

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

Volume 19 Number 34  
Council Chambers, Pablo, MT

Held: February 19, 2019  
Approved: February 28, 2019

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

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

The meeting was called to **order** at 9:11 a.m. Quorum established.

The meeting was opened with a **prayer** by Shelly Fyant.

The **Tribal Council Meeting Minutes** for February 12, 2019 were presented for approval. **Myrna DuMontier**, *for the record*, “*I am changing my vote to opposed because I am not supporting three-year contracts for the nonmember hires at Early Childhood Services. Next year we may have tribal members available for those positions.*” **Shelly Fyant** asked about the reasoning why council took action to readvertise the Chief Judge vacancy since there was a qualified tribal member applicant. **Chairman Trahan** advised that the five years’ judicial experience requirement was removed from the qualifications since the position will now require a law degree. The five-year judicial experience was required in the past because the position did not require a law degree.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for February 12, 2019, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval. No conflicts of interest were identified. Changes were made to the agenda.

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

**Erin Irvine** requested to meet with council in **executive session** to discuss a personnel matter. **Patricia Courchane** and **Kelly Parker**, Department of

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Human Resources Development; **Rick Eneas**, Financial Management; **Cory Clairmont** and **Shelley Grenier**, Personnel Department; and **Jami Pluff**, Policy Analyst; were present for discussion. **Clayton Matt**, Tribal Services, joined the discussion.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to authorize retro pay back to fiscal year 2018, pending review by the Personnel Department and Financial Management. Seconded by Myrna DuMontier. Carried, unanimous (10 present).

**Kimberly McDonald Markuson** requested to meet with council in **executive session** to discuss a personnel matter. **Jami Pluff**, Policy Analyst, was present for discussion.

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

Council reconvened into **regular session**.

**Francis Pierre** informed council that he has a negligent financial recordkeeping matter with Tribal Credit and he believes it is a felony charge. He has all his records and has been unable to resolve this issue with the Tribal Credit staff. **Council** asked that Mr. Pierre meet with Rick Eneas to review this matter and have Rick report back to council.

**Joe Vanderburg** and **Duane Plant**, Tribal Forestry, requested acceptance of the bid from 3MOR for the Safety Bay Logging Unit timber sale.

**MOTION** by Anita Matt to accept the bid from 3 MOR for the Safety Bay Logging Unit timber sale. Seconded by Dennis Clairmont. Carried, unanimous (10 present).

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

**Rick Eneas**, Financial Management, requested approval of a resolution establishing a Tribal Certificate of Deposit at Eagle Bank for S&K Electronics as security for SKE loans at Eagle Bank. The Tribes earn the interest from the COD.

**MOTION** by Shelly Fyant to approve by resolution the establishment of a Tribal Certificate of Deposit at Eagle Bank for S&K Electronics as security for SKE loans at Eagle Bank. Seconded by Dennis Clairmont. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-084**

**RESOLUTION AUTHORIZING ESTABLISHMENT OF TRIBAL CERTIFICATE OF DEPOSIT AT EAGLE BANK**

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

**WHEREAS**, it has become necessary to purchase a One Million dollar certificate of deposit at Eagle Bank for security on S&K Electronics loans, and

**WHEREAS**, this COD may be structured and assigned as security on loans providing the Tribes the opportunity to receive preferred rates that will provide substantial benefits to both the Tribal Government and their Corporations when borrowing from local banks.

**NOW, THEREFORE, BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Tribal Chairman and the Director of Financial Management are hereby authorized to assign Tribal Certificates of Deposit at local banks as the security of loans between Tribal Corporations and those banks.

**Renee Camel** and **Crystal Reese**, Information Technologies, requested approval to hire Aaron Whitesell to fill the Infrastructure Technician position. The position has been vacant since October 2018 and was advertised twice with no qualified tribal member applicants. This nonmember was the only applicant. Renee requested a five-year contract. **Anita Matt** was concerned on why the IT Department was asking for 5 years with a non-member. She was told that IT had not been contacting Tribal Education on potential graduates. Anita was told 2 students graduated last year from SKC with a Bachelor's Degree in IT and there was 2 potential graduating this Spring. The minimum requirements for the IT position advertised was an Associate's Degree. Anita is concerned that the IT Department is filling jobs for 3-5 years for a non-member that Tribal Members could qualify for. There was also concern about the 4 Tribal Members who resigned from IT this past year. Renee is requesting a five-year contract in an effort to retain the staff. There has been a lot of turnover in IT because the employees are going to work elsewhere for more money and longer-term employment. Renee is considering a modification to the organizational chart to change the Systems Analyst to a Junior Systems Analyst so college graduates with no experience could be hired. **Charmel Gillin** was concerned by Renee's comments that Salish Kootenai College is not meeting the needs of Information Technologies and the college graduates are not qualified to work at IT. She wanted to know what Renee is doing to alleviate those concerns. Crystal

informed council that IT does employ people through internships. Renee responded that IT has hired at least 3 SKC graduates. They are hired at the technician level until they gain the needed experience and knowledge to advance. Networking experience is needed in those positions. She is willing to go to a three-year contract but she does not want to go below that.

**MOTION** by Leonard Gray to authorize the hire of Aaron Whitesell on a three-year contract to fill the Infrastructure Technician position, due to no qualified tribal member applicants. Seconded by Dennis Clairmont. Carried, 5 for (Carole Lankford, Dennis Clairmont, Ron Trahan, Leonard Gray, and Shelly Fyant); 4 opposed (Myrna DuMontier, Charmel Gillin, Anita Matt, and Len TwoTeeth); 1 abstention (Fred Matt).

**Charmel Gillin**, for the record, *“I am opposed because I want to allow for a placement opportunity for KHJCC employees.”*

**Anita Matt**, for the record, *“I am opposed because I think graduating Tribal Member students are having the opportunities taken away for at least 3 years.”*

**Myrna DuMontier**, for the record, *“I opposed because the five years ties up four years if a tribal member comes out of college or comes somewhere that is qualified for these positions.”*

**Kelly Parker**, Department of Human Resources Development, requested approval of modifications to the snowplowing contracts: Northwest Lawn Services a \$15,000 modification, for a total not-to-exceed amount of \$30,000; Jay Skellenger an \$8,000 modification, for a total not-to-exceed amount of \$23,000; and Donald Matt an \$8,000 modification, for a total not-to-exceed amount of \$23,000. **Shelly Fyant** questioned why the Arlee snowplower was not offered a modification and requested that DHRD reach out to Dorothy Clinkenbeard. **Carole Lankford** asked about it being a conflict for Fred Matt having a snowplowing contract. **Fred Matt** explained that he has been a snowplowing contractor for the past 30 years. Fred got this contract prior to being seated on the Tribal Council. He wants to finish out the terms of his existing contract and then he would not seek renewal of a contract next year. **Len TwoTeeth** asked who the contractor is for Margaret Friedlander because she went 2 weeks without being plowed out. Kelly said it is Jay Skellenger. **Fred Matt** reported that he plowed out those families because they had not been plowed out for three weeks and the snow was two feet deep. Kelly will follow up with Jay. Shelly wants a list of the snowplowers and the areas they plow emailed to the council. People are eligible for snowplowing services under the following guidelines: age 55 with a documented disability; age 60 if within the income guidelines; and age 75 with no income guidelines. **Art Caye** asked who has the

Elmo contract. DHRD said Jay Skellenger has that area. **Leonard Gray** wants the clients to verify that they have been snowplowed. Some clients say they are not plowed out but the snowplower bills for the service. **Fred Matt** pointed out that obtaining signatures from the elders is not always an easy task. He does not want the honest snowplowers to be punished. The plower being questioned should be addressed. **Carole Lankford** suggested using GPS on the plowers.

**MOTION** by Shelly Fyant to approve a modification to Jay Skellenger's snowplowing contract to increase compensation by \$8,000, for a total contract amount not to exceed \$23,000. Seconded by Charmel Gillin. Carried, 8 for; 1 opposed (Leonard Gray); 1 abstention (Fred Matt).

*Leonard Gray, for the record, "I opposed to give the department the opportunity to ensure that the snowplower in question is doing his job and following up on the complaints."*

**Chairman Trahan** suggested having the clients call in if they are or are not getting plowed.

**MOTION** by Charmel Gillin to approve a modification to Northwest Lawn Service's snowplowing contract to increase compensation by \$15,000, for a total contract amount not to exceed \$30,000. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Fred Matt); 1 not voting (Dennis Clairmont out of the room).

**MOTION** by Anita Matt to approve a modification to Donald F. Matt's snowplowing contract to increase compensation by \$8,000, for a total contract amount not to exceed \$23,000. Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (Fred Matt); 1 not voting (Dennis Clairmont out of the room).

*Charmel Gillin, for the record, "I agree with the action based on Fred's statement. Donald Fred Matt assured us that it does not conflict with his duties as a council person."*

**Chairman Trahan** directed DHRD to provide a report after the department follows up with Jay Skellenger.

**Rob McDonald**, Communications, presented a request from the Natural Resources Department Aquatic Invasive Species program to have a Facebook page. It would be a useful tool to provide education on aquatic invasive species. Monitoring of the Facebook page is required by Eric and Sierra. **Charmel Gillin** asked if Instagram and Twitter could be added and she requested that Rob look into offering that. Rob advised that he has not received any requests from tribal departments for that type of social media.

**MOTION** by Leonard Gray to authorize the Natural Resources Department Aquatic Invasive Species program to have a Facebook page. Seconded by Charmel Gillin. Carried, unanimous (10 present).

**Len TwoTeeth** reported that at last week's elders meeting he was approached by some elders that are distraught due to the boat inspection site being relocated. He wants continued support to keep it in Elmo. Instead of arguing with DNRC he suggested advocating to have an additional inspection site in Elmo. Len wants the chairman to sign a letter saying we want both sites to remain. Len requested a consensus of council to move forward with a letter to DNRC to keep the site in Elmo. **Carole Lankford** questioned who would pay for the additional boat inspection site.

**Ryan Evans** and **Brittany Clairmont**, Natural Resources Department, requested approval of a memorandum of understanding with the Montana Agriculture Protection Program.

**MOTION** by Anita Matt to approve the memorandum of understanding with the Montana Agriculture Protection Program Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Shelly Fyant** would like Jocko Valley added as a site. **Rich Janssen** will follow up with the Environmental Protection Agency to request a study in the Jocko Valley. **Chairman Trahan** requested that Rich publish the department's phone number in the Char-Koosta News so people will know who to contact when issues arise. **Len TwoTeeth** commented that we lost activity going on in the Chief Cliff area and he wants us to look at the wells and surrounding aquifers to see if there are any impacts. He wants the appropriate personnel to check it out. **Chairman Trahan** agreed that it is a reservation-wide concern. There are arsenic levels in the wells in Charlo. He wants testing done and look at reservation-wide pesticide issues in the ground water and have NRD start with pesticides; if they can do all the tests at the same time it would be good. **Rich Janssen** will draft up a proposal and present back to council for consideration.

**Rick Janssen**, Natural Resources Department; **Tyler Tappenbeck**, Yellow Bay Bio Station – University of Montana; **Tom Basnick**, Assistant Director for Yellow Bay Biological Station; requested approval of a collection permit for water quality sampling.

**MOTION** by Shelly Fyant to grant the Yellow Bay Biological Station a collection permit for water sampling. Seconded by Leonard Gray. Carried, unanimous (10 present).

**Rich Janssen**, Natural Resources Department; **Tyler Tappenbeck**, Yellow Bay Bio Station – University of Montana; **Tom Basnick**, Assistant Director for Yellow

Bay Biological Station; requested approval of a collection permit for water quality sampling at Jocko Lakes.

**MOTION** by Myrna DuMontier to grant Yellow Bay Biological Station a collection permit for water sampling at Jocko Lakes. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Melinda Charlo**, Indian Preference Office, requested approval of a project specific agreement for the Highway 93 and Highway 35 project.

**MOTION** by Len TwoTeeth to approve the project specific agreement for the Highway 93 and Highway 35 project. Seconded by Anita Matt. Carried, unanimous (10 present).

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

**Rhonda Swaney**, Legal Department, introduced Jim Taylor, who will be the Managing Prosecuting Attorney. Jim worked for the Tribes for over 9 years in the Tribal Defenders Office years ago. Mr. Taylor wants to get some tribal member lawyers in the Prosecutors Office and train them in management tools so there will be qualified tribal members to replace him when he no longer works here. Rhonda requested approval of a contract with James Taylor for the terms of March 4, 2019 through September 30, 2020.

**MOTION** by Shelly Fyant to approve by resolution an attorney contract with James Taylor. Seconded by Carole Lankford. Carried, 10 for; 0 opposed; 0 not voting.

#### **RESOLUTION 19-085**

#### **A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH JAMES P. TAYLOR**

#### **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, which includes a Prosecutor's Office, 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 criminal and civil legal services;

**WHEREAS**, James P. Taylor is a licensed attorney in the State of Montana, and wishes to provide legal services to the Tribes through the Legal Department, Prosecutor's Office;

**WHEREAS**, James P. Taylor, 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 an attorney contract with Thomas Myers.

**MOTION** by Leonard Gray to approve by resolution an attorney contract with Thomas Myers. Seconded by Dennis Clairmont. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 19-086**

**A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH THOMAS R. MYERS**

**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, which includes a Prosecutor's Office, employs contract attorneys to staff that

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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 criminal and civil legal services;

**WHEREAS**, Thomas R. Myers is a licensed attorney in the State of Montana, and wishes to provide legal services to the Tribes through the Legal Department, Prosecutor's Office;

**WHEREAS**, Thomas R. Myers, 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** and **Ryan Rusche**, Legal Department, gave a legislative update. **Myrna DuMontier** thinks it would be a good idea to bring the Kootenai Culture Committee Director to the hearing on the language bill.

**Rhonda Swaney** and **Daniel Decker**, Legal Department; **Renee Joachim** and **Cory Clairmont**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel matter. **John Harrison**, **Brian Upton**, **Ryan Rusche** and **Christina Courville**, Legal Department, were present for discussion.

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

Council reconvened into **regular session**.

**Charmel Gillin** submitted into the record 26 formal complaints focusing on one tribal department with issues concerning management practices, leadership, hostility, and endangering individuals identified as potentially suicidal. The names in the record will remain anonymous due to the nature relating to Ordinance 69-C. **Fred Matt** thinks the individuals should follow the established process for any complaints.

**MOTION** by Charmel Gillin to direct the tribal chairman to extend probation for six months to allow time to review the complaints and appropriate actions moving forward. Seconded by Myrna DuMontier. **MOTION NOT CARRIED**, 4 for; (Shelly Fyant, Myrna DuMontier, Charmel Gillin, and Anita Matt); 6 opposed (Dennis Clairmont, Ron Trahan, Fred Matt, Carole Lankford, Leonard Gray, and Len TwoTeeth).

**Charmel Gillin** requested clarification on whether the council is rejecting the 26 complaints or the probation extension. **Chairman Trahan** said it is the motion she made. Charmel will submit the complaints if council will accept them. **Fred Matt** explained that if this is the process for employees to voice their complaints to go through the chairman or tribal council then fine, but there should be a process to handle complaints and established process needs to be followed. Charmel said it is the process the council developed by having a complaint form. Those will be submitted with signatures from individuals who have reported these matters. She wants council to extend the supervisor's probation to allow time to investigate and come to a remedy. Charmel thinks it is the process we have in place. Charmel is still obtaining some signatures and then she will turn the complaints into the chairman. She thinks the complaints should be referred to the Internal Auditor for an independent investigation. There is a need for more objectivity in this area of concern.

**Charmel Gillin** went on record that it has been approximately 8 months since the chairman was asked to prepare a position description for human resources in the area of equal employment and today we are without any progress with this important position. **Fred Matt** commented on the chairman being directed to do this. Joe Dupuis used to handle these types of assignments in an efficient manner, and now these tasks were divided amongst various staff and it seems like things have been slipping through the cracks.

**MOTION** by Charmel Gillin to direct Jami Pluff to draft a position description for council review within five working days. Seconded by Myrna DuMontier. **MOTION NOT CARRIED**, 4 for (Charmel Gillin, Myrna DuMontier, Shelly Fyant, and Anita Matt); 6 opposed (Carole Lankford, Dennis Clairmont, Ron Trahan, Leonard Gray, Fred Matt, and Len TwoTeeth).

**Anita Matt** informed council that the IECIWG needs a nomination for someone to be appointed to this organization and have a resolution prepared. Anita nominated Charmel to sit on that board. It is a work group for the Department of Energy. **No action taken.** **Chairman Trahan** asked Anita to have the resolution prepared and present back on Thursday.

**Shelly Fyant** asked if council could take action on the EDO Director position description on Thursday. The position description was revised at the council retreat and the draft was emailed to council for review.

**Shelly Fyant** informed council that she received a call about the dog issue on the reservation. There are a bunch of dogs in Mission not being fed and left out in the cold. The bus driver cannot drop off the kids there due to safety issues. There are also dog problems at the Martin Charlo Homesites and in Pablo. The Tribes do not have a dog ordinance because we have no dogcatcher or facility.

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The Mission Valley Animal Shelter contacted Shelly and she asked for a meeting with the necessary parties to brainstorm on how to address this issue.

**MOTION** by Len TwoTeeth to adjourn the meeting. Seconded by Leonard Gray. Carried, unanimous (10 present).

Council **adjourned** at 1:06 p.m., and is scheduled to meet again on Thursday, February 21, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Shelly R. Fyant  
Tribal Secretary