

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

Volume 20 Number 36  
Council Chambers, Pablo, MT

Held: February 11, 2020  
Approved: February 18, 2020

**MEMBERS PRESENT:** Shelly Fyant, Chairwoman; Anita Matt, Vice-Chairwoman; Ellie Bundy McLeod, Secretary; Martin Charlo, Treasurer; Mike Dolson; Carole Lankford; James “Bing” Matt; Len TwoTeeth; Charmel Gillin; and Fred Matt.

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

The meeting was called to **order** at 8:59 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for February 4, 2020 were presented for approval.

**Len TwoTeeth** joined the meeting.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for February 4, 2020, with corrections. Seconded by Mike Dolson. Carried, 9 for; 1 abstention (Fred Matt).

The **agenda** was presented for approval. Shelly wants an update on the budget committee meeting, and there is a letter from the Lake County Commissioners in the packet. The council trip reports are scheduled on Thursday’s agenda.

**MOTION** by Carole Lankford to approve the agenda, with changes. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**SKC Students** introduced themselves to council. They are observing the council meeting this morning for their college class.

**Chairwoman Fyant** informed council that there is a Lake County Commissioners letter in the council packet. The commissioners are asking for a community public meeting to discuss the water compact an afternoon during the

week of March 2 – 6, 2020. **Council** took the request under advisement and will follow up with legal counsel.

**Velda Shelby**, Economic Development Office, requested approval of a resolution approving the application with the Federal Communications Commission for the tribal priority window opportunity to claim unassigned 2.5 GHz spectrum available for tribal nations in their rural tribal lands. **Charmel Gillin** suggested adding authorization to pursue the other claimed spectrum. Velda believes she speaks to that already; the resolution states that we may pursue the overlay license, which means when other licenses expire we are given the first priority. This was vetted through Velda Shelby, Chuck Reese and Shane Morigeau. **Martin Charlo** wanted a change made to the language in the resolution to remove the word “more”. Velda advised that legal counsel wrote that verbiage. **Council** requested that legal counsel report to council. **Dan Decker**, Legal Department, joined the discussion and explained the word “more” was used because we are on a checkerboard reservation and it would be difficult to maintain control.

**MOTION** by Len TwoTeeth to approve the resolution, as written, approving the application with the Federal Communications Commission for the Tribal priority window opportunity to claim unassigned 2.5 GHz spectrum available for tribal nations in their rural tribal lands. Seconded by Martin Charlo. Carried, 9 for; 1 opposed (Mike Dolson); 0 not voting.

*Mike Dolson, for the record, “I am opposed because I wonder why all the language in the resolution is necessary. Because this is just to pursue the license, that is all the language needed in the resolution.”*

## **RESOLUTION 20-069**

### **RESOLUTION APPROVING THE APPLICATION WITH THE FEDERAL COMMUNICATIONS COMMISSION FOR THE TRIBAL PRIORITY WINDOW OPPORTUNITY TO CLAIM UNASSIGNED 2.5 GHZ SPECTRUM AVAILABLE FOR TRIBAL NATIONS IN THEIR RURAL TRIBAL LANDS**

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

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Reservation; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes are committed to the sound planning and management of Flathead Reservation resources; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes have directed the Office of Economic Development to fill the important need of diversification of revenues and protection of resources as the Tribes strive for self-sufficiency and planned economic development opportunities; and

**WHEREAS**, a priority window for federally recognized Tribes in rural areas opened on February 3, 2020 to apply for licenses for unassigned spectrum in the 2.5GHz band over rural Tribal lands; and

**WHEREAS**, the application window is open until 6:00 p.m. EDT on August 3, 2020, after which any remaining unassigned spectrum will be made available through competitive bidding; and

**WHEREAS**, the Federal Communications Commission (FCC) Tribal Mapping Tool indicates that spectrum is available on the Flathead Reservation for all available channels on the 2.5 GHz band, except for the southern portion of the Reservation, which currently has assigned licensing of 2.5 GHz (Channels 1, 2, & 3) that may require an overlay license; **NOW, THEREFORE**,

**BE IT RESOLVED**, that the Confederated Salish and Kootenai Tribes strive to create economic opportunities and reaffirm sovereignty in the digital age by controlling the airwaves over their lands, thereby asserting more control and exercising jurisdictional powers to build our own internet networks to service Flathead Reservation residents and strengthen Tribal cultures.

**BE IT FURTHER RESOLVED**, that pursuant to the federal trust relationship and the government-to-government relationship, the Confederated Salish and Kootenai Tribes will commence with the FCC online application and follow the FCC licensing process to apply for all available spectrum on the 2.5 GHz band on the Flathead Reservation, including any overlay licenses, and will coordinate with all Tribal affiliates to comply with full disclosure for the application requirements.

**BE IT FINALLY RESOLVED**, that the Confederated Salish and Kootenai Tribes will develop a buildout plan to preserve access for the Flathead Reservation population; and, should licensure be granted, the Tribes will provide access for 50% of the Reservation population in the license area within two (2) years and access to 80% of the Reservation population within five (5) years, in accordance with the FCC license(s).

**Rich Janssen, Tom McDonald, Willie Keenan, and Chauncey Means**, Natural Resources Department, discussed the organizational chart for the Aquatic Invasive Species program to create a Watercraft Inspection Station Supervisor position.

**MOTION** by Charmel Gillin to approve the organizational chart for the Aquatic Invasive Species program to create a Watercraft Inspection Station Supervisor position. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

**Rich Janssen, Willie Keenan and Chauncey Means**, Natural Resources Department, requested approval to reorganize the Environmental Protection Division's Water Quality Program to streamline the program and to comply with initiatives set forth by the funding agency. The Water Quality Program has two main programs: the Water Quality Program and the Non-Point Source Program. These two programs often overlap duties. This would be prevented if the program only has one Program Manager instead of two. The Chief of Field Operations position is vacant at this time. Alicia McDanal would be elevated in the future. The two positions would be combined into one position. Chauncey's job title and duties would change, but it is not a new position and does not need to be advertised. There would be no change in his rate of pay. Willie had checked with the Personnel Department and was told to wait to make this request until the new tribal council was seated. **Council** requested that the Personnel Department report to council. **Melanie Piedalue and Shelley Grenier**, Personnel Department, joined the discussion and informed council that new positions do not need to be advertised according to the Personnel Ordinance.

**MOTION** by Fred Matt to reorganize the Environmental Protection Division's Water Quality Program to combine the Program Manager positions into one position. Seconded by Anita Matt. Carried, unanimous (10 present).

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

**Rick Eneas**, Financial Management; and **Craige Couture**, Law & Order; gave an update on yesterday's budget committee meeting regarding the request for a School Resource Officer for Two Eagle River School. Chief Couture has a proposed solution on a short-term basis for TERS until they find out if they will be awarded the SAMHSA grant they applied for. It is a down season for the game wardens until the AIS program gets started. A council directive would be needed to direct that reassignment. **Rich Janssen**, Natural Resources Department, was not aware of this option, and he would need to speak to the Chief of Fish & Game prior to making a recommendation. Although the bison hunt is over, the wardens need to accompany the bison for the ship to process program and they have been busy. It was the **consensus** of council to pursue this option.

**Chairwoman Fyant** presented for approval a letter addressed to Kevin Frost, Director of the United States Department of Energy, Office of Indian Energy, informing him that the CSKT is stepping down from participating in the Indian Country Energy and Infrastructure Working Group.

**MOTION** by Carole Lankford to approve the letter to Kevin Frost informing him that CSKT is stepping down from participating in the Indian Country Energy and Infrastructure Working Group. Seconded by Anita Matt. Carried, unanimous (10 present).

**Chairwoman Fyant** presented for approval a letter addressed to Joe Sorrell, Sr. regarding his request for assistance with his trailer and allotment. **Ellie Bundy McLeod** pointed out edits that need to be made to the letter.

**MOTION** by Fred Matt to approve the letter to Joe Sorrell, Sr., with the stated corrections, regarding the assistance with his trailer and allotment. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

**Dan Decker**, Legal Department; and **Ruth Swaney**, Financial Management; requested direction on whether to file an amicus brief. Within the Indian Health Service funding agreements, there are issues regarding contract support costs, which is a significant level of funding for us. We have an opportunity to file an amicus brief in the case.

**MOTION** by Fred Matt to accept the legal recommendation to file an amicus brief. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**Daniel Decker** and **Jordan Thompson**, Legal Department, requested approval of a consultation and professional services contract with Kanzi and Katzen to work on a juvenile wellness court. It is a continuation of the VAWA grant.

**MOTION** by Charmel Gillin to approve by resolution a consultation and professional services contract with Kanzi and Katzen. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-070**

### **A RESOLUTION TO ENTER INTO A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH KANJI & KATZEN P.L.L.C.**

#### **BE IT RESOLVED BY THE TRIBAL 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 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 are among the highest priorities of the Tribes; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes wish to secure, and Kanji & Katzen, PLLC wishes to provide, professional legal services to assist the Confederated Salish and Kootenai Tribes with facilitation, training, research, examination, and development of a potential Juvenile Wellness Court; and

**WHEREAS**, Kanji & Katzen PLLC has specialized knowledge in Indian law, tribal courts, legal analysis, facilitation, research, and community wellness; and

**WHEREAS**, Kanji & Katzen PLLC has agreed to provide their professional services according to the terms and conditions of a contract for consultation and professional services.

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

**Jordan Thompson**, Legal Department, informed council that March 10-11 the group will be touring the Wellness Court at Tulalip. **Council** was invited to participate.

**Jordan Thompson**, Legal Department, informed council of the Mansfield Metcalf dinner and reception at the Lewis & Clark Fairgrounds in Helena on February 29. There are seven seats available if council wants to go. **Council** will let Jordan know who is attending.

**Daniel Decker** and **Yolanda Page**, Legal Department, requested to meet with council in **executive session** to discuss a legal matter.

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

Council reconvened into **regular session**.

Council **recessed** the regular meeting to attend a luncheon and orientation at the Ronan Boys & Girls Club.

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

**Charmel Gillin** left the meeting for the remainder of the day on personal time off.

Council **reconvened** into the regular meeting.

**Mike Durglo, Kyle Felsman, Kevin Askan, Mary Rogers, Wain Lefthand, Monique Gates, Gabrielle Alexander, Grey Johnson, Kayla Johnson, and Katie McDonald**, Tribal Historic Preservation Department, met with council to provide orientation on the Tribal Historic Preservation Department and requested approval of a revised organizational chart to add contract positions to accommodate workload and flow. The department wants to hire Kayla Johnson as the Contract Anthropologist.

**MOTION** by Ellie Bundy McLeod to approve the revised organizational chart for the Tribal Historic Preservation Department to add contract positions to accommodate workload and flow. Seconded by Anita Matt. Carried, unanimous (9 present).

**Bob Gauthier** introduced a group of individuals from the Crow Nation Tribal Housing Authority who are here visiting the Salish Kootenai Housing Authority.

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

**Mark Couture**, Tribal Lands Department, followed up on an issue regarding Delores Adams. On February 1 there was a big wind event and Delores had a fork pine tree snap and go through her roof, which did some roof damage and broke a truss. The Tribal Lands Department was requested to provide assistance. Mark knows of one tribal member contractor that does tree removal services. Mark reached out to Francis Cahoon, but Delores already had someone remove the tree. The hole was still in the roof. Dan Adler from the Elders program reached out to Mr. Cahoon, and Dan authorized the roof repair and removal of a broken tree from the property. Tree removal costs are not cheap, and the insurance is expensive due to liability. The liability for the tree faller is high. It was a cost of \$1,600 for the first tree removal, and the second tree removal cost \$1,500. Mr. Cahoon is repairing the roof, but Mark does not know the cost for that yet. Delores has multiple trees on her homesite. Forestry went in there about 15 years ago and recommended which trees needed to be removed before homesite improvements could be done, but some of the homeowners did not want the trees removed. There are 15 trees that were identified as needing to come off that homesite. Forestry is finding out about the goods for services with a contractor that can do the tree removal work. There are a couple of fir trees by the power lines that will need to be removed, as well. Lands is reaching out to Mission Valley Power to see if they can remove those two trees by the power lines. The Lands Department will return at a later date to provide a status report.

**Mark Couture**, Tribal Lands Department, requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

**Fred Matt** left the meeting for the remainder of the day.

**Chairwoman Fyant** presented for consideration a letter of support for the Boys & Girls Club request for collaboration between the Club and the Natural Resources Department to get some AmeriCorps volunteers.

**MOTION** by Anita Matt to write a letter of support for collaboration between NRD and the Boys & Girls Club. Seconded by Martin Charlo. Carried, unanimous (8 present).

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

Council **adjourned** at 3:35 p.m., and is scheduled to meet again on Thursday, February 13, 2020, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Ellie Bundy McLeod  
Tribal Secretary