

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

Volume 19 Number 73  
Council Chambers, Pablo, MT

Held: July 30, 2019  
Approved: August 6, 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 9:07 a.m. Quorum established. **Fred Matt** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for July 18, 2019 were presented for approval. **Anita Matt** asked if a meeting date was set for the woodcutters. **Council** advised that the meeting is scheduled for August 8.

**MOTION** by Charmel Gillin to approve the Tribal Council Meeting Minutes for July 18, 2019, with corrections. Seconded by Anita Matt. Carried, 7 for; 2 abstentions (Len TwoTeeth and Shelly Fyant).

The **Tribal Council Meeting Minutes** for July 23, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for July 23, 2019, with corrections. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

The **agenda** was presented for approval.

**MOTION** by Charmel Gillin to approve the agenda, with additions. Seconded by Anita Matt. Carried, unanimous (9 present).

**Jami Pluff**, Policy Analyst, presented a request from Mignon Harris for Cooper Page and Jaeleigh Gatch to be granted a change of duty to assist with the Fit

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Basketball Camp. They are both employed at the Salish Kootenai Housing Authority through the Summer Youth Employment Program.

**MOTION** by Charmel Gillin to grant Cooper Page and Jaeleigh Gatch a change of duty, with supervisor approval, to assist with the Fit Basketball Camp. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Carole Lankford).

**Tony Incashola, Jr., Chris McCrea, Richard Fisher, Bob McCrea, and Robert McCrea**, Tribal Forestry, gave an update on the Moss Ranch fire. The fire has burned 5,310 acres and is 60 percent contained. They have 120 crewmembers assigned to the fire and the main objective was to mop up 200 feet in from all control lines. It is being managed by a Type 3 Management Team. 1 Type II Initial Attack Crew, 2 Type II Crews, 8 Type 6 engines, 2 dozers, 4 skidgens, 1 Ambulance, and 6 water tenders are assigned to the fire. Firefighters will focus on securing all control lines 200 feet in from the perimeter. The Nenemay Road, FB-1000 and FB-4000 Road will remain closed until further notice. There were two more local fires. The department will continue to provide updates to council during fire season. **Council** commended the staff for a job well done.

**Dan DePoe** and **Art Caye** informed council that Dan saw on today's agenda that the investigation report is scheduled this afternoon. Dan requested that he be allowed to have an open discussion during that time since it is regarding a complaint that he filed against Chairman Trahan. **Council** took the request under advisement.

**Tony Incashola, Jr.**, Tribal Forestry, requested to meet with council in **executive session**.

**Fred Matt** joined the meeting.

Council reconvened into **regular session**.

**Charmel Gillin** out of the room due to the next issue being a conflict of interest.

**Jarred Brown** and **Cec Brown** requested to meet with council in **executive session** to discuss an enrollment issue. **Laurence Kenmille**, Enrollment Office, was present for discussion.

Council reconvened into **regular session**.

**Charmel Gillin** returned to the meeting.

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

**Renee Camel**, Information Technologies; and **Cory Clairmont**, Personnel Department; requested approval to hire Trevor Sheridan on a two-year contract to fill the Infrastructure Technician position. The vacancy was advertised three times and there were no tribal member applicants. The request was discussed at yesterday's chairman's meeting. **Anita Matt** hopes we can challenge the department to start working with SKC and in two years this will be advertised again and hopefully available for a tribal member.

**MOTION** by Carole Lankford to approve the hire of Trevor Sheridan on a two-year contract to fill the Infrastructure Technician position. Seconded by Leonard Gray. Carried, unanimous (10 present).

**Dana Morales**, Department of Human Resources Development; and **Jami Pluff**, Policy Analyst; requested approval to change the Human Trafficking training date from July to August. On May 28 a contract with Jeri Moomaw was approved, but the dates need to be changed. There are no other changes to the facilitator agreement.

**MOTION** by Shelly Fyant to approve the facilitator costs and change the Human Trafficking training date from July to August. Seconded by Fred Matt. Carried, unanimous (10 present).

**Jami Pluff**, Policy Analyst, gave an update on the Human Trafficking training that is scheduled for August 27-29 at Salish Kootenai College. It will be a community focus training. Grassroots organizations and the Governor's Coalition on MMIP will be brought in. They are trying to do a tribal leaders round table. On the last day of the event, the Missoula Osprey are having Indigenous Peoples Night, and we are invited to attend the game. They will provide a charter bus. There are also two DHRD buses to bring the conference participants to the game. There is a conference call with Jeri Moomaw scheduled for tomorrow to finalize the agenda. **Len TwoTeeth** wants the council to send a letter to the governor to move forward with getting people at truck stops to observe.

**Rick Encas**, Financial Management; and **Pete White**, Tribal Credit; discussed the Tribal Credit Plan of Operation and requested approval to add a letter of credit to the plan. Tribal Credit would guarantee the work identified in the contract. If the individual does not perform the work, then Tribal Credit would pay a penalty to the contractor and the letter of credit would be converted to a small business loan. This change would help small businesses. Rick is working with Eagle Bank about forming a business lending partnership to provide a level of expertise that would be beneficial. **Shelly Fyant** requested that they return to council to provide a risk management report in one year to determine whether it is working or not. **Anita Matt** thinks Tribal Credit should be a first opportunity instead of being a lender of last resort. Rick and Pete are reviewing the Plan of Operation and will be proposing changes to implement an asset management

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system and a way to prevent foreclosures. Changes could be made to help the program be an economic stimulus.

**MOTION** by Charmel Gillin to approve the addition of a letter of credit to the Tribal Credit Plan of Operation. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

**Jean Matt**, Mission Valley Power General Manager; and **Cindy Benson**, Utility Board; requested approval of the fiscal year 2020 operating budget. The budget was approved by the Utility Board.

**MOTION** by Fred Matt to approve the Mission Valley Power fiscal year 2020 operating budget. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Shelly Fyant** thanked Mission Valley Power for going to paperless billing.

**Jeanne Christopher**, Early Childhood Services, returned to council to seek approval of a three-year contractor agreement with Mary Callahan to provide Speech services; and approval of a three-year contractor agreement with Cynthia Elliott to provide Occupational Therapy services. An RFP was advertised and they were the only bidders. They both provide program-wide training. ECS wanted someone to work with children with Autism. It was in March when that was advertised, and now it is being readvertised.

**MOTION** by Fred Matt to approve a three-year contractor agreement with Mary Callahan to provide Speech services. Seconded by Dennis Clairmont. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**MOTION** by Carole Lankford to approve a three-year contractor agreement with Cynthia Elliott to provide Occupational Therapy services. Seconded by Anita Matt. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Jeanne Christopher**, Early Childhood Services, informed council that representatives from Senator Tester's Office will be here in August. Council was invited to attend the event.

**Patricia Courchane**, Department of Human Resources Development; and **Joe Durglo**, Tribal Health Department; requested approval of a memorandum of agreement for Tribal Health to provide funding for the Elderly Division Nurse position.

**MOTION** by Carole Lankford to approve the memorandum of agreement for Tribal Health to provide funding for the Elderly Division Nurse

position. Seconded by Anita Matt. Carried, unanimous (9 present – Myrna DuMontier out of the room).

**Rick Eneas**, Financial Management; and **Rhonda Swaney**, Legal Department; requested approval of the 2019 Tribal Council Election Rules & Regulations. A decision would need to be made as soon as possible whether to have a straw poll on the ballot this year. Reapportionment would require council action by ordinance. Reapportionment is a process of re-distributing seats in the House of Representatives or other legislative body according to the population in each state or district. The straw poll would be an information-gathering tool and would be nonbinding. Permit language could be added to the rules.

**MOTION** by Leonard Gray to approve the 2019 Tribal Council Election Rules & Regulations in draft form. Permitting is the responsibility of the candidate. Seconded by Fred Matt. Carried, unanimous (10 present).

**MOTION** by Carole Lankford to do a straw poll in the general election and it is a fact finding for reapportionment. Seconded by Fred Matt. Carried, unanimous (10 present).

**Rick Eneas** informed council that the Election Rules & Regulations are now in effect. The council has delegated the oversight of the election process to the Election Board, which consists of the five council members not up for election: Carole Lankford, Shelly Fyant, Fred Matt, Charmel Gillin, and Len TwoTeeth. **Council** agreed to have them serve as the Election Board.

**Rhonda Swaney** announced we received two emails from Ryan Rusche that detail events of the next few weeks regarding upcoming field trips with congressional delegates to view the features of FIIP that need repair immediately. The Stakeholders that support the compact will be going on the same tour. Rhonda provided the dates and departure times for all upcoming field trips. Transportation and lunch will be provided.

**Shane Morigeau** and **Rhonda Swaney**, Legal Department, informed council that Chaney Bell, Salish Language Coordinator, reached out to use artwork that was used in the bison film to be included in the book that the Salish Pend d'Oreille Culture Committee is working on. The CSKT owns the artwork.

**MOTION** by Myrna DuMontier to allow the Salish Pend d'Oreille Culture Committee to use the artwork. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Stu Levit** and **Rhonda Swaney**, Legal Department, requested approval of a multi-tribe letter regarding transboundary contamination issues. Legal recommended not signing the letter.

**MOTION** by Myrna DuMontier to accept Legal's recommendation to not sign the letter. Seconded by Fred Matt. Carried, unanimous (10 present).

**Dan Decker** and **Rhonda Swaney**, Legal Department, requested to meet with council in **executive session** to provide a litigation update. **Stu Levit** and **Shane Morigeau**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

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

**Council** met in **executive session** to conduct interviews for the Chief Justice of the Appellate Court vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

**MOTION** by Fred Matt to accept the results of the ballot and appoint by resolution Eldena Bear Don't Walk to serve as the Chief Justice of the Appellate Court for a four-year term. Seconded by Charmel Gillin. Carried, unanimous (10 present).

### **RESOLUTION 19-163**

#### **A RESOLUTION TO ENTER INTO A CONTRACT FOR JUDICIAL SERVICES WITH ELDENA BEAR DON'T WALK**

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

**WHEREAS**, the Tribal Council, as governing body of the Flathead Nation, is entrusted with the responsibility to protect and preserve tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes; and

**WHEREAS**, the tribal government has a Tribal Appellate Court and employs contract attorneys and additional staff for said Court; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to enter into a contract with Eldena Bear Don't Walk for her services as chief justice of the Tribal Appellate Court of The Confederated Salish and Kootenai Tribes; and

**WHEREAS**, it is the intent of all the contracting parties that Eldena Bear Don't Walk shall commence working under the approved contract with the Tribes according to the terms and conditions stated therein; **NOW, THEREFORE**,

**BE IT RESOLVED**, that beginning August 1, 2019, Eldena Bear Don't Walk shall act as Chief Justice to the Tribal Appellate Court providing services in accordance with the terms and conditions of the contract attached hereto.

**MOTION** by Carole Lankford to increase Mr. Incashola to Level 6. Seconded by Len TwoTeeth. Carried, 7 for; 1 opposed (Charmel Gillin); 2 abstentions (Fred Matt and Myrna DuMontier).

*Myrna DuMontier, for the record, "I abstained from the last vote because I wasn't here when you guys had the original negotiations. If I had all of the information, I probably would have voted no just based on the pay freeze."*

*Charmel Gillin, for the record, "I wasn't here either, but I would rather lift the pay freeze for everyone."*

**Melanie Piedalue**, Personnel Department, requested the status of the Energy Keepers, Inc. Board of Directors interviews. Melanie did an initial screening of the 11 applicants and sent the list to council. Charmel was the only one that responded. Charmel screened the applications and determined six applicants. It was an effort to do a ranking based on qualifications listed in the bylaws of the corporation. **Charmel Gillin** wants to move forward with interviewing the six individuals that were produced by the screening. **Len TwoTeeth** wants to interview all of the applicants for the Energy Keepers, Inc. Board of Directors. All of the tribal members that applied need an opportunity for an interview. The list of six candidates excludes some tribal members.

**MOTION** by Charmel Gillin to schedule interviews for the initial 6 and if we need to, move on to the balance for interviews. Seconded by Shelly Fyant. Carried, 6 for; 4 opposed (Carole Lankford, Len TwoTeeth, Leonard Gray, and Dennis Clairmont).

*Len TwoTeeth, for the record, "An additional screening is not part of the process, so we are excluding tribal members in this interview."*

*Charmel Gillin, for the record, "We did agree as a council that we would participate in an additional screening together, and it just happened that the additional screening didn't happen that way."*

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

**Council** met in **executive session**. **Myrna DuMontier** objected to having a discussion in executive session and asked for Mr. DePoe to be present. **Rick Eneas**, Financial Management; and **Michelle Puiggari**, Attorney at Law; were present for discussion. **Rhonda Swaney** and **Dan Decker**, Legal Department, joined the discussion.

**Chairman Trahan** returned to the meeting.

**Michelle Puiggari**, Attorney at Law; and **Rick Eneas**, Financial Management; requested to meet with council in **executive session**. **Rhonda Swaney** and **Dan Decker**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

**MOTION** by Fred Matt to accept the report, as presented. Seconded by Dennis Clairmont. Carried, 8 for; 2 abstentions (Charmel Gillin – wants time to review the report; and Ron Trahan).

**MOTION** by Carole Lankford to adjourn the meeting.

Council **adjourned** at 3:56 p.m., and is scheduled to meet again on Thursday, August 1, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal secretary