

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

Volume 20 Number 92
Zoom Meeting

Held: September 22, 2020
Approved: September 24, 2020

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

MEMBERS ABSENT: James “Bing” Matt (Personal Time Off).

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 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for September 17, 2020 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for September 17, 2020, with corrections. Seconded by Charmel Gillin. Carried, 9 for; 1 abstention (Carole Lankford).

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).

Chad Cottet, S&K Technologies Chief Executive Officer; and **Bud Moran**, S&K Technologies Board of Directors Chairman; delivered a \$3.5 million check for the second half of the dividend payment. The board declared a \$7 million dividend based on the financial status of the company last year and paid the first half in July. The company was fortunate to be able to continue working throughout the partial shutdown. S&K Aerospace graduated from the 8(a) program three years ago and received two large contracts. SKA brings in most of the revenue. It has built in three businesses to grow from the ground up. Council was invited to attend the board meetings on the first Friday of the month at 10:00 a.m. SKA has the Pros 5 contract and the F-15 contract with the Air Force through foreign

military sales.

Tracey Carpentier requested to meet with council in **executive session** to discuss a personal matter. **Natalie Kenmille**, Department of Human Resources Development, was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

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

Len TwoTeeth acknowledged Shirley Tanner and wished her a happy birthday.

Leroy Black, Department of Human Resources Development, introduced Matt Howard, who was hired as a new security staff member. He will patrol the tribal complex, parking lots, and tribal buildings from Hot springs to Arlee.

Mark Clary, Dale Nelson, Rob McDonald, Chelsea Kleinmeyer, and Lisa Shourds, Unified Command Team, gave an update. **Mark Clary** reported that Tribal Health and Lake County are busy tracing contacts and cases. There were a few cases in the schools. They are gearing up for the flu shot vaccinations offered by Lake County Public Health Department this Thursday at the farmers market in Ronan from 4:00 – 7:00 and Friday at the farmers market in Polson from 9:00 – 1:00. They will also help at the drive-through flu shot event. **Dale Nelson** reported he is working hard to set up things for the college site. He got masks to the Elders program. **Chelsea Kleinmeyer** reported the state has 10,700 cases. 275 cases were added from yesterday. There is a total of 2,600 active cases and 163 deaths. The number of new cases has increased to 200+ per day due to large events happening across the state. Lake County has 267 cases; 23 are active. There is 1 hospitalization. Sanders County has 4 cases, Flathead County has 230 cases, and Missoula County has 120 cases. The County Public Health and Tribal Community Health are working with the Ronan and St. Ignatius schools regarding the COVID cases in those schools. The State will release numbers of positive cases in each school district beginning later this week. **Rob McDonald** reported there was some excitement last Friday when Tammy and Emily asked that a press release go out for the school situation; that got some good solid information out there and calmed the Facebook rumors that were out there. People were appreciative of the messaging. There is room for the UCC to assure the public where the truth actually lies as opposed to the rumors. **Chairwoman Fyant** wants Rob to follow up on the website. It says lands are closed and that needs to be updated. Rob said he thought it was taken care of. A memo was sent out and the Natural Resources Department was following up. **Carole Lankford** received a comment regarding the language in the bottom of the press release and was told it was not professional. She wants Rob to send

her a copy of it. **Martin Charlo** promoted the drive-through flu shot event on the 30th. They still need volunteers. People need to contact Chelsea Kleinmeyer if they want to volunteer. The Public Health Department is sponsoring a flu shot event This Thursday at the farmers market in Ronan and Friday at the farmers market in Polson.

Mark Clary asked if the Tribes were able to recover stuff from the repository at The People's Center. **Chairwoman Fyant** told him they were able to save some stuff and the staff and volunteers are working on those at SKC.

Rob McDonald, Communications, requested approval of a contractor agreement with Dakota Billboards for the Who's At Risk Campaign to have billboards across the reservation.

MOTION by Martin Charlo to approve the contractor agreement with Dakota Billboards for the Who's At Risk Campaign. Seconded by Anita Matt. Carried, unanimous (10 present).

Rob McDonald has everything in place, except proof of insurance, so he cannot put forth to Contracts & Grants to create a contract to share with council with Able. He asked if he could have clearance now to pursue the contract or if he needs to bring back a copy of the contract. **Chairwoman Fyant** wants to review the contract before approving it.

Ruth Swaney, Financial Management, discussed a donation request that exceeds the limits of the Donation Policy from Michelle Mitchell, Tribal Education Department, for a \$5,000 donation to the Cherry Valley Playground. There are sufficient funds in the budget.

MOTION by Carole Lankford to approve a waiver of the amount of the policy amount and donate \$5,000 to the Cherry Valley Playground. Seconded by Anita Matt. Carried, unanimous (10 present).

Ruth Swaney, Financial Management, discussed a donation request that exceeds the limits of the Donation Policy from Lolita Hendrickson, Jocko Cemetery Board, for a donation in the amount of \$5,650 to purchase a mower and weed eater, and gas expenses. There are sufficient funds in the budget.

MOTION by Carole Lankford to authorize the request because the funds are available for the Jocko Cemetery Board equipment. Seconded by Martin Charlo. Carried, unanimous (10 present).

Charmel Gillin wants a report on the full donations for the fiscal year and have Char-Koosta News publish an article.

Len TwoTeeth commented on cemetery equipment. Last year during a chair's meeting it was acknowledged to staff that the equipment for the Elmo/Dayton cemeteries were paid for and ready and they never received it yet. He wants that followed up on. Jen was directed to follow up.

Anna Curley, Department of Human Resources Development, requested approval to hire Chantel Cooper on a one-year contract as a home caregiver.

MOTION by Anita Matt to approve the contract with Chantel Cooper from October 5, 2020 to October 5, 2021. Seconded by Len TwoTeeth. Carried, 9 for; 1 abstention (Carole Lankford).

Anna Curley, Department of Human Resources Development, requested approval to hire Loga Fixico to be a home caregiver for his mother from October 5, 2020 to October 5, 2021. The paperwork and background checks for these individuals have been done.

MOTION by Charmel Gillin to approve the contract with Loga Fixico for one year. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Anna Curley, Department of Human Resources Development, requested approval to hire Bruce Plouffe, Sr. as a caregiver for Arthur Plouffe from October 5, 2020 to October 5, 2021.

MOTION by Anita Matt to approve the hire of Bruce Plouffe, Sr. as a care giver for his father Arthur Plouffe for one year. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Anna Curley, Department of Human Resources Development, requested renewal of homecare giver contracts.

MOTION by Len TwoTeeth to approve a one-year contract with Christy Ackermann. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Charmel Gillin wanted the council to be made aware if any contract renewals are waivers for hire from the past.

MOTION by Len TwoTeeth to approve a one-year contract with Leslie Cutfinger. Seconded by Anita Matt. Carried, unanimous (10 present).

MOTION by Len TwoTeeth to approve a one-year contract with Vickie Hitchcock. Seconded by Anita Matt. Carried, unanimous (10 present).

MOTION by Len TwoTeeth to approve a one-year contract with

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Arthur Mendoza, Jr. Seconded by Charmel Gillin. Carried, unanimous (10 present).

MOTION by Anita Matt to approve a one-year contract with Camaleigh Old Coyote. Seconded by Charmel Gillin. Carried, unanimous (9 present - Len TwoTeeth out of the room).

MOTION by Martin Charlo to approve a one-year contract with Adam Schwarz. Seconded by Mike Dolson. Carried, unanimous (9 present - Len TwoTeeth out of the room).

MOTION by Ellie Bundy McLeod to approve a one-year contract with Savannah Smith. Seconded by Anita Matt. Carried, unanimous (9 present - Len TwoTeeth out of the room).

Mike Dolson questioned why the rates of pay are different. **Ann Curley** explained the lower rates are for the ones that just started working; the higher rate is for the renewal of contracts.

Dale Becker, Natural Resources Department, requested approval of a contractor agreement with Mission Mountains Flying Services for FY 2021. The service was advertised.

MOTION by Charmel Gillin to approve the contractor agreement with Mission Mountains Flying Services for FY 2021. Seconded by Martin Charlo. Carried, unanimous (10 present).

Dale Becker, Natural Resources Department, requested approval of a contractor agreement with Homestead Helicopters, Inc. to do big game surveys for fiscal year 2021. The service was advertised.

MOTION by Ellie Bundy McLeod to approve a contractor agreement with Homestead Helicopters, Inc. for big game surveys for fiscal year 2021. Seconded by Martin Charlo. Carried, unanimous (10 present).

Dale Becker, Natural Resources Department, requested approval of a letter of support that was received from Montana Fish, Wildlife & Parks for available funding for the 130,000 acres of Montana Great Outdoors Conservation project.

MOTION by Fred Matt to approve a letter of support for the 130,000 acres of Montana Great Outdoors Conservation project. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Anita Matt wants both Culture Committees to look over those numbers before sending out the letters. **Dale Becker** will follow up with Tony and Vernon.

Dale Becker, Natural Resources Department, discussed big horn sheep herds and a letter to tribal bighorn sheep hunters. **Len TwoTeeth** asked about using drones. Dale does not have a contractor that has those resources.

Len TwoTeeth commented that we used to receive quarterly reports from the Fish & Game officers and he would like that to happen again. It would be good for the membership to see the report. Jennifer was directed to follow up.

Daniel Decker, Legal Department, informed council that the US House of Representatives passed the Senate Bill to amend the Tribal Self-Governance law. Brian Upton will have a working session with the Tribal Council, Ruth Swaney and Jami Pluff on September 30, 2020, at 9:00 a.m. He expects President Trump to sign the bill into law. On the upside, within 90 days the Interior Secretary has to negotiate an overhaul of regulations. Brian thinks the CSKT would want to participate in that.

Daniel Decker, John Harrison and Ryan Rusche, Legal Department, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

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

James Taylor, Prosecutors Office; and **Craige Couture**, Tribal Law & Order; discussed a proposed amendment to the Law and Order Code. The Tribes adopted the Code in 1994 that has four classes of offenses. There are different periods of time you have to file a case. With a misdemeanor the Tribes have a year; with a felony the Tribes only have two years. Jim wants to create a new class for homicide to do away with the statute of limitations. Otherwise, if the state does not bring cases within two years, there are questions if tribal police can participate in investigations that go beyond two years.

MOTION by Charmel Gillin to approve the amendment to Ordinance 103-A. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

ORDINANCE 103-A AMENDMENT 37

WHEREAS, the Tribal Council, as primary governing body of the Confederated Salish and Kootenai Tribes, having found it in the best interests of the Tribes to have fair, understandable, and enforceable laws in a form readily accessible to the public, enacted the CSKT Laws Codified by passing Tribal Ordinance 103-A on December 9, 1999; and

WHEREAS, it has been brought to the attention of the Tribal Council that it is necessary and appropriate to create a new class of criminal offenses, and

WHEREAS, the Tribal Council recognizes the dynamic nature of the law and the importance of continuing to update and codify Tribal law;

THEREFORE, the Tribal Council hereby amends Tribal Ordinance 103-A to create a new class of criminal offense, Class F, which at this time is limited to the offense of Homicide, and to remove any statute of limitation for such offense:

§2-1-108 Change Classification of Offenses, §2-1-108, to add in Class F Offenses. (Changes are underlined and also in italics)

2-1-108. Classification of offenses: exclusive and concurrent jurisdiction. Offenses shall be designated as Class A, Class B, Class C, Class D, ~~or~~ or Class E, or Class F offenses. The Tribes shall exercise exclusive jurisdiction over Class A, Class B, Class C, and Class D offenses. The Tribes shall exercise concurrent jurisdiction with the State of Montana over Class E and Class F offenses where the State has a comparable offense in its code, and exclusive jurisdiction if the State has no comparable offense.

§2-1-109, Amend statute of limitations- add in (1)(d)- so that there is no period of limitations to file a Class F offense. A prosecution for a Class F offense may be commenced at any time.
(Changes are underlined and also in italics)

2-1-109. Time limitations. (1) Unless otherwise specified by statute:

(a) prosecution for any Class A, Class B, Class C, or Class D offense must be commenced within one year after the alleged offense is committed;

(b) prosecution for any Class E offense must be commenced within two years after the alleged offense is committed;

(c) if the victim is a minor or has a mental disorder at the time the offense occurred, prosecution must be commenced within one year after the legal disability terminates.

(d) there is no period of limitations to file a Class F offense. A prosecution for a Class F offense may be commenced at any time.

(2) The period of limitation does not run under the following conditions:

(a) during any period in which the offender is not usually and publicly residing within this Reservation or is beyond the jurisdiction of the Tribal Court;

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(b) during any period in which the offender is a public officer and the offense charged is theft of public funds while in public office; or

(c) during a prosecution pending against the offender for the same conduct even if the prosecution is dismissed.

(3) An offense is committed either when every element occurs or, if the offense is based upon a continuing course of conduct, when the course of conduct is terminated. The time starts to run on the day after the offense is committed.

(4) A prosecution is commenced when a complaint is filed.

§ 2-1-110. Establish a maximum sentence for Class F offenses at 1 year, \$5000 fine, or both.

(Changes are underlined and also in italics)

2-1-110. Sentencing. (1) A person convicted of an offense may be sentenced as follows:

(a) for a conviction of a Class A offense heard in Tribal Traffic Court, the offender may only be sentenced to pay a fine or some other sentence not involving imprisonment;

(b) for a conviction of a Class B offense, the offender may be sentenced to imprisonment for a period not to exceed 10 days, or a fine not to exceed \$100, or both, unless another sentence is specified by statute;

(c) for a conviction of a Class C offense, the offender may be sentenced to imprisonment for a period not to exceed 60 days, or a fine not to exceed \$250, or both, unless another sentence is specified by statute;

(d) for a conviction of a Class D offense, the offender may be sentenced to imprisonment for a period not to exceed 180 days, or a fine not to exceed \$500, or both, unless another sentence is specified by statute; or

(e) for conviction of a Class E or F offense, the offender may be sentenced to imprisonment for a period not to exceed one year, or a fine not to exceed \$5,000, or both, unless another sentence is specified by statute;

(2) The fines listed above may be imposed in addition to any amounts ordered paid as restitution.

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(3) Any person adjudged guilty of an offense under this Code shall be sentenced in accordance with this section and Section 2-2-1203, unless otherwise specified.

§2-1-501 (2) -Amend to make Homicide a Class F offense over which the Tribes have concurrent jurisdiction with the State of Montana.
(Changes are underlined and also in italics)

2-1-501. Homicide. (1) A person commits the offense of homicide by purposely, knowingly, or negligently causing the death of another human being.

(2) Homicide is a Class E F offense over which the Tribes have concurrent jurisdiction with the State of Montana.

James Taylor, Prosecutors Office; and **Craig Couture**, Tribal Law & Order; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

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

Francis Cahoon and **Dan DePoe** requested to meet with council in **executive session**. **Melinda Charlo**, Indian Preference Office, was present for discussion. **Janet Camel**, Economic Development Office, joined the discussion.

Council reconvened into **regular session**.

Janet Camel, Economic Development Office, requested approval of a modification of the contract agreement with Jackola Engineering.

MOTION by Martin Charlo to approve the modification of contract agreement with Jackola Engineering. Seconded by Anita Matt. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Robin Thorne, **Janet Camel**, **Velda Shelby**, and **Sid Shourds** requested to meet with council in **executive session**.

Council met in **executive session**.

Council reconvened into **regular session**.

Jennifer Trahan presented a request from Personnel to appoint Tom Farrell to the S&K Electronics Board of Directors position. The other two vacancies will be advertised again. Tom was the only applicant after it was advertised twice.

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MOTION by Len TwoTeeth to appoint Tom Farrell to the S&K Electronics Board of Directors position. Seconded by Anita Matt. Carried, unanimous (9 present – Ellie Bundy McLeod out of the room).

Council **adjourned** at 3:22 p.m., and is scheduled to meet again on Thursday, September 24, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary