

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

Volume 20 Number 26
Council Chambers, Pablo, MT

Held: January 7, 2020
Approved: January 14, 2020

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

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 9:02 a.m. Quorum established.

The meeting was opened with a **prayer** by Charmel Gillin.

The **Tribal Council Meeting Minutes** for December 24, 2019 were presented for approval.

MOTION by Fred Matt to approve the Tribal Council Meeting Minutes for December 24, 2019, with corrections. Seconded by Charmel Gillin. Carried, 6 for; 4 abstentions (Bing Matt, Ellie McLeod, Martin Charlo, and Anita Matt).

Len TwoTeeth brought up the Sunny Shore property that was discussed on December 24. Len had assumed we were speaking about the Big Arm Resort, but then he realized those are two separate properties. The Sunny Shore property is the former Ranald McDonald house. **Charmel Gillin** suggested getting clarification. She thought that the Sunny Shore property was the Big Arm property and that the Ranald McDonald house is referred to as the Shoreline Drive house. **Mark Couture**, Tribal Lands Department, joined the discussion and clarified that the Sunny Shore property is the Big Arm Resort and the Ranald McDonald house is referred to as the Ranald McDonald property. **Carole Lankford** agreed that this issue needs to be revisited about S&K Gaming being required to pay an increased rental rate of \$50,000.00 per year. That will cost the business some jobs. If S&K Gaming had gaming at that location, she would be agreeable to increasing the rental amount. Carole encouraged the council to look at this again. **Chairwoman Fyant** requested that the S&K Gaming Board provide a report to council on the impacts of increasing the rental rate to

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\$50,000.00 per year. **Jennifer Trahan** was directed to set up a meeting with the S&K Gaming Board and notify council of the meeting date.

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (10 present).

Chairwoman Fyant followed up on yesterday's chairman's meeting and let council know that there will be time set aside during each council meeting for any tribal council travel reports. **Carole Lankford** went to Seattle for a Casey Family meeting. She wants to wait for the crew to be here to present the report since the group has a request. It was scheduled on Thursday's agenda. **Len TwoTeeth** attended the Rocky Mountain Tribal Leaders quarterly council meeting in Billings. It included the recognition of Clayton Herrera, who was involved in the hunting case. Based on the outcome of the court case, there was a need to recognize him. Len gave a presentation on grants available to Montana tribes. The Little Shell Tribe was in the process of getting a bill signed for their federal recognition. We were notified by Gianforte's Office of that. The ceremony is scheduled for January 25, at the Holiday Inn in Great Falls, at 5:00 p.m. Everyone is invited to attend. Since that time, we received an email from Gina Has An Eagle about campgrounds in Montana. Two years ago, the Blackfeet Tribe had a series of campgrounds and had issues of maintaining those campgrounds due to lack of funding. They lease those out to various entities. They started a committee within all the tribes to come together to come up with a plan how tribes can do these developments within our aboriginal lands. Shelly was interested in the economic development contribution report by Eleanor Yellow Robe. Len missed that presentation. **Chairwoman Fyant** discussed the chairman's meeting from yesterday and let council know that she had Abby Dupuis send all council members a copy of those minutes. There will be a regular agenda timeslot available for the council members to present their reports. Shelly also asked everyone to publish a travel report in the Char-Koosta News. **Carole Lankford** commented that she feels no need to provide her reports in that manner, but if the tribal council takes action and puts it into policy, then Carole will submit a report to Char-Koosta News.

Charmel Gillin would like the council to move forward with livestreaming council meetings. Everything was in place to do that a couple of years ago when it was first brought up. We do not have any of the procedural decisions that need to be formulated to do that. She wants to give council time to discuss it before she makes a motion to move forward. Charmel asked if Rob and Jami could work together on this and develop a resolution outlining the procedures. **Carole Lankford** commented that it has been talked about a lot throughout the years. The legal liability that can come out of it was the main concern so we would need to have a legal determination and boundaries. There are so many

issues that could arise and put us in jeopardy so it is wise to have a discussion about it. Carole is not opposed to it, but she wants to have further discussion. It was the **consensus** of council to direct Rob McDonald and Jami Pluff to look into it and bring back recommendations next Thursday. The Cherokees of North Carolina livestream their council meetings and has a model they could look at.

Leroy Black, Two Eagle River School Board of Directors, requested to meet with council in **executive session**.

Council met in **executive session**.

Council reconvened into **regular session**.

Jami Pluff, Policy Analyst; and **Michelle Mitchell**, Tribal Education Department; requested approval of a resolution for tribal departments to apply for funding through the Department of Justice for 8 purpose areas. Dana Grant will assist with writing the grant.

MOTION by Anita Matt to approve by resolution the submission of an application for funding through the Department of Justice. Seconded by Len TwoTeeth. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-041

RESOLUTION AUTHORIZING THE FOLLOWING TRIBAL DEPARTMENTS TO COLLABORATIVELY APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE: TRIBAL COURT, TRIBAL DEFENDERS, TRIBAL DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT, TRIBAL VICTIM'S ADVOCATE PROGRAM, TRIBAL EDUCATION, TRIBAL HEALTH, TRIBAL LAW AND ORDER, TRIBAL LEGAL, TRIBAL PROBATION, TRIBAL PROSECUTORS, INFORMATION TECHNOLOGY, SALISH KOOTENAI HOUSING AUTHORITY, AND TWO EAGLE RIVER SCHOOL

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

WHEREAS, the United States Department of Justice has published a solicitation for Comprehensive Proposals for funding under the Coordinated Tribal Assistance Solicitation; and

WHEREAS, the Confederated Salish and Kootenai Tribes meet all requirements and as such are eligible to apply for said funds; and

WHEREAS, the Confederated Salish and Kootenai Tribes have prepared an application for funding under the above program to address the tribe's concerns

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related to public safety, criminal and juvenile justice, and the needs of victims or survivors of domestic violence, child abuse, sexual assault, and other crimes through a comprehensive tribal proposal addressing all 8 of the purpose areas requested in the solicitation.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the United States Department of Justice be requested to make available a grant, pursuant to the terms of the request for proposal, to the Confederated Salish and Kootenai Tribes; and

BE IT FURTHER RESOLVED that the Chairwoman of the Tribal Council or her delegated representative is authorized to execute the transactional documents necessary to administer the grant on behalf of the Confederated Salish and Kootenai Tribes.

Tony Incashola, Jr. and **Ron Swaney**, Tribal Forestry/Division of Fire, requested approval of three contracts. One is for drug testing and two are for communication services.

MOTION by Fred Matt to approve a two-year contract with Flathead Communications, LLC for radio services. Seconded by Mike Dolson. Carried, unanimous (10 present).

MOTION by Martin Charlo to approve a two-year contract with Montana Electronics Co. for radio services for the 2020 and 2021 fire season. Seconded by Carole Lankford. Carried, unanimous (10 present).

MOTION by Ellie McLeod to approve a two-year contract with St. Luke Community Health Care to facilitate pre-hire drug testing for emergency firefighter services. Seconded by Carole Lankford. Carried, unanimous (10 present).

Tony Incashola, Jr. and **Ron Swaney**, Tribal Forestry/Division of Fire, discussed the building of a new building at the Division of Fire. The buildout will be a cost of \$3 million and \$108,000 was set aside for change orders. All change orders must be approved by the tribal council. The department will make the request at a later date once they determine whether to approve the change order.

Tony Incashola, Jr. asked about the chairman's meetings and council orientation. **Chairwoman Fyant** told him that departments would attend chairman's meeting upon request. The council orientations will be done onsite so the tribal council can look at the facilities and work conditions of the tribal staff. Tony needs to identify the location and estimate the amount of time needed for the orientation and it will get scheduled.

***** **Break** *****

Greg Wilson, Natural Resources Department, requested authorization to revise project management plans via agreement 16-141 between the CSKT and Reclamation Technical Service Support. Reclamation provides technical assistance in studies, field-testing, risk analysis, design, and construction activities on the 14 reservation dams. The first request was approval of change order number 1 for PMP #10 for the Black Lake Dam seepage improvements to extend the completion date to December 3, 2021 to accommodate Reclamation's schedule.

MOTION by Charmel Gillin to approve the requested change order number 1 for PMP #10 for the Black Lake Dam seepage improvements to extend the completion date to December 3, 2021 to accommodate Reclamation's schedule. Seconded by Anita Matt. Carried, unanimous (10 present).

Greg Wilson, Natural Resources Department, requested approval of PMP #8 for Kicking Horse Dam change order number 4 to extend the completion date for the conceptual design phase two to February 28, 2020 to accommodate Reclamation's resource availability.

MOTION by Fred Matt to approve PMP #8 for Kicking Horse Dam change order number 4 to extend the completion date for the conceptual design phase two to February 28, 2020 to accommodate Reclamation's resource availability. Seconded by Mike Dolson. Carried, unanimous (10 present).

Greg Wilson, Natural Resources Department, requested approval of PMP #2 Coordination and Technical Support change order number 3 to extend the completion date to September 30, 2020 and increase the PMP by \$50,232.00 for technical support for fiscal year 2020. **Mike Dolson** questioned the paperwork that was submitted. The paperwork shows no change to the completion date or the amount. The corrected forms will be submitted.

MOTION by Martin Charlo to approve PMP #2 Coordination and Technical Support change order number 3 to extend the completion date to September 30, 2020 and increase the PMP by \$50,232.00 for technical support for fiscal year 2020. **MOTION WITHDRAWN**. The request was tabled until the corrected information can be presented.

Greg Wilson, Natural Resources Department, requested approval of PMP #14 for Upper Dry Fork Dam change order number 1 to revise the start date, due to the resource availability, and increase the amount by \$668.80 to address a change in the billable rates for fiscal year 2020. The completion date will remain as July 31, 2020.

MOTION by Mike Dolson to approve PMP# 14 for Upper Dry Fork Dam change order number 1 to revise the start date and increase the amount by \$668.80. Seconded by Anita Matt. Carried, unanimous (10 present).

Rhonda Swaney and **John Harrison**, Legal Department, discussed the IBMP. A council delegate will need to be appointed to replace Leonard Gray. **Council** advised that they would be making board/committee appointments next Monday.

Rhonda Swaney and **John Harrison**, Legal Department, discussed the Montana Ballot Protection Initiative and the Montana Ballot Interference Act referred to as LR 129, which impacts mail-in and absentee ballots and places limits on the ballots. The NARF and ACLU want to represent all of Montana's recognized tribes and Western Montana Native Voice to challenge it in State Court as an unconstitutional violation. NARF would represent CSKT at no charge as a named plaintiff in this lawsuit. John requested approval of a resolution authorizing the Native American Rights Fund to represent the CSKT in litigation challenging the constitutionality of the Montana Ballot Interference Act.

MOTION by Ellie McLeod to approve the resolution authorizing the Native American Rights Fund to represent the CSKT in litigation challenging the constitutionality of the Montana Ballot Interference Act. Seconded by Bing Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-042

A RESOLUTION AUTHORIZING THE NATIVE AMERICAN RIGHTS FUND TO REPRESENT THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF THE "MONTANA BALLOT INTERFERENCE ACT"

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

WHEREAS, the Confederated Salish and Kootenai Tribes is a federally recognized Indian Tribe occupying the Flathead Indian Reservation in western Montana; and

WHEREAS, the Montana Ballot Interference Act ("BIPA") prohibits the knowing collection of absentee or vote by mail ballots, unless the ballot collector is the voter's acquaintance, family member, caregiver, or household member, and anyone who collects and conveys ballots must sign a registry from upon the conveyance, and no ballot collector may collect more than six ballots for conveyance to an authorized ballot drop off location; and

WHEREAS, the BIPA ballot collection restrictions disproportionately impacts Native American voters in rural locations such as Tribal communities within the Flathead Indian Reservation, thus limiting the opportunities for members of the Confederated Salish and Kootenai Tribes to exercise the right to vote and have full and equal participation in elections; and

WHEREAS, the Confederated Salish and Kootenai Tribes recorded its opposition to the BIPA legislation during the 2017 session of the Montana Legislature; and

WHEREAS, the American Civil Liberties Union (“ACLU”) and the Native American Rights Fund (“NARF”) now seek to challenge the constitutionality of the BIPA in the state courts of Montana on behalf of all tribal governments in Montana; and

WHEREAS, the Confederated Salish and Kootenai Tribes wish to be added as a named plaintiff to the ACLU-NARF lawsuit challenging the BIPA in the state courts of Montana, and have NARF represent the Confederated Salish and Kootenai Tribes in all legal proceedings that result from the filing of such a lawsuit;

NOW, THEREFORE BE IT RESOLVED that the Confederated Salish and Kootenai Tribes hereby authorizes the Native American Rights Fund to represent the Confederated Salish and Kootenai Tribes as a plaintiff challenging constitutionality of the Montana Ballot Interference Act in the state courts of Montana pursuant to the terms of the Legal Representation Agreement Between the Confederated Salish and Kootenai Tribes and the Native American Rights Fund, including the provision in the agreement that NARF will charge no legal fees to the Confederated Salish and Kootenai Tribes.

Rhonda Swaney and **Stu Levit**, Legal Department, discussed the need for new representation on the Columbia River Treaty since Ron Trahan and Leonard Gray were the tribal council delegates. The Columbia River involves a variety of off-reservation treaty interests. Stu gave an overview of the Bi-Op litigation. **Council** advised that they would be making council board/committee appointments next Monday.

Rhonda Swaney and **Shane Morigeau**, Legal Department, gave an update on the campaign on the issue of climate change and looking for youth aged 8-19 that are members of the CSKT to be added into the attorney’s brief as plaintiffs. The law firm is representing the CSKT in this case at no cost to the Tribes. **Council** recommended that Legal reach out to Two Eagle River School and the Tribal Education Department to identify interested youth.

Rhonda Swaney, Legal Department, requested to meet with council in **executive session** to discuss legal issues. **Dan Decker**, **John Wheeler**, **Stu**

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Levit, and **John Harrison**, Legal Department; and **Rob McDonald**, Communications; were present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to amend the approved council minutes of December 24, 2019 to reflect his revised comments. Seconded by Martin Charlo. Carried, unanimous (10 present).

***** **Break** *****

Council met in **executive session** to conduct interviews for the Sergeant at Arms position. **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 James Steele, Sr. as the Sergeant at Arms. Seconded by Anita Matt. Carried, unanimous (10 present).

Council **adjourned** at 12:00 p.m., and is scheduled to meet again on Thursday, January 9, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary