Bison Range film-screening event planning in Washington, DC. The Mansfield Center contributed \$5,000 to pay the venue rental costs. Tara Sweeney agreed to speak at the event. About 700 invitations will be sent out this week to different agencies. Legal would like to have a strong council member presence at the screening and reception event on May 22, 2019. There will be a panel discussion after the movie screening. Rhonda Swaney and Shane Morigeau will serve on that panel, and Legal would like to have a third panel member. All costs for this event are within budget at this point, but it is unknown whether there is enough funding for a third panelist. A volunteer may be needed to assist with the reception activities. The estimated travel costs per person is \$2,500. **Council** mentioned that there are other things scheduled that day, such as the Governor's Summit, Affiliated Tribes of Northwest Indians Conference, and the Climate Change Workshop.

**MOTION** by Charmel Gillin to approve spending authority for the third panelist and a volunteer, if necessary. Seconded by Anita Matt. Carried, unanimous (8 present).

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, gave an update on the water compact.

**Rhonda Swaney, Ryan Rusche and Dan Decker**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Council** met in **executive session** to conduct interviews for the Salish Kootenai Housing Board of Commissioners vacancy. There is one vacancy for a four-year term. **Melanie Piedalue** and **Maggie Hewankorn**, Personnel Department, were present for interviews.

**Council** met in **executive session** to conduct interviews for the S&K Business Services Board of Directors vacancies. There are 3 vacancies for a two-year term. **Melanie Piedalue** and **Maggie Hewankorn**, Personnel Department, were present for interviews.

Council reconvened into **regular session**.

**MOTION** by Myrna DuMontier to accept the results of the ballot and appoint Bessie Wallin, John Wheeler and Ken Camel to serve on the S&K Business Services Board of Directors for a two-year term. Seconded by Len TwoTeeth. Carried, 5 for; 2 opposed (Shelly Fyant and Leonard Gray); 1 not voting (Carole Lankford out of the room).

**MOTION** by Len TwoTeeth to extend Charmel McClure Sternick's term for one year and advertise Pete White's remaining term for one year, at the recommendation of the Personnel Department. Seconded by Myrna DuMontier. Carried, 7 for; 1 abstention (Leonard Gray).

**MOTION** by Len TwoTeeth to accept the results of the ballot and appoint Frank Acevedo to serve on the Salish Kootenai Housing Authority Board of Commissioners for a four-year term. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**Myrna DuMontier** received a request from people trying to understand leave share and different types of leave. Someone called her and suggested that it be put in the Char-Koosta News. **Melanie Piedalue** informed council that the information has been published in the newspaper in the past and she can start doing it again.

**Myrna DuMontier** informed council that Oren Lyons will be honored for a celebration of achievements. She wants to write letter of support and give him

kudos from us and sent it to the celebration. Myrna will write up the letter and have Jennifer print it out on letterhead.

**Melanie Piedalue**, Personnel Department, requested to meet with council in **executive session** to discuss personnel matters.

Council reconvened into **regular session**.

**MOTION** by Charmel Gillin to increase Rosemary Caye's Acting Kootenai Culture Committee Director rate of pay retroactively from the beginning of her acting appointment to the maximum entry-level rate of pay, whatever that is. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Len TwoTeeth).

**MOTION** by Myrna DuMontier to award Rosemary Caye with an incentive award for the maximum amount allowed according to policy for going above and beyond the call of duty when she was appointed. Seconded by Shelly Fyant. Carried, 7 for; 1 opposed (Len TwoTeeth).

**Dennis Clairmont** would like to give Dorothy an incentive award for her work on the language. **Charmel Gillin** wants a recommendation from the Director to see if there are others that are deserving of an incentive award. **Shelly Fyant** cannot vote for this because she does not have all the facts.

**MOTION** by Dennis Clairmont to give Dorothy an incentive award for the maximum amount allowed according to policy for stepping up and doing what she did. Seconded by Len TwoTeeth. **MOTION AND SECOND WITHDRAWN.**

**MOTION** by Carole Lankford to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Council **adjourned** at 3:40 p.m., and is scheduled to meet again on Thursday, May 2, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary