

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

Volume 19 Number 56  
Council Chambers, Pablo, MT

Held: May 16, 2019  
Approved: May 28, 2019

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

**MEMBERS ABSENT:** Leonard Gray, Vice-Chairman (IBMP Meeting – Missoula, Montana); and Fred Matt (Inter-Tribal Timber Council Meeting – Washington, DC).

**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 Charmel Gillin.

The **Tribal Council Meeting Minutes** for May 9, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for May 9, 2019, with corrections. Seconded by Shelly Fyant. Carried, unanimous (7 present).

The **agenda** was presented for approval.

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

**Melanie Smith** and **Natalie Kenmille**, Department of Human Resources Development; and **Yolanda Page**, Legal Department; requested approval of a memorandum of understanding with the State of Montana for the Community Strong and Drug Endangered Children Alliance as first steps to solidify the DEC Alliance. **No action taken.** Council took the request under advisement to review the agreement. The issue was rescheduled on the agenda for next week. **Anita Matt** wants Education part of this.

**Leon Shortman** informed council that he had purchased a home and property at Mission Creek Road and Foot Hills Road in St. Ignatius. The mortgage package needs an immediate response for an easement. Leon wrote a letter in 2016 addressing the layout of the property and thought that it was something that should be addressed (overgrazing, oversaturation of the neighbor doing 24/7 watering, and the over livestocking issues). He asked that it be checked on, but nobody checked it out. In 2017, he received a letter that he needed a survey and appraisal done. The Tribes had checked off the easement, and it needs to be fixed. He met with the staff and Lands said it was not their problem and something they did not do. He met with the Land Committee last year and it was recommended that they grant him a lifetime easement and the following month there would be another meeting where that would be decided on and what the cost would be. Leon received a list of appraisers and surveyors from Lands and only 2 of them were in active existence. One of them only does large subdivisions.

**Len TwoTeeth** joined the meeting.

When Leon was not invited to the meeting the following month, he talked to another staff member and was told he is trespassing and was directed to move his septic. **Carolee Wenderoth**, Tribal Lands Department, stated for the record that Leon is portraying an inaccurate version of what happened. The Land Committee took action to ask him to move the septic to his own property and Lands would grant him a short-term permit to give him time to move it. After that, the communication broke down and Leon did not want to move it to his property. It was a tract of land that was partitioned and put in fee status. The septic remained on the tribal side and it was not discovered until a later date. Once Leon decided he did not want to move the septic, they have not had any contact with Leon. He was going to be on a payment plan. She recommended having him meet with the Tribal Lands Department to work out a resolution to this issue. **Holly Hitchcock**, Tribal Lands Department, informed council that she had worked with Leon on a longer-term easement but he thought it would cost too much to move the septic. On March 29, the easement was approved. It was agreed upon that the Lands Department would cover the upfront costs and Leon would enter into a payback agreement. The costs associated with this matter amounted to \$7,725.00 (\$600 for survey; \$3,500 for appraisal; \$3,600 fair market value for the easement; and a \$25 administrative fee). A payback agreement was sent out to him on Monday because the Lands Department received the approved appraisal on May 9. There was an issue with the payback agreement amount. Leon was supposed to make monthly payments for an amount that fit within his budget. **Council** requested that Leon meet with the Lands staff to resolve this matter. **Mr. Shortman** refused to work with the Tribal Lands staff based on his past experiences with the department. Carolee advised that the area would be fenced out since it was leased. **Council** directed that Clayton Matt be involved and set up a meeting to find a resolution to this matter.

**Chairman Trahan** left the meeting due to the following issue being a conflict of interest for him.

**Dan DePoe, Roger McClure** and **Art Caye** requested the status of Dan's complaint against Chairman Trahan. Dan wanted to know if what he turned in was sufficient. He turned in a copy Resolution 82-50 for Robert's Rules of Order and added that to his complaint as documentation. He requested direction on how to add the portion regarding a quorum into the record. **Shelly Fyant** advised that as Secretary of the Tribal Council that she would accept it into the record. **Len TwoTeeth** thought it would require council action to accept it into the record. **Charmel Gillin** stated that Resolution 03-83 guides this process and is the appropriate guidance. To move into step two is what is being requested by Mr. DePoe today. The resolution does not say that a vote is required but says that the tribal council may require additional supporting documentation. She does not know that it requires a vote according to the resolution. **Shelly Fyant** requested legal review. **Rhonda Swaney**, Legal Department, advised that the tribal council decides how to proceed in these steps. Council has to decide whether to take the vote. There is no time line. A hearing cannot be held within 5 days is the only requirement in the constitution. It's a protection provided to the person being charged.

**MOTION** by Len TwoTeeth to accept the additional documentation to add to the complaint. Seconded by Charmel Gillin. Carried, 5 for (Len TwoTeeth, Charmel Gillin, Dennis Clairmont, Shelly Fyant, and Anita Matt); 1 opposed (Myrna DuMontier); 1 abstention (Carole Lankford); 1 not voting (Ron Trahan out of the room).

***Myrna DuMontier**, for the record, "I wanted to stay with the original decision of last week to provide adequate time for more documentation if necessary to come forward, and I believe we don't need to vote on it and that we just need to accept it."*

**Rhonda Swaney** explained that the council needs to decide whether they need additional information; that needs to be done as a council, not by individual members; they need to agree and present that; give it a time frame for it; take a vote to go to the next step three to proceed or whether they want it investigated. **Shelly Fyant** informed Mr. DePoe that we are moving to step two of the process.

**Dan DePoe** informed council of the next issue he has, which is the oath of office. Everybody on the council has taken the same oath; it is a serious complaint so he wants the council to reflect on the same oaths they took when they proceed with this complaint. We still have loggers not working and the 200-foot rule was no longer waived when spring breakup happened. He is requesting there be a waiver put in place until the situation with small loggers is dealt with.

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Dan requested that the documentation be submitted into the record. **Shelly Fyant** accepted Appendix R CSKTR Snag Policy into the record. **Charmel Gillin** requested that a meeting be set up. **Shelly Fyant** set the meeting for May 20. **Roger McClure** commented on the TUPS and the loggers needing to get back to work. **Shelly Fyant** said that it would be placed on the agenda for a response so we can answer to the fact that this keeps getting carried on, and she directed Jennifer to set it for the May 21 agenda. **Len TwoTeeth** commented that we have some rules that are out of our control and we need the Acting Superintendent in Monday's meeting to find out what to do to get these policies changed in the CFR.

**Anita Matt** read into the record step two: evaluate and investigate written charges. Upon receipt of a tribal member under step one, the council shall evaluate or investigate for sufficient grounds of gross neglect of duty. In conducting its evaluation and investigation the council and its agent shall have full authority to collect evidence and witnesses. After evaluation of initial statement of charges, council reserves the right to reinstate any written statement of charges.

**Chairman Trahan** returned to the meeting.

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

**Tara Irvine**, Tribal Lands Department; **Ron Swaney**, Division of Fire; **Brent Burland**, Finley Point Volunteer Fire Department Chief; and **Mark Clary**, Rural Fire of Lake County and Finley Point/Yellow Bay Fire Department; presented a request from Finley Point/Yellow Bay Fire Department to place a repeater on the Boulder Tower site for emergency and fire channel services, with such additional equipment or features that the lessor shall deem appropriate, on Tribal Tract T7027 located on the east shore. Options discussed were: (1) grant a one-year revocable permit as long as all leasing requirements are met, including a rental payment of \$1.00 and required insurance; (2) grant a five-year business lease with option to renew as long as all requirements are met, including a rental payment of \$1.00 and required insurance; (3) deny request; and (4) hold further discussion.

**MOTION** by Anita Matt to go with option two to grant the Finley Point/Yellow Bay Fire Department a five-year business lease with an option to renew, as long as all requirements are met, including a rental payment of \$1.00 and required insurance. Seconded by Carole Lankford. Carried, unanimous (8 present).

**Carolee Wenderoth** and **Holly Hitchcock**, Tribal Lands Department, presented a request from Joe and Leslie Pompa for a 12-month revocable permit to access a portion of Cat Bay Road. They are in the process of purchasing a home on fee land that is accessed by portions of tribal property. The bank has requested a 12-month revocable permit. The easement should be completed within that time frame. **Shelly Fyant** asked about all the other landowners in the same situation at that location. They have been using this tribal land at no compensation, and these honest people need to pay for it. Carolee said it will be determined whether it is in the best interest for everybody or decided on a case-by-case basis. They are technically in trespass. Lands is reaching out to the landowners to notify them of the situation. Once the research is done, it will be presented to the council.

**MOTION** by Anita Matt to grant Joe and Leslie Pompa a 12-month revocable road use permit with a negotiated amount to allow the mortgage to go forward. Seconded by Charmel Gillin. Carried, unanimous (8 present).

**Brenda Richey**, MSU Extension Office; and **Ginger Pitts**, SNAP-ED; introduced Brenda, who was hired as the new Reservation Extension Agent. Ginger requested approval to renew the Supplemental Nutrition Assistance Program-Education Support Agreement and obtain the chairman's signature on the agreement.

**MOTION** by Carole Lankford to approve the Supplemental Nutrition Assistance Program-Education Support Agreement and authorize the chairman to sign the agreement. Seconded by Anita Matt. Carried, unanimous (8 present).

**Brenda Richey** invited the tribal council to a function on June 28 from 9:00 a.m. to 10:30 a.m. She will provide a copy of the official invitation and supporting documentation. **Shelly Fyant** discussed doing a food assessment and asked if there is an agency template for that. Brenda will find out about community needs assessments and report back to council.

**Stu Levit**, Legal Department, discussed the rate case by NorthWestern Energy to see if there is an opportunity for the Tribes to intervene in that.

**Rich Janssen**, Natural Resources Department; and **Tom Bansak**, Yellow Bay Biological Station; presented a request from YBBS for a collection permit for hands-on education programs.

**MOTION** by Charmel Gillin to grant the Yellow Bay Biological Station a collection permit for hands-on education programs. Seconded by Anita Matt. Carried, unanimous (7 present – Len TwoTeeth out of the room).

**Anita Matt** informed council that there was an email on the Missing Indigenous Persons asking for a tribal representative from each tribe. She wants Shelly Fyant in that position. May 24 is the deadline to submit nominations.

**Jami Pluff**, Policy Analyst, discussed the funding for MMIW. At the MMIW event, there was a silent auction that raised \$778. Those funds are in an earmarked account, and she requested withdrawal of those funds for a banner and any other costs associated with having a MMIW Work Group booth at the Women 4 Wellness Health Fair.

**MOTION** by Shelly Fyant to approve the spending authority from the MMIW account. Seconded by Myrna DuMontier. Carried, unanimous (7 present – Charmel Gillin out of the room).

**Jami Pluff**, Policy Analyst, informed council of an email that was received yesterday regarding the task force nomination. The AG will make the selection. A law enforcement person needs to be on the task force too. The AG Office pays for lodging costs for those two individuals from the Tribe. She drafted a letter for nomination. LeEllen Bundy showed interest in attending the training in Helena. Last night's work group meeting discussed the MMIWG title. When Jami brought in the resolution, MMIWG is how it was titled. Many of the organizations throughout the state and nation are changing it to Missing and Murdered Indigenous People (MMIP) since there a lot of young men missing as well. It requires council action to change the name.

**MOTION** by Myrna DuMontier to change the MMIWG name to MMIP. Seconded by Anita Matt. Carried, unanimous (8 present).

**Anita Matt** nominated Shelly to serve on the task force. **Shelly Fyant** declined the nomination because she prefers not to travel at this time. **Myrna DuMontier** nominated LeEllen Bundy. It was the **consensus** of council to nominate LeEllen Bundy. **Council** directed Jennifer to contact LeEllen to see is she is interested in serving on the task force.

**Council** met in **executive session** to conduct interviews for the Attorney Associate Justice vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to accept the results of the ballot and appoint Thor Hoyte to fill the Attorney Associate Justice position for a three-year term at the existing rate of pay. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

**Wilbert Michel** and **Leonard Michel** requested to meet with council in **executive session** to discuss a personnel matter. **Melanie Piedalue**, Personnel Department, was present for discussion.

**Council** met in **executive session**.

**Carole Lankford** left the meeting for the remainder of the day.

Council reconvened into **regular session**.

**Shelly Fyant** discussed the tribal smoking policy outside of buildings. Jami looked it up and there is a smoking policy about smoking inside buildings. A memo in 2014 prohibited smoking inside of the buildings. There is a safety committee that adheres to environmental hazards. Tribes follow OSHA. It prohibits smoking from with 25 feet of doorways. We can adopt our own policy. She asked if council wants Jami to draft something. **Chairman Trahan** advised that he is working on something already.

**Shelly Fyant** discussed cultural sensitivity training for a tribal department for how an issue with a tribal member elder was handled in court.

**Anita Matt** discussed the yellow modular for the Dixon building. Dan Decker had told her that the Tribal Lands Department brought in a resolution to give it to DHRD and if they do not need the building then the resolution would need to be rescinded. The group continues to work on this issue. **Myrna DuMontier** talked about the Head Start facility.

**Charmel Gillin** discussed a meeting on Monday after the chairman's meeting to review the woodcutter points. The council asked it to be put on the agenda. **Len TwoTeeth** wants the superintendent to be there. The woodcutter group will be contacted about the meeting.

**MOTION** by Charmel Gillin to adjourn the meeting.

Council **adjourned** at 1:37 p.m., and is scheduled to meet again on Tuesday, May 21, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary