

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

Volume 20 Number 15  
Council Chambers, Pablo, MT

Held: November 19, 2019  
Approved: November 26, 2019

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

**MEMBERS ABSENT**: Ronald Trahan, Chairman; and Charmel Gillin (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 9:10 a.m. Quorum established.

The meeting was opened with a **prayer** by Fred Matt.

The **Tribal Council Meeting Minutes** for November 12, 2019 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for November 12, 2019, with corrections. Seconded by Anita Matt. Carried, 6 for; 2 abstentions (Fred Matt and Myrna DuMontier).

The **agenda** was presented for approval.

**MOTION** by Anita Matt to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (8 present).

**Mark Couture** and **Rachael BigSam**, Tribal Lands Department, requested to meet with council in **executive session** to discuss a land issue.

Council reconvened into **regular session**.

**Rick Eneas**, Financial Management, handed out a draft document that he wants council to review and decide whether it could be published in the Char-Koosta News and be the basis for public discussions about the reapportionment. There is a candidate forum tomorrow evening so it may be beneficial to discuss this

issue today. **Shelly Fyant** informed council that the organizer of the candidate forum asked that some information be provided on this issue as a voter education tool. **Council** took the request under advisement.

**Rick Eneas**, Financial Management, requested approval to hire Chelsea Adams on a three-year contract to fill the Payroll Technician position. The vacancy was advertised twice. The tribal member candidates that applied did not meet the required qualifications.

**MOTION** by Shelly Fyant to approve the hire of Chelsea Adams on a three-year contract to fill the Payroll Technician position, due to no qualified tribal member applicants. Seconded by Anita Matt. Carried, 5 for; 3 opposed (Myrna DuMontier, Carole Lankford and Len TwoTeeth).

*Len TwoTeeth, for the record, "The reason I voted no is it's a non-entry level position and I feel a tribal member, if given the opportunity, could be trained to do the job."*

**Rick Eneas** invited the council to sit in on the interview process and walk through the level of detail and professional requirements for the position. We need to make the right hire and the program has been understaffed for the past six months.

*Leonard Gray, for the record, "I voted yes because it's the recommendation of the department head."*

**Anita Matt** asked if in three years whether Rick would be advertising this position. **Rick Eneas** responded that the Ordinance 69-C update is on the agenda and one recommendation was to codify the language that the process of readvertising. Central Accounting has another job that could fit into a training position, but we don't have the ability to take that time or chance given how long it's been vacant and where we are at in the year.

**Rick Eneas**, Financial Management, requested approval to hire Suzanne Palmer on a three-year contract to fill the Cash Flow and Investment Manager Assistant position, due to no qualified tribal member applicants. **Melanie Piedalue**, Personnel Department, informed council that the tribal member selected for this position declined it. It was advertised a second time, and this descendant was the only applicant.

**MOTION** by Shelly Fyant to approve the hire of Suzanne Palmer on a three-year contract to fill the Cash Flow and Investment Manager Assistant position, due to no qualified tribal member applicants. Seconded by Fred Matt. Carried, unanimous (8 present).

**Jeanne Christopher**, Early Childhood Services; and **Melanie Piedalue**, Personnel Department; requested approval to hire Sharon “Shari” Mundaniohl on a three-year contract to fill the Mental Health Coordinator position. The vacancy was advertised and the only tribal member applicant took a position elsewhere. The position will be advertised after the contract term expires.

**MOTION** by Anita Matt to approve the hire of Sharon “Shari” Mundaniohl on a three-year contract to fill the Mental Health Coordinator position, due to no qualified tribal member applicants. Seconded by Carole Lankford. Carried, unanimous (8 present).

**Rhonda Swaney**, Legal Department, handed out some information to the tribal council for review. Ryan Rusche will meet with council to discuss the letter. **Carole Lankford** informed council that she met up with Senator Daines at the airport and spoke to him about the water compact.

**Rhonda Swaney**, Legal Department, requested approval of a one-year attorney contract with Michael Wheeler.

**MOTION** by Anita Matt to approve by resolution the one-year attorney contract with Michael Wheeler. Seconded by Fred Matt. Carried, 8 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-017**

### **A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH MICHAEL WHEELER**

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

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

**WHEREAS**, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes;

**WHEREAS**, the Tribal government maintains a Legal Department, employs contract attorneys to staff that department, and contracts with additional attorneys, with Legal Department coordination, when such outside assistance is needed;

**WHEREAS**, the Legal Department provides to the Tribal Council and Tribal government its civil legal services;

**WHEREAS**, Michael Wheeler is a licensed attorney in the State of Montana, and wishes to provide legal services to the Tribes through the Legal Department;

**WHEREAS**, Michael Wheeler, Attorney, has agreed to provide his legal services according to the terms and conditions of his Attorney Contract;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

**Rhonda Swaney**, Legal Department, requested approval of a one-year attorney contract with Chelsea Colwyn.

**MOTION** by Fred Matt to approve by resolution a one-year attorney contract with Chelsea Colwyn. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-018**

#### **A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH CHELSEA COLWYN**

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

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

**WHEREAS**, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes;

**WHEREAS**, the Tribal government maintains a Legal Department, employs contract attorneys to staff that department, and contracts with additional attorneys, with Legal Department coordination, when such outside assistance is needed;

**WHEREAS**, the Legal Department provides to the Tribal Council and Tribal government its civil legal services;

**WHEREAS**, Chelsea Colwyn is a law school graduate and will become a licensed attorney in the State of Montana at her earliest opportunity, and she wishes to provide legal services to the Tribes through the Legal Department;

**WHEREAS**, Chelsea Colwyn, Attorney, has agreed to provide her legal services according to the terms and conditions of her Attorney Contract;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

**Rhonda Swaney** and **John Carter**, Legal Department, discussed proposed revisions to Personnel Ordinance 69-C. The council wants to review the document line by line, so a time will be set up to do that. The Tribal Administrative Procedures Ordinance is outdated and needs to be revised. Changes to the grievance process will add an additional cost to the Tribes. The various forms of probation will be revised. This draft has undergone two separate employee surveys and one department head review. **Council** took the matter under advisement and will discuss line by line on Wednesday, November 27, 2019, at 9:00 a.m.

**Rhonda Swaney** and **Stu Levit**, Legal Department, discussed the process to develop board solicitation for the Energy Keepers, Inc.. Stu became aware that one of the board members retired early. In his departure, the board member who is scheduled to leave is staying on the board for a longer period of time. That raises the question of how to proceed with procuring in the short-term a replacement on the board. It was also previously mentioned that council wants to expand the board to five members instead of three. One option is to select from the pool of previously interviewed candidates, advertise the vacancy, or accelerate the process to develop a board on the approved process from last week. Stu recommended accelerating the process. **Council** directed that the vacancy be advised and requested that Stu email the council members a copy of the job requirements.

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, reminded council that United States Attorney William Barr will be here on Friday and gave an overview of the agenda for the meeting.

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

Council reconvened into **regular session**.

**Carolee Wenderoth**, **Christine McDaniel** and **Jesse Pulliam**, US Department of Commerce, met with council to ask questions for the purpose of gaining

insight into the CSKT's success with self-governance to help shape the vision of the Office of Native American Business Development. There was a cameraman present to film the presentation. The intent of the Minority Development Business Agency is to assist CSKT or minority-owned businesses in Indian country. Christine is part of the MacroDyne Group and Jesse is a Research Associate. **Greg DuMontier** gave an overview of the history on the self-determination process the CSKT went through. **Shelly Fyant** would like to pursue E-Commerce and become educated on that, and discussed the importance of infrastructure. **Len TwoTeeth** discussed the policies developed in the 1960s, particularly with Forestry. We were compelled by the government to adhere to the policies and that put many of our tribal members out of work. It is challenging because we talk circles about policies that need changed to get our people back to work, but it is just not happening. Len asked if the department could provide funding to get the woodcutters back to work or get them trained. Even though we are a self-governance tribe, there are still rules we must abide by. He does not want the small loggers forgotten. **Shelly Fyant** told them that we are in a cohort with the Northwest Area Foundation and three tribes to do an economic development project. Our strategy is to buy local. A leakage analysis was done. That information will help us with the opportunities out there for tribal members to pursue. The State-Tribal Economic Development Commission is a Montana governor-appointed commission. There is an Indian Equity Fund and grants that can be provided if collateral is needed. There is also a youth component to do apprenticeships. Our recent initiative is to hold a legal summit at the University of Montana School of Law on commercial lending in Montana Indian country. **Carole Lankford** commented that one concern she has heard nationally is an obstacle of self-governance for tribes across the nation is to get a clean audit. **Anita Matt** thinks access to capital is the largest barrier to any business. There are some grant programs available. The CSKT has a grant program for \$7,000 to \$14,000, but that is not a lot of money to purchase equipment and get started in business. Another barrier is technical assistance and marketing. That is seen every day in the ag business. The Inter-Tribal Agriculture Council has a marketing assistance program and provides technical assistance. The Minority Development Business Agency is designed to help entrepreneurs in Indian country and there are specialists available to help with these issues. The questions that were posed today will be emailed to the tribal council to provide a written response. The MDBA will also be meeting with the Culture Committees, Self-Governance Office, and Financial Management. **Janet Camel**, Economic Development Office, commented on technical assistance. We have a tribal company that provides that service to tribal entrepreneurs. We get some funding from the State but that is not enough funding, since it should be a full-time position. We are a member of the Montana Indian Business Alliance and they are trying to get an Indian business list. They want to get tribal members registered on those websites. Hopefully there will be a national database with all Indian-owned businesses and be able to purchase from those businesses. That would be helpful to get assistance for getting that directory

completed. There is already a tribe in Minnesota doing that directory and Carolee will provide Janet the contact information so maybe they can work together. **Lisa Shourds** thinks there is hesitation in the community and there needs to be more dialogue because there is a history there. The government puts extra stipulations and it is important to build that trust. People need to be informed and feel comfortable. **Anita Matt** thinks support from the community is needed for those businesses. **Greg DuMontier** wants the Department of Commerce to initiate a demonstration project to formulate an economic development policy that respects the relationship with the Tribes and the federal government. Greg challenged the Department of Commerce to become the face and voice for that on behalf of the CSKT and work with the CSKT to get that done. It could be a self-sufficiency act. **Rick Eneas**, Financial Management, likes the idea of having some kind of pilot project. What is self-governance and self-determination if we cannot decide what those rules are in our situation. Having tribal businesses is our way to financial freedom. We need more tools. **Carolee Wenderoth** informed council that Senate Bill 212 elevates the office and puts it directly under the Secretary. With that brings funding and obligations that they would be required to fill, and one of those is a pilot project. The parameter is centered around tourism.

**John Harrison**, Legal Department, gave a report on the order issued in the Neighbors case in Yellowstone. The CSKT filed an amicus brief in the case. The case was transferred to Montana and has a pending preliminary injunction request.

**Leonard Gray** discussed the request from Rick Eneas to publish information on the reapportionment. It was the **consensus** of council to publish the information in the Char-Koosta News.

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

**MOTION** by Dennis Clairmont to adjourn the meeting.

Council **adjourned** at 1:40 p.m., and is scheduled to meet again on Tuesday, November 26, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary