

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

Volume 20 Number 17  
Council Chambers, Pablo, MT

Held: November 26, 2019  
Approved: December 3, 2019

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

**MEMBERS ABSENT:** Shelly Fyant, Secretary (NAHD/Food Sovereignty presentation at Polson Middle School – Polson, Montana).

**OTHERS PRESENT:** Abby Dupuis, Recording Secretary; and James Steele, Sr., Sergeant at Arms.

The meeting was called to **order** at 9:06 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for November 19, 2019 were presented for approval.

**MOTION** by Carole Lankford to approve the Tribal Council Meeting Minutes for November 19, 2019, with corrections. Seconded by Anita Matt. Carried, 7 for; 2 abstentions (Ron Trahan and Charmel Gillin).

The **agenda** was presented for approval.

**MOTION** by Fred Matt to approve the agenda, with changes. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

**Rhonda Swaney**, Legal Department, requested approval of a resolution supporting the USFWS reorganization and request that Will Meeks remain assigned to CSKT.

**MOTION** by Fred Matt to approve the resolution supporting the USFWS reorganization and request that Will Meeks remain assigned to the CSKT. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 20-019**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES (“TRIBES”):**

**WHEREAS**, the Tribal Council 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 Council has engaged with the U.S. Fish & Wildlife Service (FWS), and the U.S. Department of the Interior, for 25 years in order to re-establish our relationship with the National Bison Range, its buffalo, and its other wildlife and natural resources;

**WHEREAS**, over the course of those 25 years, the Tribes’ relationship with FWS has greatly improved – especially with officials in the FWS Mountain-Prairie Regional Office in Lakewood, Colorado, which oversees the National Bison Range Complex;

**WHEREAS**, the Tribes’ relationship with FWS has always been dependent on the work, and support, of individual officials within that federal agency;

**WHEREAS**, the Interior Department is proposing to reorganize itself so as to make its administrative regions largely uniform amongst its agencies (except for the Bureau of Indian Affairs);

**WHEREAS**, the current reorganization proposal would result in the National Bison Range being administered out of a Columbia-Pacific Northwest Regional Office, likely headquartered in Portland, Oregon;

**WHEREAS**, FWS Mountain-Prairie Assistant Regional Director Will Meeks has been an integral part of recent progress in the Tribal-Federal relationship at the National Bison Range Complex;

**WHEREAS**, the Tribal Council wants to ensure that Mr. Meeks will continue to be actively involved in decision-making for the National Bison Range Complex during any transitional period involving reorganization of Interior Department agencies;

**NOW, THEREFORE BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Tribal Council requests the U.S. Fish & Wildlife Service, and Interior Department, to ensure that Will Meeks continue to be involved in oversight and decision-making regarding the National Bison Range Complex, specifically including any activities or efforts concerning the Confederated Salish and Kootenai Tribes.

**Rhonda Swaney** and **Yolanda Page**, Legal Department, gave an update on an Indian Child Welfare Act case and requested approval to keep our name on the amicus to support the case moving forward. It was the **consensus** of council to concur with the legal recommendation.

**Rhonda Swaney** and **Dan Decker**, Legal Department, gave an update on the Ronan/Urban project and requested approval to proceed as discussed. It was the **consensus** of council to proceed as outlined.

**Rhonda Swaney** and **Dan Decker**, Legal Department, requested approval of a letter to Robert Compton regarding the ownership of the G Tract 4127 located in Ronan.

**MOTION** by Anita Matt to approve the letter to Robert Compton regarding the ownership of the G Tract 4127 located in Ronan. Seconded by Fred Matt. Carried, unanimous (9 present).

**Len TwoTeeth** requested an update on the Big Arm litigation. **Dan Decker**, Legal Department, requested to meet with council in **executive session** to provide an update.

Council reconvened into **regular session**.

**Ron Swaney**, Division of Fire, requested approval to do winter pile burning during the closed winter burn season of December 1, 2019 through March 1, 2020.

**MOTION** by Fred Matt to allow Division of Fire to do winter pile burning during the closed winter burn season of December 1, 2019 through March 1, 2020. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

**James Snow** and **Duane Plant**, Tribal Forestry, requested acceptance of bid for the Hot Springs Tractor Logging Unit Timber Sale.

**MOTION** by Leonard Gray to accept the bid for the Hot Springs Tractor Logging Unit Timber Sale. Seconded by Anita Matt. Carried, unanimous (9 present).

**James Snow** and **Duane Plant**, Tribal Forestry, requested acceptance of the bid for the 140506B Hot Springs Logging Unit Timber Sale.

**MOTION** by Dennis Clairmont to accept the bid for the 140506B Hot Springs Logging Unit Timber Sale. Seconded by Carole Lankford. Carried, unanimous (9 present).

**James Snow** and **Duane Plant**, Tribal Forestry, requested acceptance of the bid for the 243103 Logging Unit Timber Sale.

**MOTION** by Anita Matt to accept the bid for the 243103 Logging Unit Timber Sale. Seconded by Fred Matt. Carried, unanimous (9 present).

**Tony Incashola, Jr.**, Tribal Forestry, requested approval of a resolution approving amendments to the Timber Use Policy Statement. The changes were discussed at yesterday's chairman's meeting.

**MOTION** by Len TwoTeeth to approve by resolution the amendments to the Timber Use Policy Statement. Seconded by Fred Matt. Carried, 6 for; 2 opposed (Myrna DuMontier and Charmel Gillin); 1 abstention (Anita Matt).

## **RESOLUTION 20-020**

### **RESOLUTION APPROVING CSKT TIMBER USE POLICY (TUPS) AS AMENDED**

#### **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 protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security, and general welfare of the Tribes; and

**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; and

**WHEREAS**, the Timber Use Policy Statement is amended to make the following changes:

**WHEREAS**, Section V. Free Commercial Use with Permit, sub-section Commercial Fuelwood and Post & Poles, Article L, is changed to "Fuelwood may be harvested with skidding equipment in an area with identified boundary's, given the area has been evaluated and cleared by resources managers and an appropriate NEPA compliance document has also been approved." and,

**WHEREAS**, Section V. Free Commercial Use with Permit, sub-section Commercial Fuelwood and Post & Poles, remove Article R. "Fuelwood harvesting for commercial use shall be limited to dead trees within 200 feet from a roadway to assure snag retention. (FMP 2000, Standards-Wildlife)" and,

**THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the changes to the CSKT Timber Use Policy (TUPS).

**Ann Miller**, Tribal Defenders Office; **Maylinn Smith**, Tribal Prosecutors Office; **Patricia McClure**, Tribal Health Department; and **Jami Pluff**, Policy Analyst; requested approval of amendments to the Children's Code, Section 3-2-110. The amendment allows the Tribal Defenders Office to provide representation to indigent parents or guardians in child protection proceedings. The code revisions were reviewed by the Tribal Legal Department. A change to the organizational chart is needed to add a Psychology Trainee position and an Attorney position. Ann requested approval of an RFP to contract with a Project Facilitator to assist the Child Protection Diversion Committee in the planning of a pilot project to divert child protection proceedings.

**MOTION** by Carole Lankford to approve by resolution the amendments to the Children's Code, Section 3-2-110, with an effective date of April 1, 2020. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-021**

#### **RESOLUTION APPROVING AN AMENDMENT TO CSKT LAWS CODIFIED, TITLE III, CHAPTER 2 – CHILD ABUSE AND NEGLECT, ALLOWING FOR REPRESENTATION BY THE TRIBAL DEFENDERS OFFICE FOR INDIGENT PARENTS AND GUARDIANS IN CHILD PROTECTION PROCEEDINGS**

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

**WHEREAS**, parents and guardians in child protection proceedings should have representation to insure proper due process in those proceedings;

**WHEREAS**, the Tribal Defenders Office, already providing representation to the indigent in criminal and civil matters, is well-positioned to provide representation in child protection proceedings; and

**WHEREAS**, indigence is defined by Tribal statute as it pertains to representation in criminal matters and the same definition should apply for parents and guardians in child protection proceedings. **NOW, THEREFORE,**

**BE IT RESOLVED**, Section 3-2-110 should be amended as follows:

3-2-110. Representation. Parents or guardians may be represented by an attorney or lay advocate at their own expense at each stage of the proceedings under this Chapter. Indigent parents or guardians may be represented by the Tribal Defenders Office at each stage of the proceedings under this Chapter.

Indigence is determined according to the same criteria applied to individuals accused of a criminal offense in Section 1-2-402, *CSKT Laws Codified*. Effective date is April 1, 2020.

**Fred Matt** left the meeting to attend a funeral.

**MOTION** by Charmel Gillin to approve the revised organizational chart for the Tribal Defenders Office to add a Psychology Trainee position and an Attorney position. Seconded by Myrna DuMontier. Carried, unanimous (8 present).

**MOTION** by Charmel Gillin to approve the RFP to contract with a Project Facilitator to assist the Child Protection Diversion Committee in the planning of a pilot project to divert child protection proceedings. Seconded by Leonard Gray. Carried, unanimous (8 present).

**Len TwoTeeth** left the meeting to attend a funeral.

**Jasmine Brown**, Natural Resources Department, informed council that she failed to write IDC into the Saint Louis Zoo Wildcare Institute Field Conservation grant and requested approval of a waiver to the 16.55 percent IDC. If the waiver is not approved, then an amendment would need to be made to the grant. **No action taken.** Council directed Jasmine to speak with Rick Eneas.

**Patricia Courchane**, Department of Human Resources Development, requested approval of a contractor agreement with Donetta Klein in the amount of \$42,000.00 for grant evaluation and writing services. It was advertised and she was the only bidder.

**MOTION** by Charmel Gillin to approve a contractor agreement with Donetta Klein in the amount of \$42,000.00 for grant evaluation and writing services. Seconded by Anita Matt. Carried, unanimous (7 present).

**Patricia Courchane**, Department of Human Resources Development, requested approval of a contractor agreement with Dana Grant in the amount of \$12,000.00 to provide grant evaluation services for the MIECHV program.

**MOTION** by Anita Matt to approve the contractor agreement with Dana Grant in the amount of \$12,000.00 to provide grant evaluation services for the MIECHV program. Seconded by Myrna DuMontier. Carried, unanimous (7 present).

**Patricia Courchane**, Department of Human Resources Development, requested approval to enter into a noncompetitive contractor agreement with Falmouth

Institute in the amount of \$17,142.71 to provide a three-day leadership and management training.

**MOTION** by Leonard Gray to approve a noncompetitive contractor agreement with Falmouth Institute in the amount of \$17,142.71 to provide a three-day leadership and management training. Seconded by Anita Matt. Carried, unanimous (7 present).

**Patricia Courchane**, Department of Human Resources Development, requested approval of a resolution supporting authorization of tribal participation in a nationwide elder needs assessment.

**MOTION** by Anita Matt to approve by resolution the supporting authorization of tribal participation in a nationwide elder needs assessment. Seconded by Myrna DuMontier. Carried, 7 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-022**

### **RESOLUTION SUPPORTING AUTHORIZATION OF TRIBAL PARTICIPATION IN A NATIONWIDE ELDER NEEDS ASSESSMENT**

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

**WHEREAS**, Confederated Salish and Kootenai Tribes is a federally recognized Tribe existing and acting pursuant to its inherent and retained sovereignty; and

**WHEREAS**, long term care, a category that includes health promotion, home health services, personal care, housekeeping assistance, home delivered meals, skilled nursing care, assisted living, and other in-home services, is an emerging unmet need in Indian Country; and,

**WHEREAS**, Three National Resource Centers (North Dakota, Alaska, and Hawaii) have been awarded grants through the Administration on Aging, Department of Health & Human Services, to collaborate and provide technical assistance on the health and social needs of American Indian, Alaska Native, and Native Hawaiian elderly and assist these groups in conducting a needs assessment which is a requirement for their AOA grant; and

**WHEREAS**, The needs assessment is designed to yield information on the following Native elder health care needs:

General Health Status  
Activities of Daily Living  
Visual, Hearing, and Dental

Tribal Council Meeting Minutes  
November 26, 2019

Tobacco and Alcohol Use  
Nutrition, Exercise, and Excess Weight  
Social Support, Housing, and Work

**WHEREAS**, In addition to providing technical assistance, the three National Resource Centers on Native Aging are required, by the Older Americans Act, to perform research and disseminate the results of the research, and

**WHEREAS**, The three National Resource Centers on Native Aging are asking Tribes throughout the nation to volunteer to participate in a partnership arrangement, to identify the needs of American Indian, Alaska Native, and Native Hawaiian elders nationwide, in which the resource centers and the Tribe/consortium will each assume responsibilities:

What the Resource Center will provide:

Needs assessment instruments

Assistance in sampling

Training of interviewers

Consultation with interviewers via email

Data entry and analysis

Data storage

Production of tables and comparisons with national statistics

**WHEREAS**, Summary information from your needs assessment, along with a national comparison report from all the needs assessment, will be returned to the governing council and to the local contact person; and,

**WHEREAS**, The confidentiality of enrolled members and Tribal/consortium information is of the utmost importance; therefore the information in this needs assessment will be conducted anonymously by tribal members with the information stored at the University of North Dakota School of Medicine & Health Sciences within a locked file cabinet and destroyed after a period of ten years.

**NOW, THEREFORE, BE IT RESOLVED**, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby authorizes participation in the most current Identifying Our Needs: A Survey of Elders. The Tribal Council grants permission to the North Dakota, Alaska, and Hawaii National Resource Centers on Native Aging to use all collected needs assessment information in aggregate format for the purpose of disseminating state, regional, and national results from analysis of the data. Further, be it resolved the specific information collected within the boundaries of the Flathead Reservation belongs to the Confederated Salish and Kootenai Tribes and may not be released in any form to individuals, agencies, or organizations without tribal authorization.



**NOW THEREFORE BE IT RESOLVED** that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant and/or contact documents and any amendments thereto.

**Anita Matt** asked about turkeys for the elders. **Constance Morigeau** explained that it was Sylvia's Store, not the Elders Program, that provided turkeys to elders.

**Michelle Mitchell**, Tribal Education Department; and **Phylicia McDonald**, IAC Committee; requested approval of a change of duty from 8:00 a.m. to 10:30 a.m. tomorrow for IAC members to participate in a training. The list of employees are: Linda Ferris, ECS; Stephanie Gillin, NRD; Justin Benn, DHRD – Transit; Gail Grant, Forestry; Erin Irvine, DHRD – Social Services; Carrie Antoine, ECS; and Genevieve Gatch, DHRD – Child Support.

**MOTION** by Anita Matt to grant the list of employees a change of duty, with supervisor approval, to attend the Ronan IAC training tomorrow from 8:00 a.m. to 10:30 a.m. Seconded by Leonard Gray. Carried, 6 for; 1 abstention (Ron Trahan).

**Michelle Mitchell**, Tribal Education Department, requested approval of a revised organizational chart for the Tribal Education Department.

**MOTION** by Carole Lankford to approve the revised organizational chart for the Tribal Education Department, as presented. Seconded by Charmel Gillin. Carried, unanimous (7 present).

**Carole Lankford** informed Michelle Mitchell that she serves on the Tribal Credit Advisory Committee and they are amending the Credit Plan of Operations and TED will be involved regarding student loan delinquencies.

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

**Leonard Michel**, Tribal Member, commented on Forestry coming in today to get that resolution passed. He was very disappointed that the council passed it. They had a bunch of meetings and the woodcutters were still trying to participate and discuss their differences with the Tribal Forestry Department. Leonard was disappointed that the council did not listen to their constituents. There was not enough thought put into this.

**MOTION** by Leonard Gray to adjourn the meeting.

Council **adjourned** at 10:32 a.m., and is scheduled to meet again on Tuesday, December 3, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

---

Shelly R. Fyant  
Tribal Secretary