

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

Volume 19 Number 23
Council Chambers, Pablo, MT

Held: January 4, 2019
Approved: January 15, 2019

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

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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Stephen Smallsalmon.

The Red Horn Singers **sang** a flag song.

The floor was opened for comments from the elders.

Stephen Smallsalmon shared stories from the past and how New Year's would be celebrated. He has worked at Nkwusm for 16 years. Stephen asked about the government shutdown. **Chairman Trahan** told him that Vern Clairmont would be providing a report on that today.

The Red Horn Singers **sang** an honor song.

Dennis Clairmont joined the meeting.

The floor was opened for comments/updates from the tribal council.

Carole Lankford appreciates the drum, the prayers, and everyone wishing for a good year. Carole participated in the Jump Dances. There are many things going on and the government shutdown makes us nervous; the longer it goes on, the worse it gets. We are fortunate to have someone like Nancy Pelosi in the position she is in. Carole is grateful that things are changing and she hopes things are changing for the better. She thanked Vern Clairmont for his years of service and expressed her appreciation for his leadership, guidance and

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knowledge. We are in congress about water rights. Four years ago we were fighting in the legislature and now we are in congress. She appreciates Ron Trahan's leadership. There will be a legislative reception on January 10th.

Dennis Clairmont thanked the membership for being here and wished everyone a happy new year. He has been dealing with some health issues this past quarter. Dennis attended the Upper Columbia Conservation Commission meeting in October. They do the boat check stations and determine what is working and not working to keep it going and to keep the mussels out of here. He also serves on the Montana Invasive Species Council, which covers invasive weeds and aquatic invasive species throughout the state. Dennis participated in the Montana Invasive Species Symposium. Those organizations protect our resources and help prevent invasive species and mussels in our area. Dennis attended the State Tribal Policy Symposium and the Missoula County Commissioners meeting. The Missoula County Commissioners did an honoring of Sophie Moiese by naming their main conference room after her. He thanked Vern Clairmont for helping the tribal council come up with a plan to get us through the government shutdown.

Shelly Fyant acknowledged the Red Horn Singers and the good things they are doing in our community. She worked with them on a frybread fundraiser for the Two Eagle River School basketball teams and those kids were so energetic. Two of those students came to Two Eagle River School from Nkwusm. It has been a positive influence. Kyle Felsman's daughter Emma goes to Nkwusm in the preschool program. She came to Louie's lodge and in the second round when the main singers were done, Emma sang a song. It was really touching to see that. Shelly hopes we can carry on that way. Council will have a retreat on February 1 to define priorities and move ahead on some initiatives. Economic development and climate change are two issues Shelly will be working on in 2019. Economic Development was a top priority identified in the strategic planning session two years ago. During that process, the council had decided to hire four positions. Those positions need to be filled if we are going to diversify the Economic Development Office. Shelly attended the Vibrant Tribal Economies Workshop that was funded by the Northwest Area Foundation. We were one of four tribes invited to participate in that program, which focuses on economic development. The next step in that is to do a leakage survey, which will identify where our tribal dollars are going. Most of our dollars leave the reservation since people shop in Missoula and Kalispell. We need to keep our dollars locally to bring greater wealth locally. We need to look at our infrastructure. We have Energy Keepers, Inc. and Mission Valley Power, and there is so much we could be doing. As a tribe, we need to become more independent and sustainable so government shutdowns will not affect us in the future. We were one of the first tribes to develop a Climate Change Adaptation Plan. We are in the process of reviewing that plan. Last year at the Affiliated Tribes of Northwest Indians conference we signed an initiative called We Are Still In. There is a lot we could

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be doing. Plastic is killing our earth. Drinking water from a glass bottle and using paper or reusable shopping bags will help our carbon footprint by reducing the use of plastic.

Myrna DuMontier has now served on the tribal council for 105 days. The council has been working through some very important issues. It has been a great honor for her to represent the membership. Myrna continues to grow and learn, and one reflection she had was how much she has seen in her lifetime, how much old people were a part of our life growing up, and to see the world change without elders the way we knew elders. She understands today what her yaya used to say how things are so different. When Myrna looks at making change, she looks at instilling values. That is how she was raised. She hopes to be a force for change in adding those values in the way we carry out our policy and procedure and the way we honor and respect one another. All the council has the opportunity to reclaim the values of respect and change, and our responsibilities to the change. Having so many women on the tribal council really defines the old way of thinking about defining the roles for women and men. The council has their own values. The singers today bring a healing aspect to our lives. We have to constantly remind ourselves that we are tribal people with tribal values. We need to apply those values in what we do. Myrna's yaya would have been 102 years old on January 1 of this year, and she worked hard to instill those values to her family. We need to take care of each other as a tribe. Myrna brings those things to the table to do the best she can for our people. It is stressful during the government shutdown, but we will get through it okay.

Len TwoTeeth is honored to be here and the quarterly council meetings remind him who his boss is. He was happy to see the membership today. The tribal council has had some good discussions, and he is honored to serve with this group of people. We now have five men and five women on the council. He has learned many new innovative ideas by working with this council. The council works in the membership's best interests. Len welcomed Fred Matt and Myrna Dumontier to the council. The council has a lot of work ahead of them and they will get a lot done for the people. Some of the issues Len was involved with is the Rocky Mountain Tribal Leaders and the National Inter-Tribal Timber Council. He asked Fred Matt to take over as delegate of the Inter-Tribal Timber Council since he has a lot of history with that organization. Len has been involved in our elder committees. It is important for the council to stay involved with them. He has been on the tribal council for five years and he has watched the elder committees decrease. We are losing many elders. He appreciates visiting with the elders and thinks the council needs to be more involved with those committees. Len appreciates Ron Trahan's leadership as the tribal chairman.

Anita Matt thanked everyone for being here and wished everyone a happy new year. She thanked the drum and Stephen for the prayer. The council has been involved in many meetings, including tribal council meetings, chairman's

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meetings, Enrollment, Budget, Land Committee, Department Head, Information Technologies, Montana Department of Transportation, Ronan Medical, Tribal Health Committee, EKI Board, and the Tribal Education Committee. She appreciates working with her colleagues and is confident in them. Anita has been involved with the Inter-Tribal Ag Council. The tribal council participates in conference calls as much as they can. The CSKT joined the Farm Bill Coalition along with 170 tribes. The Farm Bill was signed and approved in December 2018. That bill deals with conservation. The highlights of the bill included: 12 titles, nutrition programs, allows a two-year carry over, traditional foods can be part of it, healthy forest management, Bureau of Land Management lands, the Tribal Forest Protection Act to exercise good neighbor authority, rural development, economic development opportunities, parity of tribal colleges and universities, trade for overseas markets, horticulture specialty crops, supports tribal producers, increased access to credit for ag producers, upholds tribal trust responsibility, and the inclusion and parity of tribes and tribal producers. The January 3rd edition of the Char-Koosta News has an article about this. Anita attended the State-Tribal Symposium. She went to the 32nd Annual Membership meeting of the Inter-Tribal Ag Council. She serves as president of the Rocky Mountain Tribes and works with the Montana State Extension Office. The Extension Office has a vacant job that will be filled soon and she wants to have that person housed at CSKT. Anita has been pursuing a building for the Dixon district. She handed out turkey dinners to the membership in Dixon. Anita wants a building to meet and hold activities at in Dixon.

Charmel Gillin pointed out that this quarterly meeting is our constitution in action. Our requirement for regular meetings is the quarterly council meetings. It lines out that the membership is entitled to hear the council's travel reports. Charmel gave an overview of her travel for October through December. Charmel and Myrna attended the National Congress of American Indians meeting. NCAI is an organization that is structured as an embassy ambassador group comprised of the 573 tribal nations in the country. We are part of the northwest region. It is a well-organized group. Charmel suggested having all tribal council members serve as an alternate to this organization. Charmel brought forth a resolution calling for reinforcement of the NAGPRA Act. The US Government has been lax in looking at the aspect of that law that has to do with the repatriation of some of the cultural articles that could and should be returned. That part of the law needs to be held to a higher degree of responsibility and accountability. We share common struggles with the First Nation's people and use our strength as one when needed. She traveled to Helena to attend a meeting hosted by the Montana Budget and Policy Center. Some of the hospitals, Salish Kootenai College, and a variety of interested parties came together for that meeting. It provided an overview of how a bill is introduced at the state level and gave specific insights about how legislation can be effectively supported and brought forth to being passed in the state legislature. There was a panel discussion on fieldwork that was done in order to get major legislation heard. Native Voice gave a

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presentation on the Get Out The Vote campaign. Charmel and Shelly attended a meeting hosted by the Alliance for Healthy Montana at Salish Kootenai College. This meeting had a room full of health professionals, legislators, and county officials. There was discussion on Medicaid Expansion and how to highlight the unique and specific needs in Indian country. Some things Charmel wants to focus on is taking a look at all of the report formats in the reporting environment that could or should come to tribal council to improve transparency and accountability on the membership's behalf. One example of that is with the Donation Policy. The council needs to get a monthly report of what is brought to the committee and which donations are approved and paid out. She will review the ordinances and policies. We have encountered strenuous tasks this past year. It has been a great learning experience for her. Charmel wants to be a better public servant and maintain her moral character and sense of tribal values, and at the same time be a person to deliver continuous improvements to the tribal membership. She wants to aspire to be the quality leader that the membership deserves.

Fred Matt thanked everyone for being here today and he thanked the drum for the songs; that is important for us as people. It is an honor for Fred to be back on the tribal council again. Fred has served with great leaders in the past. He appreciates the dialogue that goes on among the council. Fred will serve the people the best he can while on the council.

Leonard Gray wished everyone a happy new year. It is humbling for him to serve on the tribal council. Those kids drumming this morning are our future leaders. Vern Clairmont is always a wealth of information for the Tribes. He feels we are lucky to have Rick Eneas come on board; he is very knowledgeable and talented. Leonard has learned to enjoy the simple things. There are 48 elders in the Hot Springs District and only 31 turkey dinners were available for the holiday. 17 hams were locally donated. The tribal staff and membership helped Leonard distribute the turkey and ham dinners to everyone. There were some turkeys left over and they were donated to the Senior Center.

Chairman Trahan is grateful for his colleagues; they do the best they can for the membership. Decisions made are business; not personal. Ron thanked everyone for helping him deliver the holiday dinners to the membership. It is important to start every day with a prayer. Council works for the membership, and that is an honor. He thanked everyone for being here today.

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

Vern Clairmont, Financial Management, provided background information on the government shutdown. On the tribal side, we have all our appropriations and budgets in place and we are operating under those appropriation budgets. We are watching the federal level. Congress is trying to put through a spending

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bill to take us through the end of fiscal year 2019. Last night on the news it showed the House put through a consolidated appropriations bill which funds the rest of the agencies within the federal government that were not funded through prior appropriation bills, except for Homeland Security. They passed a continuing resolution for Homeland Security to operate through February 8. That is the appropriation that the President wants \$5 billion for building the wall. That bill did not include the \$5 billion, so that negotiation will continue. The news forecast is that the Senate will not take up the House consolidated appropriation bill. There is going to be a meeting in the white house sometime today to try to work out something. The continuing resolutions add a lot of uncertainty and do not indicate what we will have for the year. We do not get funding here until after the continuing resolution ends. We try to maximize our cash flow. The biggest worry during the shutdown is if we can obligate funds during a shutdown and whether they will be reimbursed after the shutdown. We are in pretty good shape. We are a self-governance tribe, so we have the ability to draw down federal funds even though the federal government is shut down. We have a cash flow issue we are always struggling with, and it will be difficult, but for the most part we will make it through this shutdown. Other tribes that are not self-governance rely on contracts. We have the ability to draw down funds from our treasury account. Vern retired and Rick Eneas is the new Director of Financial Management.

Rick Eneas, Financial Management, commented that one thing that has been clear as the shutdown has lengthened is that our Tribe has benefited from decades of strong leadership and taking opportunities of compacting and self-governance, which has lessened our dependence on the federal government. We are in a strong position right now and are looking at if the shutdown goes for an unprecedented length of time. We are on day 13 of the shutdown. The longest shutdown in history lasted 21 days. We have resources, such as the tribal corporations, and we have reserves that the tribal leadership put us in a position to fund ourselves while we wait for the government shutdown to end. He is excited and daunted by what he can do to put the Tribes in a position to look at this as just another day instead of causing anxiety. That is Rick's goal. There are several agencies that impact us: the Interior, Transportation, Environmental Protection Agency and the Department of Justice. We deal with the Interior the most; Transportation has our grant programs funded; EPA funds our natural resources work, and the DOJ funds our Law Enforcement and Social Services. We can get through this if the shutdown does not go beyond unprecedented territory. The CSKT is on restricted spending right now and is trying to be conservative in its spending. Rick is hopeful that we will get through this shutdown okay.

Jerry Hamel commented that it painted a pretty bleak picture for the Tribes, but as a business person in the ranching business, this has been going on for the past four or five years due to inflation of machinery and supplies and the

cattle prices going down. Putting a restriction on new capital expenditures will help; ranchers fix old machinery instead of purchasing new equipment. That is how they make it through these times.

Karissa Trahan and **Julie Cajune**, Tribal Education Department, gave a presentation on the State Tribal Education Partnership (STEP) program. It is a four-year education grant and it is in its final year. Its purpose is to increase cooperation between the State and Tribal Education. The CSKT is one of five tribes that received this grant. The partner schools share data on attendance, grades, and test scores. The second objective is to hold a professional development for a week and they held different professional developments throughout the year. The third objective is family engagement. They hold family night to improve the historically negative relationship with native families and schools. The hope is to have school staff at the events so the relationships will improve. St. Ignatius, Dixon, Arlee, Polson, and Ronan are the partner schools. The culturally responsive teaching segment includes STEP teachers, interns, curriculum, and professional development. Hopefully the Education Code will be ready for review in the spring. STEP is limited to professional development. The Education Department will be making a decision on whether to reapply for the STEP grant or the NYCP-College and Career Readiness grant next year.

Jami Pluff, Policy Analyst; **Louis Fiddler**, Law & Order; and **Tom Johnson**, Council Support; gave a report on Missing and Murdered Indigenous Women and Girls. They showed a video clip about Ashley Heavy Runner Loring, a 20-year-old Native American from Browning, who has been missing since June 8, 2017; Monica Still Smoking, a 7-year-old girl who was murdered in 1997, and the case was never solved; and highlights of other missing women and girls. This is a growing epidemic. The latest FBI statistics reported that there are 633 missing women nationally. In Montana, the State Department of Justice reported that there are currently 72 women missing in Montana and 22 of those are Native American. The Jermaine Charlo investigation is ongoing with Tribal, Lake, Missoula, Flathead, and Sanders Counties. Darlene Billie's body was found in North Dakota, and that investigation is still ongoing. Murder is the third cause of death among Native American women and rape is ten times higher than the national average. Senator Tester presented a bill to make May 5 the National Day of Awareness for MMIW. Hanna Harris was murdered in July 2013 and her body was found on the Northern Cheyenne Reservation. May 5 was chosen as the national awareness day because it is Hanna's birthdate. Hanna's Act assists with investigations and funds a new Missing Persons Specialist position at the department. Since the beginning of 2018, there have been 20 Native American women that have gone missing in Montana and only one of them has been found. Senator Tester held a Senate Indian Affairs Committee on December 12, 2018 to discuss where the problem is and an attempt to find a solution. The family felt that local law enforcement did not take Ashley's disappearance seriously and it took the FBI seven months to take over the case. The family has conducted 40

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searches on their own. Savanna's Act was introduced by Senator Heidi Heitkamp of North Dakota. Savanna LaFontaine-Graywind was abducted and killed in Fargo, North Dakota. The bill passed the Senate in December 2018 but it was stalled in the House. It will need to be reintroduced in the next session. The Violence Against Women Act (VAWA) has expired and will need to be reauthorized in the next legislative session. Marita Growing Thunder initiated the "Save Our Sisters" project while still in Polson High School. On January 19, a Native-led MMIW group formed out of Missoula is planning a vigil for community action. There are some groups on the Fort Peck and Fort Belknap Reservations that are opposed to the pipeline due to the missing and murdered women and sex trafficking. "Man camps" will be bordering these reservations. Vivian Adams leads the HUMAD-MMIW Student Led Group (Help Us Make a Difference) campaign. The recommendation was that a tribal work group or task force be established to support pending legislation in the State and at the federal level; provide education and awareness for young women regarding safety and sex trafficking; provide awareness to the community on MMIWG and the correlation with domestic abuse and sexual assault, runaways, drug activity, and sex trafficking; collaborate with grassroots MMIW organizations and groups; find innovative ways to intervene in violence to women; provide resources and services for families of missing women (searches, cost of gas and food, cadaver dogs, help to navigate through the investigative process, and finding closure after missing loved one is found); and provide state-wide outreach to other tribes and organizations. **Anita Matt** requested that Jami Pluff provide this presentation at the Dixon district meeting. She is concerned about law enforcement making families wait 48 hours before they will begin an investigation for a missing person. **Louis Fiddler** advised that Tribal Law & Order does not make families wait 48 hours before they will investigate a problem. **Thomas "Sonny" Lozeau** commented that dogs are a problem and he wants a dog ordinance for all communities. Parents are responsible for their children. Mr. Lozeau has pictures of kids breaking into the mailboxes at Pache and even though he reported it, nothing was done. **Council** directed Jami Pluff to continue tracking the MMIW issue and provide education to the public, follow up on the request for a resolution outlining the CSKT response to MMIW report, and Charmel's request to include the formation of a workgroup/committee with representatives from each district and funding for committee operations.

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

Len TwoTeeth left the meeting for the remainder of the day.

The floor was opened for comments from the membership.

Frances Vanderburg told a story about the first time Laura Matt had ever been on an airplane when she had to fly to Washington, DC.

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Jerry Hamel handed out a copy of minutes from the 1882 negotiations with the railroad for freights to bypass Dixon. They talked about taking the railroad crossing out, and that is the only legal access to that tribal land. The Middlemist owners said there is no access or easement there. He wants council to get ahead of this thing before the crossing is taken out. The old depot is the only other access. There is a parcel of land for sale containing 3,000 acres that is located east of Camas Prairie. It is an elk habitat area. He estimates that there are 60 head of elk there and about 1,000 elk migrate through there. Jerry requested that the Tribes look at purchasing the Wayne Cross property. **Council** will follow up.

Thomas "Sonny" Lozeau followed up on the December 18 council meeting concerning Public Law 280. He thinks House Bill 55 that was introduced by Gene Turnage had some omissions that are pertinent. The bill relates to re-assumption. A tribal resolution was never ratified by the CSKT tribal membership to assume jurisdiction, so we never left federal jurisdiction. Sonny is going to file a writ of habeas corpus in District Court challenging the State's authority since no legal authority was ever granted to Lake County to have jurisdiction. We cannot reassume something that never left. **Fred Matt** commented that if we did not have concurrent jurisdiction and the process we have in place, we would be subject to what the people are dealing with in Browning and we would be taking a huge step backwards. Our local law enforcement agencies work well together.

Gene Lozeau commented on Public Law 280 and the prosecution of selected felony cases. Remaining in status quo may be convenient but abuses in the system are happening. Our tribal members should not be going into institutions where human rights violations occur. Gene read information into the record about the Crow Dog case. The Major Crimes Act limits tribal authority. Traditional courts have not been explored. A traditional court should be considered. He feels as though the tribal membership is being excluded from the Public Law 280 discussions and decisions. **Fred Matt** suggested that Gene research the traditional penalties that were in place before there were modern laws in place. **Chairman Trahan** told him that the council is looking at all options. **Thomas "Sonny" Lozeau** informed council that the bill Gene was referring to was 368, not 386.

MOTION by Leonard Gray to adjourn the meeting. Seconded by Fred Matt. Carried, unanimous (9 present).

Council **adjourned** at 2:18 p.m., and is scheduled to meet again on Tuesday, January 8, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary