

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

Volume 21 Number 10
Council Chambers, Pablo, MT

Held: November 3, 2020
Approved: November 5, 2020

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; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Ellie Bundy McLeod.

The **Tribal Council Meeting Minutes** for October 29, 2020 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 29, 2020, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Council discussed a request from Darcy Maiers for a one-month extension for his daughter to assist him while hunting.

MOTION by Len TwoTeeth to approve a one-month extension for Darcy Maiers’s daughter to assist him while hunting. Seconded by Bing Matt. Carried, unanimous (10 present).

Michael Tenas, Tribal Employee, requested to meet with council in **executive session** to discuss a personnel matter. **Renee Joachim** and **Cynthia Matt**, Personnel Department; **Corky Sias**, Department of Human Resources Development; **Tom Johnson**, Tribal Services; and **Jami Pluff**, Policy Analyst;

were present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to approve a contract for Michael Tenas to continue employment for six months to give adequate time to look for another directed reassignment. Seconded by Fred Matt. Carried, 8 for; 2 opposed (Shelly Fyant and Ellie Bundy McLeod).

***Ellie Bundy McLeod**, for the record, “My opposition is due to the time period on the motion. I prefer it to be the original discussed thirty days as opposed to six months.”*

***Shelly Fyant**, for the record, “The reason I opposed is we made a decision back in March after reviewing all this information thoroughly, and I want to remain consistent in that.”*

***Mike Dolson**, for the record, “I supported the motion because although I see how very important it is to have this restriction in these kinds of positions, I believe given Michael’s past and present history this is an exception to this rule.”*

Chairwoman Fyant directed Renee Joachim and Corky Sias to follow up with the direction given today regarding a reassignment. **Corky Sias** commented that he never received an email, and that would be nice stating the facts or any of these issues back in March. Corky has no letter saying what needs to be done. He got a call stating that the council was working on it, but it would be nice to get a letter from the Personnel Department giving him the date to resolve it. **Chairwoman Fyant** commented that everyone is present today and the discussion is in the council minutes, so she would appreciate adherence to the action this time.

Jean Matt, Chelsea Kleinmeyer, and Rob McDonald, Unified Command Team, gave an update. **Jean Matt** reported that it has been 232 days since the declared emergency for CSKT. We all recognize we experience fatigue, but COVID-19 has not gone away. The UCC is short staffed today since it is Election Day. The county is off today, and the courthouse is only open for voting. It was recommended that there be a meeting with Lake County next week. The UCC recommendations could have changes this week. There are more cases at a rapid pace. The safety recommendations are helpful during the holiday to help give guidelines on numbers of gatherings. Jean had sent that information to council. It is better to be outdoors than indoors. The Incident Action Plan contains this information and the IAP is updated every two weeks. If people are hosting out-of-state guests or traveling, or having company over the holidays, they have guidelines they recommend. It is recognized that the IAP is driven by public

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health. The UCC can make recommendations, but at the end of the day we are aware it is a public health driven emergency. Quarantine continues to be a question. It means stay home. The soonest any approved vaccines would be available is in April but some of that depends on the election. The UCC identified the supply order chain and got them ordered prior to the holiday season so we have a reasonable time for them to get here. Storage was mitigated by using the Mission Valley Power storage space. Shelter options were identified at the Big Arm cabins and Kwataqnuq Resort. The Starlite Motel was discussed knowing it has other priorities. The UCC will have another PSA going out. **Chelsea Kleinmeyer** reported that Lake County has 723 confirmed cases and approximately 145 are active. There are 6 hospitalized cases. As of yesterday, there was a total of 7 deaths to date. The 5 hospitals we rely on are under 70% capacity and still have capacity available. As of October 28, there are 12 Lake County schools that have COVID activity. The state has a total of 34,252 confirmed cases and 12,370 of those are active. There have been 386 deaths in the state. The US Government deployed federal resources to the eastern and central region of Montana to assist hospitals that were hit the hardest. The CDC teams are looking at what is going on across the nation. The team is looking at the Montana reservations, given the number of cases we have per 100,000. It is concerning we have a continued increase in cases. When it is compared to other areas, we have a high rate of cases at this time. **Charmel Gillin** asked about contact tracing having adequate support and meeting timelines for that. Chelsea explained that each case varies. They continue to bring on more staff. She requested to look at the emergency hire list to bring on additional contact tracers. They need people to assist in the off hours and weekends. Charmel heard people have not been contacted and are self-quarantining because they had close contacts with people who tested positive. The information she received is that there is a backlog going on. From the UCC perspective, not tribal, she hopes there is a concerted effort to remedy that. If we cannot have a well-functioning contact tracing system, then we are not going to be able to try to help keep up with the community spread aspect of this. It is a live wire that is sitting there that needs to be managed. She hopes the UCC follows up and finds out what action needs to be taken, such as is there a different resource we need to look to such as Lake County needing more support, whether it's FEMA or something else. **Rob McDonald** reported that a student athlete in Whitefish was close to folks and then they all tested positive. A good samaritan offered a ride to people with no masks in a car, and then they ended up in quarantine for fourteen days but tested negative. Rob was asked if they go out of quarantine if they test negative, but people are told to stay quarantined for the incubation period anyway. They are looking at making a series of short videos that lean on our experts who oversee the trenches. The county and tribal nurses will do a three-minute video with Chelsea on Friday. It will explain contact tracing components coming from top health officials to educate the public. **Martin Charlo** reminded everyone to remain diligent, wash their hands, social distance, and wear a mask.

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

Tony Incashola, Jr. and **Joe Vanderburg**, Tribal Forestry, discussed an assistance request for fuel wood for personal use. The person does not qualify for LIHEAP. The non-tribal member will be required to have a recreation permit and coordinate with the permit officer and Fish & Game wardens when and where they will be cutting fuel wood. **Len TwoTeeth** mentioned that he brought this in some time ago and was told they are approved by the Tribal Forestry Department. Tony explained that the form was designed several years ago and his understanding was they fill out the form, check with the Elder and LIHEAP programs to see if they are eligible for services, and then bring the request to council with their recommendation. Forestry recommended approval of the request as long as they follow the criteria outlined. The form has a signature line for council, but if the council wants the Forestry Department to do it, it can be changed to the department head or FOIC. The council wants Forestry to make the decision. Tony will change it in the Timber Use Policy Statement to be approved and completed by Forestry.

MOTION by Fred Matt to approve the fuel wood assistance request. Seconded by Bing Matt. Carried, 9 for; 1 abstention (Len TwoTeeth).

Chairwoman Fyant confirmed that this is the year the Timber Use Policy Statement (TUPS) is up for revision. Tony is working on that right now. Shelly commented that the council took action a while ago to appoint a committee. Bing and Mike were the council representatives on the committee and Fred will serve as an alternate. They need to appoint two members from Forestry, two small loggers and two woodcutters to the committee. Shelly wants that brought forward in a resolution by Thursday so we can have that official action to move forward with the TUPS review. Tony will bring in a resolution forming the committee. Tony will have two stand-in members from Forestry, and it may be on a rotation basis. Tony will get Bing and Mike a list of the permitted woodcutters and small loggers so they can make contact. **Carole Lankford** requested clarification on whether this was to review the TUPS or if it is the woodcutter regulations being looked at. Shelly said it is one in the same. Carole asked Tony if the TUPS identifies a group that comes together. She would rather add the woodcutters to the IDT than have a whole different group review it. Shelly commented this was a previous council action and it was a separate committee to deal with the recommendations that we had from the small loggers/woodcutters meetings that we had in the past and it was a result of conversations we had with Dan less than a month ago.

Brian Tanner, Potlatch Fund, informed council that he is the Development Director for the Potlatch Fund and he works with donors. They are having a virtual Gala this Saturday and he asked for a sponsorship. They are a nonprofit organization located in Seattle and funds many youth language and art programs

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and provides capacity building training throughout the northwest. They are going through their strategic plan that will drive what they do in the future and they are asking the tribal communities what their needs are and what they can do to help. They raised over \$1 million for COVID-19. That money was put back into the community, including Flathead Reservation folks.

MOTION by Martin Charlo to donate \$4,500 to the Potlatch Fund. Seconded by Mike Dolson. Carried, 9 for; 1 opposed (Carole Lankford).

Mark Couture, Tribal Lands Department, presented a negotiated offer from Chuck Stephens for Lease 2283. The tract was advertised on the fall bid and no bids were received. It is a 35-acre tract. The negotiated offer is \$900 per year for five years. Options discussed were: (1) approve the negotiated bid; (2) deny the request; and (3) hold further discussion. The Lands Department recommended approval of the offer.

MOTION by Anita Matt to go with option 1 at the negotiated rate from Chuck Stephens for 5 years for Lease 2283. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, presented a negotiated bid from Rikki Stokes for Lease 1255 for five years at \$262.50 per year. Options discussed were: (1) approve the negotiated bid; (2) deny the request; and (3) hold further discussion. The Lands Department recommended approving the negotiated bid for the lease.

MOTION by Anita Matt to approve option 1 from Rikki Stokes for Lease 1255 at \$262.50 per year for five years. Seconded by Bing Matt. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, requested approval to advertise for bid Range Units 11, 39, 40, and 53; and remove Range Unit 50 for management purposes.

MOTION by Ellie Bundy McLeod to approve to advertise for bid Range Units 11, 39, 40, and 53; and remove Range Unit 50 for management purposes. Seconded by Anita Matt. Carried, unanimous (10 present).

Carole Lankford out of the room for the next issue.

Mark Couture, Tribal Lands Department, discussed the offer from Sharon Earthboy to sell four fee parcels containing 242.10 acres in the Hot Springs area. The offer was brought to the Land Committee a couple times, but no decision was made because the tribal council wanted to take it to the Budget Committee. Sharon is willing to do a five-year contract for deed. Options discussed were: (1)

approve the purchase; (2) deny the request; and (3) hold further discussion. The discussion continued in **executive session**. **Rhonda Swaney**, Legal Department, joined the discussion.

Carole Lankford returned to the meeting.

Council reconvened into **regular session**.

Mark Couture, Tribal Lands Department, discussed the potential purchase of property from Sharon Earthboy. It was recommended to hold further discussion/negotiation.

MOTION by Anita Matt to go with option 3 to decipher the proposal and figure out if we are interested. Seconded by Len TwoTeeth. Carried, 7 for; 1 abstention (Carole Lankford); 2 not voting (Bing Matt and Ellie Bundy McLeod out of the room).

Mark Couture, Tribal Lands Department, discussed the land offer from Shannon Burke for her 1/5 undivided interest in Flathead Allotment 3014, containing 36.05 acres. Options discussed were: (1) approve the purchase; (2) deny the request; and (3) hold further discussion. The Lands Department recommended going with option 3 for further discussion with the other landowners. The land was offered to them back in 2017.

MOTION by Len TwoTeeth to move forward with the purchase. Seconded by Martin Charlo. Carried, 8 for; 1 opposed (Mike Dolson); 1 abstention (Charmel Gillin).

***Charmel Gillin**, for the record, "In order for me to make a decision on this one, I need more information and further clarification on 25 CFR 151.7 requirements or other citations pertinent to what level of consent is applicable. Legal indicated consent of other owners is required (as stated in CFR), but then said it wasn't required. There must be another CFR reference missing, or something. Therefore, I'd rather be certain before giving an expectation to the owner that may or may not be fulfilled."*

Mark Couture, Tribal Lands Department, presented a request for a letter of disinterest from Lorraine Johnson for a portion of Allotment 2235, creating Flathead Tract 2235-A, containing 2.5 acres.

MOTION by Len TwoTeeth to approve a letter of disinterest in the Lorraine Johnson property for a portion of Allotment 2235, creating Flathead Tract 2235-A, containing 2.5 acres. Seconded by Anita Matt. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, presented a request for a letter of disinterest in the DynoMart property from Margaret Bowman for a portion of Flathead Tract 4127-B, containing 1.67 acres. Options discussed were: (1) approve a letter of disinterest; (2) deny the request; and (3) hold further discussion.

MOTION by Anita Matt to go with option 3 for more discussion on a letter of disinterest for a gift deed in fee for the Dyno Mart property from Margaret Bowman. Seconded by Martin Charlo. Carried, 7 for; 3 opposed (Mike Dolson, Charmel Gillin and Shelly Fyant).

Mark Couture, Tribal Lands Department, presented a request from Patricia Camel Kelly for a letter of disinterest in Flathead Allotment 726-B, containing 3.75 acres. Options discussed were: (1) approve a letter of disinterest; (2) deny the request; and (3) hold further discussion.

MOTION by Len TwoTeeth to approve a letter of disinterest in Flathead Allotment 726-B, containing 3.75 acres, from Patricia Camel Kelly. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Carole Lankford).

Mark Couture, Tribal Lands Department, presented a request from Anna Ruhkala for a letter of disinterest in Flathead Allotment 1528, containing 23.18 acres.

MOTION by Len TwoTeeth to approve a letter of disinterest in Flathead Allotment 1528, containing 23.18 acres, from Anna Ruhkala. Seconded by Mike Dolson. Carried, 9 for; 1 abstention (Bing Matt).

Mark Couture, Tribal Lands Department, discussed a potential purchase of land from Roy Adams consisting of a portion of Flathead Allotment 1035-B, creating Flathead Tract 1035-D, containing 10 acres.

MOTION by Len TwoTeeth to approve the purchase of Flathead Allotment 1035-B, creating Flathead Tract 1035-D, from Roy Adams. Seconded by Anita Matt. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, presented for consideration a request to purchase Allotment 2051, containing 25 acres, from James and Wendy Halvorson. Options discussed were: (1) approve the purchase; (2) deny the request; and (3) hold further discussion.

MOTION by Anita Matt to go with option 1. Seconded by Len TwoTeeth. Carried, 9 for; 1 abstention (Mike Dolson).

Fred Matt commented on the number of abstentions; he has been asked what

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is the process and reason for abstentions. The vote is either in favor or opposed and it is usually because you are related to the person. Fred wants council to discuss it later today.

Mark Couture, Tribal Lands Department; and **Valerie Roberts**, Tribal Member; presented a request for the Tribes to purchase or approve a letter of disinterest in the Valerie Clairmont Roberts property. Val said she would offer it to tribal members, but she wanted to trade it for the land in Niarada that Malcom McDonald was living in. Lands told her that is not an option because Lands has not decided what will be done with that land. She will bid on the Niarada land if it goes out for bid, but she is concerned who will take care of it since it is vacant. Val wants to be allowed to live in the Malcom McDonald house while she is doing repairs on her place. **No action taken.** **Chairwoman Fyant** advised that it would be scheduled for the next Land Committee meeting. Mark reported that the McDonalds still have some items at the property that need to be removed. The home is locked and winterized.

Rhonda Swaney and **Stu Levit**, Legal Department, requested approval of a letter regarding the Elk River watershed. There is an upcoming meeting with the Department of State.

MOTION by Charmel Gillin to approve the letter. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present – Mike Dolson out of the room).

Stu Levit, Legal Department, informed council that yesterday there was an announcement on the decision where the Environment Climate Change Canada told Tech Mining to do more water quality treatment. ECC Canada requested this investigation due to fish violations. There is a hearing regarding this matter on Thursday.

Rhonda Swaney, Brian Upton, Ryan Rusche, John Harrison, Jordan Thompson, Stu Levit, Michael Wheeler, and Dan Decker, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Fred Matt left the meeting.

Council reconvened into **regular session**.

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

Fred Matt returned to the meeting.

Dale Becker, Natural Resources Department, requested approval to submit the 2021-2022 Migratory Waterfowl Hunting Proposal to the Migratory Bird Management Office.

MOTION by Fred Matt to approve submittal of the 2021-2022 Migratory Waterfowl Hunting Proposal to the Migratory Bird Management Office. Seconded by Bing Matt. Carried, unanimous (8 present – Len TwoTeeth and Carole Lankford out of the room).

Dale Becker, Natural Resources Department, discussed a request to acquire capital equipment consisting of a Can Am Defender 6x6 DPS ATV to be used for wetland restoration and management of projects, to be funded from existing funds in the SKQ Dam Wildlife Habitat Restoration account.

MOTION by Bing Matt to authorize the purchase of capital equipment consisting of a Can Am Defender 6x6 DPS ATV. Seconded by Fred Matt. Carried, 8 for; 1 abstention (Carole Lankford); 1 not voting (Len TwoTeeth out of the room).

Whisper Camel-Means, Natural Resources Department, discussed the sites for electrified barriers along Highway 93 north project for pod animals. The pilot project would be funded by the Montana Department of Transportation. The request is to use two tribal sites that have low use and volume for electrified gates for the pod animals. Both sites are located in Ravalli (private tribal lease at Copper Creek and old MDT gravel pit). There would be a management plan put in place, signs would be posted on site, the lessee would be notified of the project, and the public would be notified there are electric fences there in the summer months. Whisper requested approval to work with this researcher to do the project on tribal lands.

MOTION by Anita Matt to continue working on the plan. Seconded by Martin Charlo. Carried, unanimous (9 present – Fred Matt out of the room).

Art Soukkala, Natural Resources Department, requested approval to enter into a contract with Western Weed Control for weed management for the coming year. The service was advertised, and he worked with the Indian Preference Office. Art discussed the issue of no tribal member businesses submitting a proposal. Most tribal members do not deal with the scale and amount of acreage and have the equipment necessary to get around the wetlands. The RFP was sent to tribal member businesses but none of them have submitted a proposal.

MOTION by Martin Charlo to approve a contract with Western Weed Control for weed management for the coming year. Seconded by Anita Matt. Carried, unanimous (9 present – Fred Matt out of the room).

Greg Wilson, Natural Resources Department, requested approval of amendments 1 and 2 to agreement number 16-141 with Reclamation Technical Service Center to increase the not-to-exceed amount by \$3,000,000 for a total of

\$9 million; extend the term of the agreement to December 31, 2023; and approve the Project Management Plan for the Kicking Horse Dam Final Design in the amount of \$ \$2,533,646.00.

MOTION by Bing Matt to approve amendments 1 and 2 to agreement number 16-141 with Reclamation Technical Service Center to increase the not-to-exceed amount by \$3,000,000 for a total of \$9 million; extend the term of the agreement to December 31, 2023; and approve the Project Management Plan for the Kicking Horse Dam Final Design in the amount of \$ \$2,533,646.00. Seconded by Anita Matt. Carried, unanimous (9 present – Fred Matt out of the room).

Jody Perez, Salish Kootenai Housing Authority, requested approval to hire Drew Dumont on a one-year temporary employment agreement to fill the Certified Community Systems Water/Wastewater Operator I position. The vacancy was advertised. There was one qualified tribal member applicant but the applicant did not have the certification; and one non-tribal member applicant who had the certification. The Housing Authority would like to hire both qualified applicants.

MOTION by Ellie Bundy McLeod to approve the hire of Drew Dumont on a one-year temporary employment agreement to fill the Certified Community Systems Water/Wastewater Operator I position. Seconded by Mike Dolson. Carried, unanimous (8 present – Charmel Gillin and Fred Matt out of the room).

Jody Perez, Zoe LeBeau, Katie Symons, Katie Miller, Velda Shelby, and Janet Camel, Homeless Committee, discussed the budget for furniture and furnishings needed for the Starlite Motel. They worked with Information Technologies to order computers, printers, copiers, tablets, and laptops, which amounted to \$87,000. They are working with a third vendor for the miscellaneous items, such as cleaning supplies, bathroom supplies, kitchen supplies, and starter kits for basic necessities. The total cost of this procurement from Workplace Elements is \$133, 316.63.

MOTION by Martin Charlo to approve the furnishings purchase for the Starlite Motel, with the exclusion of the side table. Seconded by Anita Matt. Carried, 6 for; 4 opposed (Mike Dolson, Charmel Gillin, Shelly Fyant, and Ellie Bundy McLeod).

***Shelly Fyant**, for the record, “I didn’t receive this list in time to review it. I didn’t get a chance to review it so that is why I am opposed.”*

***Ellie Bundy McLeod**, for the record, “I also opposed because we didn’t receive the information in time before the discussion, and based on the price point on one item identified I didn’t feel comfortable about approving it without*

looking into the purchase prices of the other proposed items.”

Jody Perez informed council that the manufactured homes will be here by the 12th. SKHA is getting it lined up to get the homes installed. SKHA will have a memorandum of understanding with the CSKT to manage and pass through the expenses to the Tribes. SKHA will draft a program on how to select the tenants moving into these emergency and rent-to-own homes. They are working on that still. **Chairwoman Fyant** wants the information in the council packet so the council has time to review the information. The committee is scheduled on the agenda each week.

Fred Matt discussed voting by council members when they abstain. He has had people ask about when a person abstains from voting and what does that mean. Council members either vote yes or no. Fred said if you're related to someone that warrants an abstention due to a conflict of interest, or if you are not present for the discussion. Fred suggested people give a reason for why they are abstaining from the vote. **Chairwoman Fyant** said if you materially benefit from an action you need to abstain.

Ellie Bundy McLeod discussed the new Missing Indigenous Persons Reporting Website that Blackfeet Community College, in partnership with Montana's MIP Task Force, launched on October 22nd. BCC received a grant from the MT DOJ, funding that was allocated in the 2019 Montana Senate Bill 312, the Looping in Native Communities Act, otherwise known as the LINC Act. BCC created a network for tribal communities to share missing persons data and allow for a safe, easily accessible online reporting portal. The website, www.mmipmt.com, allows families and friends to complete a Contact Information Form about the missing person online. In the past, missing persons' loved ones have expressed reluctance to report missing individuals directly to law enforcement. The initial roll out the website will be within the Browning area with all remaining tribal communities in Montana to be added within the next year. CSKT has been asked to be the second tribal community added to the network. Ellie was asked by the Task Force to see if council was willing to participate. It was the **consensus** of council to proceed with the project and join the new Missing Indigenous Persons Reporting network.

Martin Charlo showed everyone a face mask he got that was made by our local tribal member artist Corky Clairmont.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Fred Matt to adjourn the meeting.

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Council **adjourned** at 3:03 p.m., and is scheduled to meet again on Thursday, November 5, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary