

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

Volume 19 Number 75  
Council Chambers, Pablo, MT

Held: August 6, 2019  
Approved: September 3, 2019

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

**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 9:05 a.m. Quorum established.

The meeting was opened with a **prayer** by Leonard Gray.

The **Tribal Council Meeting Minutes** for July 30, 2019 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for July 30, 2019, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

**MOTION** by Anita Matt to approve the agenda, with additions. Seconded by Leonard Gray. Carried, unanimous (10 present).

**Tony Incashola, Jr.**, Tribal Forestry, gave a fire update. The Moss Ranch fire is 100 percent contained.

**Tony Incashola, Jr.**, Tribal Forestry, requested approval of a revised organizational chart to update the changes that have been made in the last couple of years. The changes were discussed in yesterday's chairman's meeting. The department has a total of 279 employees and 29 are nontribal members. There are 80 FTE positions and 30 additional vacancies. There are 167 Seasonal/TEA contract employees.

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**MOTION** by Dennis Clairmont to approve the revised organizational chart for the Tribal Forestry Department, as presented. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**Tony Incashola, Jr.**, Tribal Forestry, requested approval of a memorandum of understanding with Salish Kootenai College in the amount of \$29,642.00 to complete invasive weeds monitoring on the National Bison Range.

**MOTION** by Carole Lankford to approve the memorandum of understanding with Salish Kootenai College in the amount of \$29,642.00 to complete invasive weeds monitoring on the National Bison Range. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

**Patricia Courchane** and **Kelly Parker**, Department of Human Resources Development; and **Rick Eneas**, Financial Management; requested to meet with council in **executive session** to discuss a departmental matter. **Dana Morales** and **Dalon Weaselhead**, Department of Human Resources Development; and **Jami Pluff**, Policy Analyst; were present for discussion. **Clayton Matt**, Tribal Services, joined the discussion.

Council reconvened into **regular session**.

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

**Joe Durglo**, Tribal Health Department; and **Renee Joachim**, Personnel Department; requested approval of a reclassification with an adjusted salary for Raelena Whitesell, Optical Technician. The adjusted pay rate requires council action since she is a nontribal member.

**MOTION** by Dennis Clairmont to approve the reclassification with the adjusted salary for Raelena Whitesell. Seconded by Carole Lankford. Carried, 6 for; 1 opposed (Myrna DuMontier); 2 abstentions (Charmel Gillin and Shelly Fyant); 1 not voting (Len TwoTeeth out of the room).

**Joe Durglo**, Tribal Health Department; and **Renee Joachim**, Personnel Department; requested approval to continue a contract with Becky Clizbe as a Medical Provider in Arlee with an adjustment in pay rate.

**MOTION** by Fred Matt to continue a two-year contract with Becky Clizbe as a Medical Provider in Arlee with an adjustment in salary. Seconded by Leonard Gray. Carried, 5 for (Fred Matt, Leonard Gray, Carole Lankford, Dennis Clairmont, and Ron Trahan); 1 opposed (Myrna DuMontier); 3 abstentions (Anita Matt, Charmel Gillin and Shelly Fyant); 1 not voting (Len TwoTeeth out of the room).

*Shelly Fyant, for the record, "I thought these types of issues were to be discussed at the chairman's meeting."*

**Joe Durglo** requested clarification if he needs to bring all contracts to the chairman's meetings. **Council** clarified that all nontribal member contracts must be discussed at the chairman's meeting prior to seeking approval.

**Chairman Trahan** asked about clinic coverage on Fridays. **Joe Durglo** will follow up.

**Jim Taylor**, Tribal Prosecutors Office, requested a step increase in the same pay level for Dorothy Andrew. She has been employed for six years, is a tribal member, and is an elder.

**MOTION** by Carole Lankford to approve the step increase in the same pay level for Dorothy Andrew. Seconded by Anita Matt. Carried, 9 for; 1 opposed (Charmel Gillin).

*Charmel Gillin, for the record, "I believe that all the employees should benefit from the lifting of the pay freeze."*

**Melinda Charlo**, Indian Preference Office, requested approval of a project specific agreement for the Niarada –Hwy 28/Hwy 93 project.

**MOTION** by Carole Lankford to approve a project specific agreement for the Niarada –Hwy 28/Hwy 93 project. Seconded by Anita Matt. Carried, unanimous (10 present).

**Chairman Trahan** left the meeting due to the next issue being a conflict of interest.

**Rick Eneas**, Financial Management; **Dan Decker**, Legal Department; and **Michelle Puiggari**, Attorney at Law; requested to meet with council in **executive session** to discuss the investigative report.

Council reconvened into **regular session**.

**Chairman Trahan** returned to the meeting.

**MOTION** by Carole Lankford to not proceed with the hearing on the petition filed by Dan Depoe for removal of the Tribal Chairman. Seconded by Dennis Clairmont. Carried, 5 for (Carole Lankford, Dennis Clairmont, Leonard Gray, Fred Matt, and Len TwoTeeth); 3 opposed (Shelly Fyant, Myrna DuMontier and Charmel Gillin); 2 abstentions (Anita Matt and Ron Trahan).

**Charmel Gillin**, for the record, “My vote is based on the investigative report not having a conclusion on the issue of quorum.”

**Myrna DuMontier**, for the record, “The investigation report’s findings on six allegations of misconduct by the chairman, four consist of quorum issues on actions being taken by the council. I concur with the report findings that these four issues cannot be addressed based on the facts therein. Of the remaining two allegations addressed in the report, which center around the conduct of the chairman outside of council meetings, I take exception to the findings that the chairman acted with the knowledge and consent of the full council. He did not. As a member of the council, I was excluded from several discussions held outside of council meetings, discussions convened by the chairman for select council members on the issues pertaining to the small loggers’ proposal, as well as the use of the complaint form. I reported this to the investigator, but this was dismissed in the report because there was not a formal record of these informal meetings. The entire tribal membership deserves transparency, due process, and accountability in the way that our government works. The chairman and this investigation report failed to provide either on two of the six allegations. And that is why I voted the way I voted.”

**Chairman Trahan**, for the record, “I held no meetings on the small loggers/woodcutters issue.”

**Fred Matt** thought some good suggestions were made based on this investigation. We need to dedicate time to do that. The first order of business should be to throw all this stuff out on the table and sort through it, get rid of it, and then move on. **Leonard Gray** suggested that the meetings have a facilitator. Leonard will take the lead on getting it scheduled with Michelle. **Chairman Trahan** thanked everyone for their comments and for getting this out in the open. It is not up to him to get everything done; they are all on council and can work through issues. The chairman has nobody to assist him. He appreciates everyone’s opinions. Chairman Trahan got his medication adjusted and his health has improved. He is for all the people and has no plans of stepping down from his position. The resources and programs are for everyone; not just a certain segment of people. The chairman invited council to discuss any of their issues with him.

**Shirley Trahan**, Tribal Member, addressed the council. There are policies in place that not only this tribal council, but the tribal councils before, acted on and put in place, and they should be followed. Sometimes we find out they were not followed and we read about it in the minutes. She feels bad about what has gone on for the past several months for having to go through this. It makes her sad, but maybe it happened for a reason. Maybe we will come out of this with better hearts and more care for each other and the entire membership. Shirley is ashamed of the people who were seeking to remove the chairman. She is

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ashamed of what they tried to do. It is not good for the whole Tribe, just for their selves for the almighty dollar. There was a policy put into place and they wanted to go above that; they want it their way. What about the rest of the people? What are we getting out of what they're doing? What is the rest of the tribal members getting from that? Shirley asked the tribal council to remember their policies and to follow them. It is not just for certain people; it is for everyone, our environment and our natural resources.

**Len TwoTeeth** suggested that the council give Dan DePoe an opportunity to respond since he is the one who filed the complaint.

**Dan DePoe**, Tribal Member, commented that this has been a long process. He was at a service and was listening to a guy talk about people being emotional and it doesn't make them a weak person. It hurts him when he sees the council fighting and when our people are suffering. Firewood has been something that has made him who he is; it has given him opportunity. Dan worries we will lose that for younger generations. It is for someone who cannot get an education and has a desire to go out there and work hard. He wants them to be given the same opportunity he has. Dan does not need firewood, but he does not want to lose that for our younger generation. Over the years, he saw policies in place that takes away these jobs from our membership. 30 years ago everybody was in the woods. It is how you get treated when you come in with a concern about it. All the way through the whole process, it's like nobody was listening to him. When a tribal member comes in here and has no personal relationship with the tribal council and employees, they get pushed aside. They should be treated the same. That should not happen. Mr. DePoe has the right to come in here and do this; everyone should have the same right. Nobody should feel bad for him; this is something he is allowed to do. Everyone should be able to come in here and speak their mind. We have people that are out there suffering. He wants to see more opportunity, not just for the educated people. He does not want there to be limits if people are willing to do the hard work. Dan knows the council members are all good people. Maybe it worked out for the best and we can move on and work together. He has no relationship with Ron; it's just our chairman that he saw. The council members need to understand that they work for the people. If we have to follow all these rules and regulations, he would think they would have to do the same. Dan requested comments from Leonard Michel.

**Leonard Michel**, Tribal Member, is glad Shirley is here today. The first thing she said was the council has policies to follow, regardless that the past councils, chairmans and vice-chairmans did not follow section 9 of the constitution which says two thirds of the council should be present to transact business. That's important. He has seen it happen year after year after year and questioned it many times. The shame lies with this tribal council for taking an oath and not following it. Council should commend Dan for coming forward and demand they follow it. It's important to follow through on their oath, what they pray about

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every Tuesday and Thursday morning, and find solutions for the membership. If they are not willing to do that, then they should not be running next time their term comes up. Leonard respects the council since they are elected by the membership. The membership has a right to come in here and question it if they feel like they have been wronged.

**Dan Decker** and **Stu Levit**, Legal Department, gave an update regarding the Columbia River Treaty.

**Dan Decker**, Legal Department; and **Rick Eneas**, Financial Management; requested to meet with council in **executive session** to give a legislative update. **Stu Levit**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

**Chairman Trahan** informed council that about a month ago Shay came in looking for a place to go since he was taken out of his place. He was sent to the Tribal Lands Department. The Tribes have a house by Gray Wolf (the old Rose Matthew house), but it will take some money to fix it up. There is a trailer by Sundance that could be used. Both places were inspected. Shay wants to live in Arlee, so that trailer would need to be moved. **Myrna DuMontier** had suggested a trailer for him be moved to the dump, but now there is a trailer at the dump and someone else is living in it. **Charmel Gillin** ran into Joe Sorrell, Sr. last week and he wanted to visit about the continued need to finish his home. **Chairman Trahan** reported that nobody has contacted him about that. **Anita Matt** commented that we have done as much as we could from the Tribal Lands Department budget and she suggested that he get a Rural Development application. Maybe that program could do the rest of what is needed. The program provides up to a \$7,500 grant and the maximum of a \$20,000 loan.

**Charmel Gillin** acknowledged Jennifer Trahan, Abby Dupuis and James Steele, Sr. She had asked the staff to leave the room so the council members could talk directly amongst themselves. Charmel apologized to James; she did not mean to upset him by asking him to leave the room so the council members could speak in private. She meant no disrespect.

**Leonard Gray** suggested that the tribal council members attend the Columbia River Treaty meetings, if possible. Of the 15 tribes, we are the only headwaters tribe. There will be another meeting in October.

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

**Len TwoTeeth** out of the room.

**Brenda Solorzano**, Headwaters Foundation CEO; gave an overview of the foundation, which works with communities to guide our region's resources to improve the health of all Montanans. The American Indian Committee of Headwaters Foundation has been developing their work plan since the fall of 2018. There will be a community-centered brainstorming session this fall at Salish Kootenai College. The foundation has committed to funding events in 2019: \$125,000 for School scholarships; \$12,500 for Sponsorship grant, \$227,000 Voices & Visions; and \$60,000 for Missoula Urban Indian Health. **Alyssa Schock** is the point person on the American Indian Initiative. After grant data showed that the Headwaters Foundation was not supporting American Indian-serving organizations at appropriate levels, the Headwaters Foundation Board of Directors created the American Indian Committee to develop the funding and investment. A sponsorship grant will go out to the schools in the fall. **Dana Grant** discussed the Voices and Visions event scheduled for November 5-6, 2019 at Salish Kootenai College. People are put in a room and must come up with solutions. Many big IT companies do this. The event will include 200+ community members from all walks of life. The foundation will provide meals, transportation and childcare to support full participation both days. There will be a national facilitation team. **Ashley Shaw** oversees the sponsorship grants. The Go Grant is geared towards low-income populations in rural communities. The grants are designed for general operating costs. **Charmel Gillin** will refer One Heart to this foundation.

**Dan Lozar**, Natural Resources Department; **Donny Pfeifer**, **Miki Lloyd** and **Bob Vosen**, Montana Department of Transportation; met with council for a meet and greet and provided a status report on highway projects (Ronan North, Post Creek, Perma Curves, Connor South, Bad Work Canyon, Pablo Intersection). The Ronan Urban project is scheduled to begin in 2022, but MDT is trying to get it moved up to 2021.

**Len TwoTeeth** returned to the meeting.

The consultants will review design options for the Post Creek project. MDT did some public outreach and received many comments on the Pablo Intersection. MDT is proposing a U-Turn (J-turn intersection) to create a safer intersection. Early next year they should be able to present a proposed alternative. Ashley Creek is located on private property and runs along the east side of the highway into Post Creek. It might be taken underneath 93 into the mitigation area and channelizing it a bit and then free flow in Post Creek. The Dixon chip seal project was completed. The Hot Springs North and South are pending projects.

**Willie Keenan**, Natural Resources Department, introduced Diana Hammer, EPA Project Manager.

**Jim Taylor** and **Annette Brown**, Tribal Prosecutors Office, requested to meet with council in **executive session** to provide an update on a matter the department was directed to look into.

Council reconvened into **regular session**.

**Chairman Trahan** asked if the council wants him to continue working on Shay's issue. **Carole Lankford** said that Joe still has an issue too. The chairman can get a status report. **Anita Matt** reported that if Joe is not eligible for a Rural Development grant, he could apply for a loan. Chairman Trahan said that Shay was asked to do a proposal for what he would do with the place. **Len TwoTeeth** commented that they are both elders and he just wants to get it done. **Chairman Trahan** will look into options and report back to council.

**Rick Eneas**, Financial Management, informed council that he has the draft Schedule of Events for the upcoming council election that was presented to the council as part of the Election Rules & Regulations conversation. He needs official action approving the Schedule of Events before the Election Board meeting later today.

**MOTION** by Len TwoTeeth to approve the Schedule of Events. Seconded by Fred Matt. Carried, unanimous (10 present).

**MOTION** by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 2:50 p.m., and is scheduled to meet again on Thursday, August 8, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary