

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

Volume 21 Number 42  
Zoom Meeting

Held: March 4, 2021  
Approved: March 9, 2021

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

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:07 a.m. Quorum established. **Carole Lankford** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for March 2, 2021 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for March 2, 2021, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **agenda** was presented for approval.

**MOTION** by Ellie Bundy McLeod to approve the agenda, with additions. Seconded by Charmel Gillin. Carried, unanimous (9 present).

**Thomas “Sonny” Lozeau**, Tribal Member, discussed a letter he was sent in January 2020 along with an unsigned copy of 53A. He requested that he be provided the entire copy of 53A, containing 64 pages. **Chairwoman Fyant** advised that a signed copy could be provided.

**Thomas “Sonny” Lozeau**, Tribal Member, requested that the Tribal Council notify Mission Valley Power on his behalf and request that they remove their meter as he is not going to be using MVP as an electric source. He will get a solar power generator to electrify his house. Sonny would like a total disconnect and have Mission Valley Power remove the meter. **Chairwoman Fyant** informed

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Sonny that it is usually a customer direct request. She asked Jennifer to find out if Jean Matt is available. Mr. Lozeau informed council that a falsified background investigation was done on him and he lost his employment because of it. His leasehold mortgage was turned into a two-year conventional loan with a balloon payment at Eagle Bank. In July 2008, Jim Steele, Jr. signed a lease agreement between Sonny and SKHA under the Mutual Home Ownership Program. Sonny went through the process of a HUD 184 loan. Eagle Bank does not have copies of his loan records. The bank offered him a \$27,000.00 check if he signed the documents. He signed the documents and then found out later that a balloon payment was due on his loan or he would be foreclosed on. The bank wanted him to take out another HUD 184 loan to cover the first loan to prevent foreclosure. The ownership of his home is in question. **Chairwoman Fyant** informed Sonny that the paperwork needs to be filled out with Dalene Gardipe at Customer Service to get his power disconnected. Jennifer Trahan provided the paperwork to Sonny to apply for disconnect from Mission Valley Power.

***Anita Matt**, for the record, "He did visit with DHRD staff on March 3 and he was given all the paperwork, and it was his responsibility to fill out and return."*

**Thomas "Sonny" Lozeau**, Tribal Member, discussed the Cooley case that is in the United States Supreme Court. It is interesting what they are trying to do, and the membership needs to be kept informed of this matter. **Rhonda Swaney**, Legal Department, advised that the Legal Department has been following that case and are participating as an amicus. The case pertains to stop and detain on the Crow Reservation. The CSKT has the same type of agreement with the State of Montana, so the Tribes are following it closely. Sonny commented that Public Law 280 is illegal on the reservation and in order to have concurrent jurisdiction we would have to give up the corporate charter. That connects itself to the proclamation that Governor Racicot signed and the resolution that Mickey Pablo signed. Sonny believes the Tribes cannot be under concurrent jurisdiction with the State unless there is a referendum by the membership and the Tribes cannot have a corporate charter and be under state jurisdiction at the same time.

**Tony Incashola, Jr.** and **Steve McDonald**, Tribal Forestry, requested approval of modification 1 to Contractor Agreement No. 20-151 with DJ&A to increase compensation for a not-to-exceed amount of \$85,000. All other terms of the contract remain the same. DJ&A is providing assistance with the Forest Management Plan Revision efforts with a computer model to help determine the future forest conditions based on current conditions and proposed silvicultural decisions. This modeling effort is key to the revision to the Forest Management Plan. The cost of the increase will be paid for with the BIA add-on funds.

**MOTION** by Charmel Gillin to approve modification 1 to Contractor Agreement No. 20-151 with DJ&A to increase compensation for a not-to-exceed amount of \$85,000. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Tony Incashola, Jr.** and **James Snow**, Tribal Forestry, requested approval to advertise the Alder Ditch 2021 Logging Unit Timber Sale (5,876 tons of Ponderosa Pine and 1,989 tons of Douglas Fir, Western Larch, and Other Species). It is a total of 344 acres.

**MOTION** by Martin Charlo to approve the advertisement of the Alder Ditch 2021 Logging Unit Timber Sale. Seconded by Fred Matt. Carried, unanimous (9 present).

**Fred Matt** asked where Hunt's Timber gets their timber from. **Steve McDonald**, Tribal Forestry, responded that Hunt's Timber has not been very active. Our loggers are bringing their materials to St. Regis, Kalispell, Thompson Falls, or Pyramid. Some of the small loggers still work with Hunt's Timber but they are getting better prices from the mills.

**Rhonda Swaney** and **Shane Morigeau**, Legal Department, requested approval of a resolution regarding election endorsements, as directed by the Tribal Council. The Council finds that it is in the best interest of the Tribes to not be drawn into the elections of other sovereigns or have other sovereigns inject influence into elections of the Confederated Salish and Kootenai Tribes. There is an exception for the Tribes to support the tribal membership seeking local, state, or federal governmental election. **Len TwoTeeth** questioned whether we still need to do this now that the water compact was approved. **Bing Matt** questioned why we would not support tribal members from other tribes who are seeking election.

**MOTION** by Ellie Bundy McLeod to approve the resolution regarding election endorsements. Seconded by Fred Matt. Carried, 8 for; 1 opposed (Bing Matt); 0 not voting.

***Bing Matt**, for the record, "I am opposed because of the question that I asked about supporting members of other tribes."*

## **RESOLUTION 21-040**

### **RESOLUTION ON ELECTION ENDORSEMENTS**

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

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**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 Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation (Constitution) in Article IV, Section 2, provides that the Council possesses the authority and power to determine rules governing all elections, including the power to delegate authority to an election board;

**WHEREAS**, The Constitution, Article VI(q), provides Council with power to regulate domestic relations of members of the Confederated Tribes;

**WHEREAS**, The Constitution, Article VI(c), provides Council with the power to negotiate with the Federal, State, and local governments on behalf of the confederated Tribes, and to advise and consult with the representatives of the Departments of Government of the United States on all matters affecting the affairs of the confederated Tribes;

**WHEREAS**, The Constitution, Article VI(u), provides Council with the power to adopt resolutions to effectuate and of the foregoing powers listed in Article VI;

**WHEREAS**, The Council finds that it is in the best interest of the Tribes to not be drawn into the elections of other sovereigns or have other sovereigns inject influence into elections of the Confederated Salish and Kootenai Tribes;

**WHEREAS**, The Council finds that in order to fully protect the health, security, and general welfare of the Tribes, to regulate domestic relations, and to effectively negotiate with other sovereigns, the Council will not endorse candidates in elections of other sovereigns so that the Tribes may avoid unnecessary conflicts and/or retaliation by candidates, elected officials, or other sovereigns so that the Tribes can best protect the health, security, and general welfare of the Tribes and its people;

**NOW, THEREFORE, BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Tribal Council and individual Tribal Council members shall not endorse any political candidate running for office in any other tribal, local, state, or federal governmental election, except for Tribal member candidates seeking local, state, or federal governmental election;

**BE IT FURTHER RESOLVED** that the individual Tribal Council members or candidates for Tribal Council shall not accept or seek the endorsement in a Confederated Salish and Kootenai Tribes' Election from any other tribal, local, state, or federal government entity or official.

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

**Johnathan Owens**, Tribal Health Department, requested approval to hire Brian Crawford on a three-year Employment Agreement to fill the Sanitarian/Safety Officer position. The position was advertised, and Brian was the only applicant.

**MOTION** by Len TwoTeeth to approve the hire of Brian Crawford on a three-year Employment Agreement to fill the Sanitarian/Safety Officer position. Seconded by Ellie Bundy McLeod. Carried, 8 for; 1 abstention (Charmel Gillin – not present for discussion).

**Johnathan Owens** and **Amy Gustafson**, Tribal Health Department, requested approval to modify the Temporary Employment Agreement with Angela North Piegan for the Dental Assistant position to extend the expiration date to December 31, 2021, due to staff shortages with employees on medical leave.

**MOTION** by Charmel Gillin to modify the Temporary Employment Agreement with Angela North Piegan for the Dental Assistant position to extend the expiration date to December 31, 2021, due to staff shortages. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Johnathan Owens** and **Dr. Bernadette Corum**, Tribal Health Department, requested approval to purchase capital equipment from Philips to provide in-house ultrasound services at the Tribal Health Department. Philips was not the low bid but is the preferred bid.

**MOTION** by Martin Charlo to take the recommendation of the Tribal Health Department staff and waive the procurement policy to approve the purchase of capital equipment from Philips to provide in-house ultrasound services at the Tribal Health Department. Seconded by Charmel Gillin. Carried, unanimous (9 present).

**Johnathan Owens** and **Milissa Grandchamp**, Tribal Health Department, requested approval to modify the contract with Ronelle Rose to adjust her salary. The pay increase would allow Ronelle to be at the same pay level as other staff in the same Clinic Nurse position.

**MOTION** by Martin Charlo to modify the contract with Ronelle Rose to adjust the salary to allow Ronelle to be at the same pay level as other staff in

the same Clinic Nurse position. Seconded by Fred Matt. Carried, 8 for; 1 opposed (Len TwoTeeth).

**Johnathan Owens** and **Veronica Matt**, Tribal Health Department, requested approval to pay an old invoice to 1 Better LLC in the amount of \$1,500.00 for domestic violence ads at the Polson and Ronan Theaters. The invoice was left unpaid when the position changed staff. No contract was ever in place. The company sent the Tribal Health Department a letter stating that the bill will go to collections for nonpayment. There is funding in the grant to cover the cost.

**MOTION** by Fred Matt to authorize payment of an old invoice to 1 Better LLC in the amount of \$1,500.00 for domestic violence ads at the Polson and Ronan Theaters that was left unpaid when the position changed staff and with no contract in place. Seconded by Len TwoTeeth. Carried, 8 for; 1 opposed (Martin Charlo).

*Martin Charlo, for the record, "We need to be better and pay things on time. I appreciate Veronica coming in and taking responsibility, but we need to be careful paying things from the previous fiscal year."*

*Charmel Gillin, for the record, "I reluctantly agreed with the action only because I know the responsibility is there and we have to get it paid. I hope we find out who is responsible for the internal financial controls for procurement. This is one of multiple examples that have been before us recently as of the Fall of 2020. In that period of time, we have had staff present but these are going years beyond. I hope we can get a report at the Health Committee meeting whether management found a way to strengthen controls."*

**Johnathan Owens** informed council that Tribal Health can provide a report. The department is working toward a resolution within that department.

**Johnathan Owens** and **Brenda Bodnar**, Tribal Health Department, requested approval of modification 2 to the contract with Lindsey O'Neill to extend the term for an additional 30 days while interviews take place for the WIC position. Modification 1 was approved in 2019 to extend the contract for two years. The position was advertised and Lindsey was the only applicant, but Tribal Health has not yet conducted an interview or negotiated a contract with her.

**MOTION** by Bing Matt to approve modification 2 to the contract with Lindsey O'Neill to extend the term for an additional 30 days for the WIC position. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Johnathan Owens** and **Dr. Bernadette Corum**, Tribal Health Department, informed council that the UK variant has reached Montana. There are 3 cases in Gallatin County, and they are still investigating the source. The virus is

contagious. The masking recommendations have not changed, and we need to continue being careful. **Chairwoman Fyant** asked about the efficacy rate of the Johnson & Johnson and Janssen vaccines with the UK variant. **Dr. Corum** explained that they are felt to be effective against the variant, but Johnson & Johnson is less effective for the South African variant. **Mr. Owens** has seen data that people are getting the California variant 50% faster than the others. **Len TwoTeeth** suggested that a double mask mandate be considered in our guidelines.

**Patricia Courchane**, Department of Human Resources Development, requested approval to administer the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program (LIHWAP) for CSKT. The program was developed under the Consolidated Appropriations Act 2021. Tribes are authorized to administer this program and all tribal executive officers need to identify a responsible person who will submit a plan and sign any certifications or assurances by March 8, 2021. Patricia requested approval of a letter to Dr. Lanikques Howard, Director of Office of Community Services, Administration for Children and Families, designating the Director of Department of Human Resources Development to make assurances of certifications for the program which may be required for the annual LIHWAP application process. **Chairwoman Fyant** directed Jennifer Trahan to correct the format before the letter is sent out.

**MOTION** by Anita Matt to approve the letter to Dr. Lanikques Howard, Director of Office of Community Services, Administration for Children and Families, designating the Director of Department of Human Resources Development to make assurances of certifications for the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program which may be required for the annual application process. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

**Patricia Courchane**, Department of Human Resources Development, informed council that she received a letter yesterday about a FEMA webinar that is scheduled for today to provide funeral assistance to tribes for COVID-19 related deaths. Patricia will be participating in that webinar. **Anita Matt** advised that Rick Eneas has two staff members that will participate in the webinar.

**Carole Lankford** joined the meeting.

**Michelle Mitchell**, Tribal Education Department; **Marie Torosian**, **Aggie Incashola**, **Loushie Charlo**, and **Gwen Hewankorn**, Three Chiefs Culture Center; requested to meet with council in **executive session** to discuss a departmental matter. **Rick Eneas**, Financial Management, was present for discussion.

Council reconvened into **regular session**.

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

**Charmel Gillin** out of the room.

**Len TwoTeeth** out of the room.

**Rich Janssen** and **Dale Becker**, Natural Resources Department, presented a request from Dr. Paul Cross and Dr. Jack Hogg for a scientific collection permit to continue bighorn sheep ecology and disease research at the Bison Range. The researchers have studied the Bison Range herd in depth since the late 1970s and conducted one of the premier research projects on bighorn sheep ecology, genetics, and disease transmission.

**MOTION** by Fred Matt to grant a scientific collection permit to Dr. Paul Cross and Dr. Jack Hogg to continue bighorn sheep ecology and disease research at the Bison Range. Seconded by Martin Charlo. Carried, unanimous (8 present – Charmel Gillin and Len TwoTeeth out of the room).

**Rich Janssen**, Natural Resources Department; and **Tyler Tappenbeck**, Flathead Lake Biological Station; presented a request for a scientific collection permit for Flathead Lake and surrounding lakes on tribal lands that are threatened by aquatic invasive species, such as zebra mussels, quagga mussels, Eurasian watermilfoil, and a deadly fish disease called Proliferative Kidney Disease. This work will further the collaboration with the Flathead Lake Biological Station, Confederated Salish & Kootenai Tribes, and Salish Kootenai College scientists' partnership to protect Flathead Lake and valley waterbodies.

**MOTION** by Martin Charlo to grant the Flathead Lake Biological Station a scientific collection permit for Flathead Lake and surrounding lakes on tribal lands that are threatened by aquatic invasive species. Seconded by Mike Dolson. Carried, unanimous (8 present – Charmel Gillin and Len TwoTeeth out of the room).

**Rich Janssen**, Natural Resources Department; **Tom Bansak** and **Tyler Tappenbeck**, Flathead Lake Biological Station; requested approval to conduct synoptic research on a broad array of lakes throughout tribal lands; continue long-term research on the Flathead Lake, Flathead River, and Roy's Creek; and continue the long-term monitoring research site/program in Polson Bay. The permit will allow the Flathead Lake Biological Station to continue monitoring and research of the water quality and food web dynamics of the Flathead Lake-River ecosystem and provide new data and information on the water quality and food web interactions within the south basin of Flathead Lake.

**Charmel Gillin** returned to the meeting.

**MOTION** by Ellie Bundy McLeod to authorize the Flathead Lake Biological Station to conduct synoptic research on a broad array of lakes throughout tribal lands; continue long-term research on the Flathead Lake, Flathead River, and Roy's Creek; and continue the long-term monitoring research site/program in Polson Bay. Seconded by Martin Charlo. Carried, unanimous (9 present – Len TwoTeeth out of the room).

**Rich Janssen**, Natural Resources Department; and **Tom Bansak**, Flathead Lake Biological Station; presented a request for a collection permit to collect water and biological samples from Flathead Lake and streams near the Flathead Lake Biological Station for educational purposes. The samples are used as teaching tools in the classroom, and they have students execute scientific studies as a group and independently by collecting samples to address their particular research questions.

**Len TwoTeeth** returned to the meeting.

**MOTION** by Martin Charlo to grant the Flathead Lake Biological Station a collection permit to collect water and biological samples from Flathead Lake and streams near the Flathead Lake Biological Station for educational purposes. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Len TwoTeeth – not present for discussion).

**Chairwoman Fyant** asked about a product that contained zebra and quagga mussels. **Tom Bansak** advised that there was a nationwide alert and recall of the product. **Tom McDonald** explained that zebra mussels were found in the moss product that was available to purchase at Petco. The training for the aquatic invasive species check stations begin next week. The Ravalli Check Station will open on March 12, depending on the weather and the staff getting trained.

**Rich Janssen** and **Tom McDonald**, Natural Resources Department, requested to meet with council in **executive session** to discuss the Bison Range. **Dale Becker**, **Shannon Clairmont**, **Steph Gillin**, **Whisper Camel-Means**, and **Amanda Bourdon**, Natural Resources Department; **Brian Upton**, Legal Department; **Velda Shelby** and **Janet Camel**, Economic Development Office; **Michelle Mitchell**, Tribal Education Department; **Marie Torosian**, **Loushie Charlo** and **Geri Hewankorn**, Three Chiefs Culture Center; and **Tom Johnson**, Tribal Services; were present for discussion.

**Charmel Gillin** left the meeting for the remainder of the day to go to an appointment.

**Carole Lankford** left the meeting for the remainder of the day on personal time off.

Council reconvened into **regular session**.

**MOTION** by Martin Charlo to increase the fee for the Bison Range by \$5, which makes the entrance fee \$10 per car, \$15 per van, \$20 per bus, \$20 per annual pass, and give a discount for seniors and veterans. Seconded by Anita Matt. Carried, unanimous (8 present).

**Rich Janssen** and **Tom McDonald**, Natural Resources Department, requested approval of a revised organizational chart to add positions for the Bison Range.

**MOTION** by Fred Matt to approve the revised organizational chart to add positions for the Bison Range. Seconded by Anita Matt. Carried, unanimous (8 present).

**Len TwoTeeth** gave a report on the Rocky Mountain Tribal Leaders Council meeting. One of the issues discussed was the removal of a tribal member from the Human Rights Commission Board. Len had discussed two positions with the State Health & Human Services Department. We were able to address the support of Ryan Lankford on the FSA Board. There was discussion on what is going on at the State legislature. Next Tuesday through Thursday are important days in the session and it was highly recommended we get representatives there to make an appearance to let the legislature know the Tribes are there and are watching. There were bison-related issues discussed. There was an election of officers. Gerald Gray is the chairman, Justin Dupree is the vice-chairman, Serena Wethrelt is the secretary, and Len is the treasurer.

**Len TwoTeeth** discussed taking ownership of Mission Valley Power. He wants to have the Legal Department explain the hurdles and get a plan in place to make that happen.

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

Council reconvened into **regular session**.

Council **adjourned**, and is scheduled to meet again on Tuesday, March 9, 2021, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Ellie Bundy McLeod  
Tribal Council Secretary