

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

Volume 19 Number 55
Council Chambers, Pablo, MT

Held: May 14, 2019
Approved: May 21, 2019

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

MEMBERS ABSENT: Leonard TwoTeeth (Health Summit – Albuquerque, New Mexico); and Fred Matt (Inter-Tribal Timber Council Meeting – Washington, DC).

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 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman Trahan.

The **Tribal Council Meeting Minutes** for May 7, 2019 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 7, 2019, with corrections. Seconded by Charmel Gillin. Carried, 7 for; 1 abstention (Carole Lankford).

The **agenda** was presented for approval.

MOTION by Dennis Clairmont to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (8 present).

Harold Frazier, Chairman of Cheyenne River Sioux Tribe; and **Dakota Longbreak**, Director of Transportation; introduced themselves to the council. Their tribe has issues with their roads. Mr. Frazier found out that there is a funding formula that was changed and it is not benefiting tribes that have roads and maintain roads. They have been communicating with Washington, and there is a new highway bill coming forth to change the formula. The Cheyenne River Sioux Tribe has 310 miles of BIA roads and get \$2.2 million in funding. A tribe in Nebraska only has 0.2 miles of roads and gets \$3 million. He said our tribe has 357 miles of roads and only gets \$1.7 million in funding. They have spoken

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to other tribes about this issue. He is trying to develop a coalition with other tribes so the formula is distributed fairly amongst tribes. Dakota informed council that in the late 2000s after negotiated rulemaking the formula was changed and it allowed county miles to skyrocket. The formula is set up to keep tribes at their same funding level. The Indian Reservation Roads Program provides the funding but it has shifted away from that. **Dan Lozar**, Tribal Roads Program, joined the discussion. **Council** asked Dan to visit with them about our Roads program and funding.

Thomas “Sonny” Lozeau and **Shelly Hendrickson** discussed issues that Sonny has regarding Public Law 280. Mr. Lozeau has a power of attorney for his son, Travis Curtis Lozeau, and his son’s case is in the Supreme Court. They are trying to get him to make admissions that would be deemed as probation violations to get into Drug Court. Sonny read into the record some paperwork on the petition to revoke. His son was charged with the same incident in State Court that went through Tribal Court. The court order has a sentence in it that dismisses the case with prejudice, but then it also contains the language that it is dismissed without prejudice. The charges in Tribal Court were transferred to State Court. Sonny also had issues with representation in child cases and the Indian Child Welfare Act. **Rhonda Swaney**, Legal Department, requested the documents from Sonny so she could review the many complaints he is addressing. **Shelly Fyant** advised that the tribal council discussed the inequity of representation in child cases and asked the Tribal Defenders Office to present proposed code revisions and a budget. **Council** referred the complaints to the Legal Department. Mr. Lozeau also has a complaint regarding the City of Ronan. They came onto his property and he has no trespassing signs posted. He has a copy of the police reports. There was no crime happening and they removed a vehicle from his property. Sonny addressed it with the Ronan City Council but they will not let him meet with the city council. Sonny filed criminal trespass charges against the police office for accessing his property. He requested the officer’s body cam and car cam and they will not turn it over to him. It is a BIA road and tribal trust property and they had no right to access it. **Chairman Trahan** would like the complaints in writing so they can be followed up.

Shelly Hendrickson discussed concurrent jurisdiction needing a resolution to put it into effect. She read the tribal council minutes from 1961. They have been working on concurrent jurisdiction for 4 years and they have a letter from the governor saying they put us into this Public Law 280 predicament without a resolution. **Council** referred the complaint to the Legal Department. **Sonny Lozeau** informed council that he is starting a petition to revoke it because it violates the law. House bill 55 was approved on February 8, 1963. He wanted the status of the PL 280 discussions and legislation. **Rhonda Swaney** advised that the tribal council decided not to go about it legislatively but want to reassume the jurisdiction. We are looking into how to expand jurisdiction where

it is allowed in domestic violence cases and sentencing without legislative actions being needed.

Council met in **executive session**.

Council reconvened into **regular session**.

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

Cindy Umphrey informed council that in 2017 when she got back from treatment she had a \$2,000 power bill, and she made a payment of \$1,700. Someone was taking care of things while she was gone, and the people who were living in her place hooked up the power illegally. Cindy paid \$700 on her power bill. She was under the assumption that the tribal council had directed the Department of Human Resources Development to pay her power bills, so she did not know she owed any money to Mission Valley Power. Her power was shut off last Friday. She offered to pay Mission Valley Power \$1,800 but the offer was denied. She still owes \$1,200 for her power and \$800 in other costs. **Council** explained that there is a process that needs to be followed, and they referred Cindy to the Mission Valley Power General Manager.

Wilbert Michel and **Leonard Michel** requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Tony Incashola, Jr. and **James Lozeau**, Tribal Forestry, requested approval to hire Colton Wheeler and Tyler Wheeler on a one-year TEA contract for the thinning crew. There are 15 other slots available for tribal members. The requirements are they must have a chainsaw and boots; the program provides all safety gear. It is not a full-time position; they are paid by the acre. The positions were advertised. A pre-hire drug test is required. Tribal members are automatically hired and those hires do not require council approval. 13 tribal members are currently employed on the thinning crew.

MOTION by Dennis Clairmont to approve the hire of Colton Wheeler on a one-year TEA contract for the thinning crew. Seconded by Leonard Gray. Carried, 6 for; 2 abstentions (Shelly Fyant and Myrna DuMontier).

MOTION by Anita Matt to approve the hire of Tyler Wheeler on a one-year TEA contract for the thinning crew. Seconded by Dennis Clairmont. Carried, 6 for; 2 abstentions (Shelly Fyant and Myrna DuMontier).

Patricia Courchane and **Kelly Parker**, Department of Human Resources Development, requested approval for her intent to apply for the Community

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Collaborations to Strengthen and Preserve Families Grant in the amount of \$550,000 per year for a five-year period.

MOTION by Myrna DuMontier to approve submission of the Community Collaborations to Strengthen and Preserve Families Grant in the amount of \$550,000 for a five-year period. Seconded by Anita Matt. Carried, unanimous (8 present).

Patricia Courchane and **Kelly Parker**, Department of Human Resources Development, requested approval to enter into a facilitator agreement with Margaret Burt in the amount of \$5,300 to provide a two-day IV-E legal training and child welfare policy development compliance training August 26-27, 2019. **Council** questioned why the training is being held at the Red Lion instead of the Resort. Patricia said she thinks the KwaTaqNuk was already booked those dates.

MOTION by Anita Matt to enter into a facilitator agreement with Margaret Burt in the amount of \$5,300 to provide a two-day IV-E legal training and child welfare policy development compliance training August 26-27, 2019. Seconded by Leonard Gray. Carried, unanimous (8 present).

Lynn Ducharme, Natural Resources Department, discussed the Juanita Adams property (3 parcels) containing 40 acres along Finley Creek. She requested that the Tribes show interest in purchasing the parcels at fair market value with BPA resident fish mitigation funding so the staff can do their due diligence.

MOTION to Anita Matt to show interest in purchasing the Juanita Adams property at fair market value with BPA resident fish mitigation funding and authorize staff to do due diligence. Seconded by Carole Lankford. Carried, unanimous (8 present).

Dan Lozar, Natural Resources Department; and **John Neiss**, Facilities Maintenance; requested approval to enhance the safety and security of the BIA NMC (24/7) Office by installing secure doors and a separate fire escape door in the existing facility at an approximate cost of \$11,000. There is enough funding the existing budget to cover the costs. It will be advertised through the Indian Preference Office.

MOTION by Carole Lankford to authorize the installation of secure doors and a separate fire escape door in the existing BIA NMC (24/7) facility at an approximate cost of \$11,000. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

Rich Janssen and **Craig Barfoot**, Natural Resources Department; **Dr. Rachel Malison** and **Julia Cotter**, Yellow Bay Biological Station; presented a request from the Yellow Bay Biological Station for a collection permit to collect stoneflies

and other macroinvertebrate samples from the Jocko River and Aquifer. The Fisheries staff will work with Dr. Malison.

MOTION by Carole Lankford to approve the modification to the work plan. Seconded by Anita Matt. Carried, unanimous (8 present).

Rich Janssen, Natural Resources Department; and **Stu Levit**, Legal Department; gave an update on Lake Koocanusa. On May 22, there will be a dinner meeting in Kalispell and the Montana legislators have been invited to that meeting. The Tribes will be discussing this matter with the governor next week and Stu will develop some talking points. **Shelly Fyant** suggested publishing a Letter to the Editor. Rich requested approval to attend the meeting as an employee on behalf of the Tribes instead of as a Flathead Basin Commission member and have Erin Sexton attend with him, along with any council members that want to attend. **Council** had no objection to Rich attending the meeting.

Rhonda Swaney and **Dan Decker**, Legal Department, followed up on the McCollum Estate land purchase. To alleviate any environmental concerns, a boundary line adjustment was made. This option would pose a lesser environmental concern to the Tribes. There would be no change in acreage or purchase price. It was the **consensus** of council to move forward with the boundary line adjustment.

Rhonda Swaney and **Christina Courville**, Legal Department, requested approval of a contract for consultation and professional services with Historical Research Associates.

MOTION by Dennis Clairmont to approve by resolution a contract for consultation and professional services with Historical Research Associates. Seconded by Leonard Gray. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 19-131

A RESOLUTION THE ENTER INTO A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH HISTORICAL RESEARCH ASSOCIATES

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 is among the highest priorities of the Tribes; and

WHEREAS, the Confederated Salish and Kootenai Tribes wish to secure, and Historical Research Associates wishes to provide professional historical research expertise, services, reporting consultation in regard to Land Title Research, Roads and, if requested, expert testimony on historical issues researched under this contract; and

WHEREAS, Historical Research Associates has previously worked for the Confederated Salish and Kootenai Tribes on portions of the water rights adjudication preparation; and

WHEREAS, Historical Research Associates has agreed to provide their personal 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 Chairman and the Tribal Secretary.

Christina Courville, Legal Department, informed council that the gate was installed at Big Arm. The county and developer were notified that a quiet title and temporary injunction would be filed.

Rhonda Swaney and **John Harrison**, Legal Department, reminded council of the upcoming all-party hunt managers meeting on Thursday from 10:00 a.m. to 3:00 p.m. at the Missoula Holiday Inn. There is also an inter-tribal meeting on Wednesday from 5:00 p.m. to 7:00 p.m. The agenda is getting finalized.

Rhonda Swaney, **Jordan Thompson** and **Stu Levit**, Legal Department, discussed the governor's summit scheduled for May 22, 2019. **Shelly Fyant** advised that the issues identified by the tribal council are: (1) AIS – a request from Len TwoTeeth to have two additional boat inspection stations; (2) Department of Corrections - discussion on prisoners coming home for funerals on a holiday; (3) MDT agreement – the Post Creek section; and (4) Elk River Mining.

Rhonda Swaney and **Stu Levit**, Legal Department, informed council that the Federal Energy Regulation Authority is asking about tribal consultation on a very small generation, primarily an irrigation dam located south of Helena. Stu checked with EKI, NRD and Preservation and those programs have no issues on how it could affect the Tribes.

Rhonda Swaney, Legal Department, reminded council that some of the attorneys will be in Washington, DC next week for the bison film screening and water compact issues.

Carole Lankford informed council that a tribal member would be graduating from Drug Court this Thursday at 4:00 p.m. Carole provided the background information on this individual and the struggles he went through. There will be a picnic at Riverside Park after the graduation ceremony. Council was invited to attend the event. The Char-Koosta News will be there to take pictures.

Shelly Fyant followed up on the request from Patrick Yawakie for a letter of support for a master's program for Tribal Governance & Administration at Salish Kootenai College. Jennifer Trahan will provide a copy of the letter to the council for review.

Shelly Fyant asked if there was any follow up on the Safety of Dams supervisor harassment complaint. **Chairman Trahan** will follow up.

Carole Lankford informed council that there are actually going to be two tribal members graduating from Drug Court this Thursday, and she requested that the former graduates be granted a change of duty to go to the graduation to show support. It was the **consensus** of council to grant the former Drug Court graduates a change to duty to attend Thursday's graduation.

Shelly Fyant asked about Thursday's bison hunt meeting and wanted to know who would be attending since we need a quorum for the council meeting that day. **Chairman Trahan** directed Jennifer to check the calendar and find out who will be here on Thursday.

MOTION by Shelly Fyant to approve the letter of support for a master's program in Tribal Governance & Administration at Salish Kootenai College. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Carole Lankford).

***** **Lunch** *****

Carole Lankford out of the room.

Dave Strohmaier, Missoula County Commissioner; and **Diana Maneta**, Energy & Conservation Coordinator; discussed Climate Ready Communities Building Resiliency in Missoula County. They are developing an action plan and setting a goal to become carbon neutral, and partnering with Climate Smart in Missoula County to set a goal of the year 2030 to be 100% dependent upon clean electricity. Diana gave an overview of the Climate and Sustainably Program in Missoula. Climate Smart, Missoula County, and the City of Missoula are partnering on the plan. They developed a draft vulnerability document that lays

out the risks they are most concerned about and how are those being dealt with. They are in the public outreach phase to obtain feedback and they will also have open houses to obtain feedback. The changes will be implemented in 2020. **Shelly Fyant** commented that this is an important issue. We will have an intern coming on in the fall to focus on developing policy towards climate change.

Carole Lankford returned to the meeting.

Anita Matt informed council that Michael LaValley is going to be here today, but he is not on the agenda. Jennifer told him we would be done around 2:00 p.m.

Myrna DuMontier informed council that she had brought forward a request to design and send a letter to Oren Lyons's award and gala on Sunday. Council had approved the request and she drafted the letter. She requested that Jennifer put it on the tribal letterhead. Myrna read the letter into the record.

Chairman Trahan discussed the Chief Judge advertisement, and information about the training that Dan and Rhonda went to.

Michael LaValley met with the council. He was visiting SKC students and gave an update. The senator is prioritizing the MMIW issue. The 116th congress members are having their photos taken today. The 2018 Farm Bill created a Tribal Advisory Committee, and they are in the process of rolling that out. They are open to hearing from tribes on recommendations on who the Tribes see best fit on that committee. The senator is expanding the veterans services. Carole talked about bailout programs for farmers. She told Mr. LaValley about the visit from Chairman Frazier regarding the funding formula for roads. She wants to develop an issue paper and send it to the senator. Mr. LaValley informed council that this topic would be discussed at the Tribal Leaders Council meeting. Leonard Gray commented on the cost for water delivery. Michael asked if the Tribes have had any issues with the Crime Victims funding for 2019. **Council** will notify him if there are any issues with that funding.

Shelly Fyant received a call from Eva at SKC Career Services. She had heard we did a tribal governance and administration internship previously and there is another student, Brennin Holliday, in that program and he is interested in having an internship with the tribal council. Ava's program has funding to pay him for up to 300 hours. **Chairman Trahan** requested the information in writing so it can be followed up on.

Charmel Gillin commented on the question Carole had about the Chief Judge position. It looks like there is an either/or decision. The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION by Myrna DuMontier to adjourn the meeting.

Council **adjourned** at 2:43 p.m., and is scheduled to meet again on Thursday, May 16, 2019, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Shelly R. Fyant
Tribal Secretary