

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

Volume 20 Number 94  
Zoom Meeting

Held: September 29, 2020  
Approved: October 8, 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 9:05 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for September 24, 2020 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for September 24, 2020, with corrections. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Ellie Bundy McLeod).

The **agenda** was presented for approval.

**MOTION** by Anita Matt to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (10 present).

**Sherry Clairmont** requested to meet with council in **executive session** to discuss a personal matter. **Mark Couture**, Tribal Lands Department, was present for discussion.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to convey the house to Sherry Clairmont with a waiver at no cost. Seconded by Bing Matt. **MOTION NOT CARRIED**, 3 for (Carole Lankford, Bing Matt and Len TwoTeeth); 6 opposed (Mike Dolson, Ellie Bundy McLeod, Charmel Gillin, Fred Matt, Anita Matt, and Shelly Fyant); 1 abstention (Martin Charlo – due to family relation).

**Fred Matt**, for the record, “I just think we need to give other tribal members an opportunity. There are several tribal members interested and they should get that opportunity.”

**Anita Matt**, for the record, “I am opposed for the same reason. We need to put that out for the rest of the membership and then look at the best bid and go from there. I had assumed we took care of this in the spring, but evidently not. I would rather put it out there to see how many of the people are interested in the property and take the best bid.”

**Shelly Fyant**, for the record, “I feel that all properties should be offered the opportunity to all tribal members and to me it further illustrates the need for property management of our tribal properties.”

**Len TwoTeeth**, for the record, “I voted in favor of this because I think we need to support our tribal member cattle producers.”

**Carole Lankford**, for the record, “I support our tribal members.”

**Mike Dolson**, for the record, “I voted against it because we didn’t have a value for the house involved.”

**Rene Wildcat** requested financial assistance for her papa August Lefthand. He is 85 years old and lives in Niarada. He has a secondary pole that is probably about six feet out of the ground and is being held up by rocks and wood. It is a lease lot. She spoke to Mark because she needs to figure out assistance for him to get a new pole. Mission Valley Power cannot do it because it is a secondary pole. She asked where she should go to get financial assistance. She asked the engineer the cost and he said about \$1,000 or less for the pole and labor installation. **Chairwoman Fyant** asked if he applied through the Elders program. Rene said he did not apply through the Elders program. **Len TwoTeeth** commented that last week he followed up on issues with some homesites. One of the hazards is a power source to his house from the county road. There is one small pole that is supporting the wire and it is very low to the ground and is a hazard. We need to get it fixed as soon as we can. **Jean Matt**, Mission Valley Power, explained that a secondary pole is a customer-owned pole located on the customer’s property. **Council** referred Rene to the Elders program for possible assistance.

**Rene Wildcat** requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

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

**Jean Matt**, Unified Command Team, gave an update. Jean reported that they are making sure everyone is well informed of tomorrow's flu clinic at Salish Kootenai College parking lot. There was a shutdown of the Polson Tribal Health Clinic due an employee testing positive for COVID-19. It is shut down today for deep cleaning and disinfecting. This is in conjunction to preparing for tomorrow's flue clinic. There is currently a total of 12,000+ confirmed cases in the state of Montana and 3,400 of those are active cases. The death toll in the state due to COVID-19 is at 174. Lake County has 298 confirmed cases, and 37 of those are active cases. 1 new case was added yesterday. There have been 2 hospitalizations in Lake County. Flathead County has reported 406 cases and Missoula County reported 254 cases. March 26 was our first case in Lake County and now we have about 300 cases. Polson School starts school next week and will be in session four days per week. Wearing masks and washing hands has been successful. The safety message includes cold and flu season. He reminded everyone to get a flu shot tomorrow at the Salish Kootenai College gym parking lot from 10:00 a.m. to 7:00 p.m. The UCC is available and ready to provide any assistance needed. **Chairwoman Fyant** announced that the Tribal Council quarterly council meeting will be a virtual meeting due to the increased number of cases. **Martin Charlo** announced that the Tribal Council approved a change of duty, with supervisor approval, for tribal employees to go get a flu shot at Wednesday's flu shot clinic. Jean Matt lost some volunteers due to being a contact trace for COVID-19 so they are looking for more volunteers.

**Rod Couture** and **Ron Swaney**, Tribal Forestry/Division of Fire, requested approval of a modification to the Reserved Treaty Rights Lands agreement with the Nature Conservancy to extend the term for two years. Due to the COVID-19 pandemic partial shutdown, the work was not completed within the planned time frames.

**MOTION** by Fred Matt to approve the modification to the Reserved Treaty Rights Lands agreement with the Nature Conservancy to extend the term for two years. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present – Charmel Gillin out of the room).

**Rod Couture** and **Ron Swaney**, Tribal Forestry/Division of Fire, requested approval of a modification to the Reserved Treaty Rights Lands agreement with the Bureau of Land Management to extend the term for two years. Due to the COVID-19 pandemic partial shutdown, the work was not completed within the planned time frames.

**MOTION** by Anita Matt to approve the modification to the Reserved Treaty Rights Lands agreement with the Bureau of Land Management. Seconded

by Ellie Bundy McLeod. Carried, unanimous (9 present – Charmel Gillin out of the room).

**Tony Incashola, Jr., Duane Plant and Steve McDonald**, Tribal Forestry, requested approval to advertise the Sunny Side Up Logging Unit Timber Sale.

**MOTION** by Len TwoTeeth to approve by resolution the advertisement of the Sunny Side Up Logging Unit Timber Sale. Seconded by Fred Matt. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 20-193**

**RESOLUTION APPROVING SALE OF TIMBER ON THE SUNNY SIDE UP LOGGING UNIT**

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

**WHEREAS**, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Sunny Side Up Logging Unit,

<u>Sale Information</u>			
<u>Sale</u>	<u>Volume</u>	<u>Advertised Bid Rate</u>	<u>TSI</u>
Sunny Side Up L U	5,194TONS	\$27.50/TON -DF & O	\$3.00/TON

**WHEREAS**, the sale will provide for the salvaging of mature, overmature and diseased trees; and

**WHEREAS**, the minimum acceptable bid rate for sawlogs on the Sunny Side Up Logging Unit is \$27.50/Ton for Douglas-fir and Other Species; and

**WHEREAS**, an additional amount will be collected to cover Timber Stand Improvement on this unit;

**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

**BE IT FURTHER RESOLVED**, that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

**Duane Plant, Steve McDonald** and **Shawn DeFrance**, Tribal Forestry, requested approval to advertise the Moss Salvage Logging Unit Timber Sale.

**MOTION** by Anita Matt to approve by resolution the advertisement of the Moss Salvage Logging Unit Timber Sale. Seconded by Fred Matt. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 20-194**

**RESOLUTION APPROVING SALE OF TIMBER ON THE MOSS SALVAGE LOGGING UNIT**

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

**WHEREAS**, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Moss Salvage Logging Unit,

<u>Sale</u>	<u>Volume</u>	<u>Sale Information</u>		<u>TSI</u>
		<u>Advertised</u>	<u>Bid Rate</u>	
Moss Salvage L U	3,315 TONS		\$8.50/TON -DF & O	\$3.00/TON
			\$5.00/TON- PP	\$3.00/TON

**WHEREAS**, the sale will provide for the salvaging of mature, overmature and diseased trees; and

**WHEREAS**, the minimum acceptable bid rate for sawlogs on the Moss Salvage Logging Unit is \$5.00 per Ton for Ponderosa Pine and \$8.50/Ton for Douglas-fir and Other Species; and

**WHEREAS**, an additional amount will be collected to cover Timber Stand Improvement on this unit;

**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

**BE IT FURTHER RESOLVED**, that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

**Tony Incashola, Jr., Duane Plant** and **Steve McDonald**, Tribal Forestry, requested approval to advertise the Eva Paul Winter Logging Unit Timber Sale.

**MOTION** by Bing Matt to approve by resolution the advertisement of the Eva Paul Winter Logging Unit Timber Sale. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 20-195**

**RESOLUTION APPROVING SALE OF TIMBER ON THE EVA PAUL WINTER LOGGING UNIT**

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

**WHEREAS**, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Eva Paul Winter Logging Unit,

<u>Sale</u>	<u>Volume</u>	<u>Sale Information</u>		<u>TSI</u>
		<u>Advertised</u>		
		<u>Bid Rate</u>		
Eva Paul Winter L U	14,801 TONS	\$14.00/TON -DF & O		\$3.00/TON
		\$14.00/TON- PP		\$3.00/TON

**WHEREAS**, the sale will provide for the salvaging of mature, overmature and diseased trees; and

**WHEREAS**, the minimum acceptable bid rate for sawlogs on the Eva Paul Winter Logging Unit is \$14.00 per Ton for Ponderosa Pine and \$14.00/Ton for Douglas-fir and Other Species; and

**WHEREAS**, an additional amount will be collected to cover Timber Stand Improvement on this unit;

**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

**BE IT FURTHER RESOLVED**, that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

**Carole Lankford** asked about bid deposits. **Tony Incashola, Jr.** responded that the bid deposit goes into the sale and the bond is money that the department holds to ensure the job is done right. They encourage loggers to get a letter of credit. Eagle Bank has been good to work with on that. Then it is not money coming from the loggers right up front. **Len TwoTeeth** commented that a few months ago there was work on the CFI. He asked if they have started that work yet. **Shawn DeFrance** said Cougar Environmental started that work. When he spoke to the owner, he was supposed to have more crews. Shawn has a meeting with him tomorrow. He thought they would be here by now. The contract expires June 2021. Len asked if there is a penalty clause if they do not complete the project. **Tony Incashola, Jr.** advised that they would not get the full contract compensation. It is extended to June, so they have to have everything done by then. **Steve McDonald** said it was extended for another measuring period because they could not come here due to the COVID-19 partial shutdown. Tribal Forestry does not recall any penalty in the contract.

**Charmel Gillin** asked if having Forestry do the inventory is a function of that department. **Tony Incashola, Jr.** said it is something Forestry did in the past. They wanted to contract it out this year. Forestry wants to pursue having it done in-house in the future. Charmel asked how they handle the difference in estimated volume versus what is actually available for the bidder. If there is an estimated a number of tons or board feet, and then it turns out a small operation cant get that much out of it, is there a way to correct that. Tony explained they do the best estimate they can. The staff goes out and measures it. Forestry estimates the volume and it is up to the logger to do their own appraisal. It is not a guarantee for what Forestry does; they estimate it so that is why it is their responsibility. **Steve McDonald** commented that our volume estimates have less stringent guidelines. Charmel commented on how healthy the woods look. She spends a lot of time in the woods and it is a beautiful drive. It is impressive to look at the areas. **Duane Plant** informed council that he found a market for blue pine.

**Tony Incashola, Jr., Duane Plant** and **Steve McDonald**, Tribal Forestry, requested approval to modify the Hot Springs 140506B Logging Unit contract with Brad Morigeau to extend the term.

**MOTION** by Carole Lankford to approve by resolution the modification to the Hot Springs 140506B Logging Unit contract with Brad Morigeau to extend the term. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-196**

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

**WHEREAS**, The Superintendent, Flathead Agency, Pablo, Montana approved Timber Contract No F203C19018, HOT SPRINGS 140506B LOGGING UNIT, between the Confederated Salish and Kootenai Tribes, the Seller, and B-MOR Ventures, The Purchaser; and

**WHEREAS**, Tribal member owned B-MOR Ventures, requested an extension of the cut and pay date and expiration date from September 1, 2020 and October 31, 2020 to November 30, 2020. He is requesting an extension because he was assisting CSKT Division of Fire with fire suppression needs; and

**WHEREAS**, the Superintendent and Seller agree with this request which will change Contract Section A5, Contract Dates to November 30, 2020 without penalty; and

**NOW, THEREFORE, BE IT RESOLVED**, Section A5 of the Hot Springs 140506B Timber Sale Contract be modified to change Section A5, Contract Dates to November 30, 2020, without penalty; and

**BE IT FURTHER RESOLVED**, it mutually understood and agreed that except as herein expressly specified, the Timber Contract shall remain in full effect and force, binding upon the parties thereto, and this Modification of Contract shall become effective upon approval by the Approving Officer.

**Ron Swaney** informed council that he is trying to keep the crews on for the winter. He is talking to Tony about that. The plan to build the building was before COVID happened. He does not feel comfortable moving in with the windows as is. The offices can provide ventilation.

**Rob McDonald**, Communications, requested approval of a contract with Abel for the Who's At Risk campaign.

**MOTION** by Martin Charlo to approve the contract with Abel for the Who's At Risk campaign. Seconded by Bing Matt. Carried, 7 for; 2 opposed (Carole Lankford and Anita Matt); 1 abstention (Charmel Gillin).

**Velda Shelby**, Economic Development Office, requested approval to submit an application for the fiscal year 2021 Indian Country Economic Development (ICED) grant in the amount of \$30,000.00, to fund a feasibility study and marketing analysis of the former Big Arm Store. The store would be used to provide services, coordinate food sourcing with the food security team, and develop a sustainable business for our community. The Tribal Lands Department completed remediation and is transferring the property into trust. **Charmel Gillin** asked if tribal members have an interest to go into business on that property, could this fund be used in a different way to directly support the



development by an entrepreneur. Velda explained that she would conduct the feasibility analysis and then show the Tribal Council the profit margin, revenue generations, and employment opportunity. The council may decide to just lease it out. We could share that information with whomever wants to manage that site. There are many ideas and new approaches to collaborate on this. Ultimately it is up to the Tribal Council to decide if they want to invest in this in the future. The \$30,000.00 is a match, with cash or in-kind. They are asking for \$4,000 for IDC so EDO is looking at \$26,000.00 in funding. EDO could match that with existing funds and with in-kind, which is staff time (Lands Department and the Sovereign Food Team). EDO is doing this with the Polson west property, WGM, and some tribal members doing a collaboration. Velda budgets for this annually. EDO has the match, typically with its in-kind staff time and any additional funds. The bulk of the studies goes to the professionals and the \$26,000.00 will be focused on the feasibility. CSKT has been awarded this grant since it was established. Velda went through all this during the council orientation earlier this year and everyone was provided with a binder. The broadband was sponsored by this grant. EDO is doing the Polson west property with it this year.

**MOTION** by Martin Charlo to approve by resolution submission of the fiscal year 2021 Indian Country Economic Development grant application in the amount of \$30,000.00. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-197**

### **RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF MONTANA FOR FY2021 INDIAN COUNTRY ECONOMIC DEVELOPMENT FUNDING FOR BIG ARM GENERAL STORE PROPERTY DEVELOPMENT FEASIBILITY STUDY**

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

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Reservation; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes are committed to the sound planning and management of Flathead Reservation resources; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes have directed the Office of Economic Development to fill the important need of diversification of revenues and protection of resources as the Tribes strive for self-sufficiency and planned economic development opportunities; and

**WHEREAS**, the Montana Indian Country Economic Development (MT-ICED) program provides grant funding for business plan development, market analysis, feasibility studies, physical business infrastructure planning and legal/financial infrastructure development with the condition that the grant amount is matched with Tribal and/or other funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation approves the application for a \$30,000 MT-ICED Business Planning Grant from the State of Montana, to be managed by the Tribal Economic Development Office, to complete a detailed Big Arm General Store Property Development Feasibility Study, as outlined in the grant proposal.

**BE IT FURTHER RESOLVED**, that the Tribes will provide in-kind resources and/or funds toward the project.

**BE IT FINALLY RESOLVED**, that the Tribal Council Chairwoman and designated representative are hereby authorized to negotiate and execute the contract and any modification thereof.

**MaryRose Morigeau**, Natural Resources Department, requested approval of a modification to contract numbers 20-108 and 20-109 to extend the term to September 30, 2021, due to the COVID-19 pandemic preventing them to get the work done. The Environmental Protection Agency agreed to the modifications to extend the term. Contract number 20-108 was for \$200,000.00 for cleanup of the Post and Pole Yard.

**MOTION** by Charmel Gillin to approve the contract modification for contract number 20-108 to extend the term to September 30, 2021 for the reasons provided. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

**MaryRose Morigeau**, Natural Resources Department, requested approval of a modification to contract number 20-109 to extend the term of September 30, 2021, due to the COVID-19 pandemic preventing them from getting the work done. This contract is for a community-wide assessment grant that is going on to do phase one and phase two on the properties.

**MOTION** by Anita Matt to approve the contract modification for contract number 20-109 to extend the term to September 30, 2021 for the reasons provided. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

**Martin Charlo** requested that the Game Wardens look into an issue on South Couture Loop.

**Dan Lozar**, Natural Resources Department, discussed the NSFLTP program grant. It is an opportunity through the Federal Highway Administration. It is quite significant in terms of its value. A construction project within \$25 million is its threshold. It would fit well into the two sections of the corridor for the Post Creek and Ninepipe projects. They are contiguous in the corridor which is a component of the grant that is needed. A contiguous connection is what they want for the grant, and those fit the criteria. The initial vetting shows there are many positive reasons to put us in a level of contention that would be worth pursuing. We would be competing against other very large projects. This brings a lot of benefits to apply for this funding. The Ninepipe project is not in the five-year plan. It would accelerate getting projects completed and it would cover 90 percent of the construction costs. It would have to come from some other source. The State may be able to leverage the funding to come up with the ten percent match. November 2, 2020 is the deadline to submit a grant application. Dan spoke to a consultant that is putting together the TIGER Grant and is familiar with the Highway 93 corridor, so the consultant would be a good fit to look into it for any pitfalls to be aware of. Dan would come back to council with a recommended contract to be the consultant grant writer for this grant. They have a transportation team that have put together these kinds of grants before. They have not vetted whether the Tribes would be the administrators of the grant. Post Creek Hill project is in the design phase right now and no preliminary design has been done on Ninepipe yet. The Ronan North project is already in the Montana Department of Transportation's budget for 2022. Ronan North is less than the threshold of this grant requirement because it is \$20 million. **Len TwoTeeth** would like the Tribes to administer this grant. He also wants to get the Elmo/Big Arm pedestrian path done. Dan met with the Montana Department of Transportation to see what their perspective is. He has only been looking at grant opportunities for that pathway. We may need to find other funding sources for that pathway. It was the **consensus** of council to authorize the Roads Program to move forward in pursuing this grant opportunity.

Council **recessed** the regular meeting at 11:42 a.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 12:08 p.m.

**Len TwoTeeth** informed council he received a request from a tribal member for her son to accompany her while gathering firewood. The request has been approved for the past three years. She did not fill out the Forestry form yet, but would like council approval before she fills out the paperwork. **Chairwoman Fyant** explained that Tribal Council does not take action on those requests. There is a form that needs to be filled out and submitted to Tribal Forestry for those type of requests.

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

**Anita Matt** left the meeting for the remainder of the day.

**Ruth Swaney**, Financial Management, requested approval of modification 1 to the fiscal year 2020 Third Party Revenue Budget.

**MOTION** by Mike Dolson to approve by resolution modification 1 to the fiscal year 2020 Third Party Revenue Budget. Seconded by Fred Matt. Carried, 7 for; 0 opposed; 2 not voting (Charmel Gillin and Bing Matt out of the room.)

**RESOLUTION 20-198**

**RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2020 THIRD PARTY REVENUE BUDGET**

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

**WHEREAS**, the Paycheck Protection Program and Health Care Enhancement Act (PPPHCEA, P.L. 116-139) included the Provider Relief Fund for health care providers of which the CSKT is an eligible recipient; and

**WHEREAS**, funding has been awarded and needs to be allocated to the budget; and

**WHEREAS**, the budget will be allocated as follows:

<b>Programs, Functions, Services, and Activities</b>	<b>Budget Account</b>	<b>FY 2020 Current Budget Authority</b>	<b>Increase/ (Decrease)</b>	<b>Revised FY 2020 Budget Authority</b>
Provider Relief COVID-19 Services	18-502-42xx	0	3,564,005.88	3,564,005.88
<b>Total</b>			<b>3,564,005.88</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to appropriate available revenues and modify the FY 2020 Third Party Revenue Budget; and

**BE IT FURTHER RESOLVED** that the total FY 2020 Third Party Revenue Budget is increased from \$12,432,000 to \$15,996,005.88

**Michelle Mitchell**, Tribal Education Department, requested approval of a two-week contract with Nancy Fonicello to evaluate The People's Center fire damage collection to determine a plan to restore recovered artifacts. The costs will be reimbursed from the insurance claim.

**MOTION** by Martin Charlo to approve a two-week contract with Nancy Fonicello to evaluate The People's Center fire damage collection to determine a plan to restore recovered artifacts. Seconded by Ellie Bundy McLeod. Carried, unanimous (7 present – Bing Matt and Charmel Gillin out of the room).

**Michelle Mitchell**, Tribal Education Department, requested approval of a modification to the contract with David Rockwell to extend the term to March 1, 2021 to complete the conversion of the DVDs.

**MOTION** by Mike Dolson to approve a modification to contract agreement 20-100 with David Rockwell to extend the term to March 1, 2021. Seconded by Fred Matt. Carried, 7 for; 1 abstention (Bing Matt); 1 not voting (Charmel Gillin out of the room).

**Mike Dolson** requested a copy of Nancy Fonicello's resume. **Michelle Mitchell** will follow up.

**Joe Durglo**, Tribal Health Department, requested approval of an addendum to employment contracts that will be used in all future employment contracts. The document was drafted by the legal department.

**MOTION** by Ellie Bundy McLeod to approve the addendum to employment contracts. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Charmel Gillin out of the room).

**Joe Durglo**, Tribal Health Department, informed council that an employee at the Polson Tribal Health Clinic tested positive for COVID-19, so the employees were instructed not to report to work today so the building could be cleaned and sanitized. Joe wanted to know what instructions they give employees when they are instructed not to report to work. He did not know how to proceed since the building was shut down for cleaning and sanitizing. **Chairwoman Fyant** advised that Johnathan Owens said he sent her notice, but she did not receive it. She only received the everyone email. Joe asked if those employees get closure leave, administrative leave, or use personal time off. **Council** told Joe that the department head could approve administrative leave for the employees who were asked to not report to work today due to this circumstance. **Carole Lankford** does not hear of other clinics closing and she thought there should be a plan on how to move forward in the future. Joe told council that Johnathan had a staff

meeting this morning about that. The plans will be shared with the Tribal Council once they are developed.

**Johnathan Owens**, Tribal Health Department, discussed the closure of the Polson Tribal Health Clinic today due to a positive COVID-19 case. Council asked about future planning in case of additional cases. It was an employee in housekeeping, so trying to disinfect the facility made it difficult because the employee was in contact with other housekeeping staff. The Tribal Health Department is implementing a phone tree and policies for COVID-19 cases. This case was different because the staff that is trained and certified to do the cleaning was the individual that tested positive. Two other employees were sent home today due to being sick. **Chairwoman Fyant** told Mr. Owens if specific protocols are developed, the Tribal Council wants a copy of those. **Carole Lankford** asked if a health committee meeting could be scheduled. **Chairwoman Fyant** said a meeting could be scheduled.

**Rhonda Swaney, John Harrison, Ryan Rusche,** and **Chelsea Colwyn**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

**Charmel Gillin** returned to the meeting.

**Fred Matt** left the meeting for the remainder of the day.

Council reconvened into **regular session**.

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, requested approval of an attorney contract with ABS Legal, PLLC, to provide legal services.

**MOTION** by Carole Lankford to approve by resolution an attorney contract with ABS Legal, PLLC, to provide legal services. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-199**

#### **A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH ABS LEGAL, PLLC**

#### **BE IT RESOLVED BY THE 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 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 law firm of ABS LEGAL, PLLC, has proposed to provide special legal services to the Tribes relative to the Tribes' water rights settlement and the Reserved Water Rights Compact;

**WHEREAS**, the ABS LEGAL, PLLC, has agreed to provide legal services according to the terms and conditions of the Attorney Contract for the period of October 1, 2020, through September 30, 2021;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council approves said Contract authorizes its execution by the Chairwoman and the Tribal Secretary.

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, requested approval of a contract with George Waters Consulting Services.

**MOTION** by Carole Lankford to approve by resolution a contract with George Waters Consulting Services. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-200**

### **A RESOLUTION TO ENTER INTO A CONTRACT WITH GEORGE WATERS CONSULTING SERVICES**

#### **BE IT RESOLVED BY THE 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 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**, George Waters Consulting Services has proposed to provide governmental affairs consulting services to the Tribes relative to the Tribes' water

rights settlement and the Reserved Water Rights Compact, and other matters, as assigned;

**WHEREAS**, the George Waters Consulting Services has agreed to provide services according to the terms and conditions of the Contract for the period of October 1, 2020, through September 30, 2021;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council approves said Contract authorizes its execution by the Chairwoman and the Tribal Secretary.

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, requested approval of a one-year extension to the consulting contract with Mercury Public Affairs, LLC.

**MOTION** by Carole Lankford to approve by resolution extension number 1 to the consulting contract with Mercury Public Affairs, LLC. Seconded by Martin Charlo. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-201**

#### **A RESOLUTION TO ENTER INTO EXENSION NO. 1 TO CONSULTING CONTRACT WITH MERCURY PUBLIC AFFAIRS, LLC**

#### **BE IT RESOLVED BY THE 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 operate the Tribe s' 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 Mercury Public Affairs, LLC, has proposed continue to provide strategy and management services and consulting, public affairs administration through an extension to Consultant Contract between the Tribes and Mercury Public Affairs, LLC;

**WHEREAS**, Mercury has agreed to provide such services according to the terms and conditions of Extension No. 1 to the Consultant Contract for the period of October 1, 2020 through September 30, 2021;



**NOW THEREFORE BE IT RESOLVED**, the Tribal Council approves said Extension No. 1 to the Consultant Contract and authorizes its execution by the Chairwoman and the Tribal Secretary.

It was the **consensus** of council for the CSKT to be signing onto the National Congress of American Indians (NCAI) amicus brief that will be filed in the Ninth Circuit Court of Appeals in support of the Confederated Tribes of the Warm Springs Reservation. The case is Deschutes River Alliance v. Portland General Electric Company and the Confederated Tribes of the Warm Springs Reservation of Oregon.

**Robin Thorne, Jody Perez and Janet Camel**, Homeless Committee, gave an update on the Maggie Ashley site. They need approval to allow for noncompetitive contracts for these due to the resources available and the time crunch we are in. Janet requested action to approve noncompetitive negotiations for the purchase of the list of manufactured and modular units as non-expendable capital personal and real property to address emergency housing needs related to the COVID-19 pandemic, including overcrowded living conditions. There are 2 modular homes and 4 manufactured homes that are available as of today. They need to be able to move quickly for the purchase of 11 manufactured homes since they are selling quickly.

**MOTION** by Carole Lankford to approve noncompetitive negotiations for the purchase of the list of manufactured and modular units as non-expendable capital personal and real property to address emergency housing needs related to the COVID-19 pandemic, including overcrowded living conditions for up to \$1.5 million with the CARES money. Seconded by Ellie Bundy McLeod. Carried, 7 for; 1 abstention (Mike Dolson).

**Robin Thorne, Jody Perez and Janet Camel**, Homeless Committee, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**Carole Lankford** informed council that the AA group needs some money. A couple thousand would help them. She asked if they could qualify for the CARES Act funding grassroots. Carole will have them send an application for funding to Jami Pluff.

**Charmel Gillin** would like an update on the plan for the Senior Centers. Delores Adams calls regularly for updates. She wants some new information soon or an announcement at the quarterly council meeting to keep the elders informed. **Patricia Courchane**, Department of Human Resources Development, joined the discussion. Council asked when the centers will open again. Patricia said she is going to be meeting with Constance about Charmel's request. They need to

look at how they clean after a function. DHRD has foggers for the busses. DHRD changed most of the centers to furniture that can be wiped down. They could do a trial to see how it works. DHRD cannot track who has been in the building if there is a positive COVID-19 case. **Martin Charlo** thought it would be reckless to open the Senior Centers right now. Charmel would like the information to get out there so the elders know what is going on. There needs to be more communication with the elders. **Jim Steele, Sr.** wants to have a meeting to get things clarified. There are some mix-ups happening. We are in a position to hire more people to do these things at the other places and he has a list developed. Either he needs to do it or they need to do it because departments are doing their own thing. We need to be clear on the protocols and it needs to be COVID related. **Chairwoman Fyant** asked Patricia to clarify the protocols with her staff.

**Winona Tanner**, Tribal Court, requested approval of an extension to the Associate Judge contract with David Morigeau. The position was advertised for three weeks, and they are in the middle of doing the background checks. In the meantime, she wants a contract extension not to exceed thirty days or until the position is filled.

**MOTION** by Carole Lankford to approve by resolution the extension to the Associate Judge contract with David Morigeau. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-202**

### **A RESOLUTION TO EXTEND JUDICIAL CONTRACT WITH DAVID MORIGEAU**

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

**WHEREAS**, the Tribal Council, as governing body of the Flathead Nation, is entrusted with the responsibility to protect the health, security and general welfare of the Tribes; and

**WHEREAS**, the Tribal Government provides for the maintenance of law and order and the administration of justice by the establishment of a Tribal Court; and

**WHEREAS**, the Tribal Council employs contract employees and additional staff for the Tribal Court of the Confederated Salish and Kootenai Tribes; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to extend a contract with David Morigeau for his services as Associate Judge of the Tribal Court of the Confederated Salish and Kootenai Tribes; and

**WHEREAS**, it is the intent of all the contracting parties that David Morigeau shall commence working under the approved contract with the Tribes according to the terms and conditions stated therein;

**NOW, THEREFORE, BE IT RESOLVED** that beginning October 1, 2020, David Morigeau shall act as Associate Judge to the Tribal Court providing services at the direction in accordance with the terms and conditions of the contract attached hereto.

**MOTION** by Carole Lankford to adjourn the meeting.

Council **adjourned** at 3:28 p.m., and is scheduled to meet again on Friday, October 2, 2020, at 9:00 a.m., for the quarterly council meeting.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Ellie Bundy McLeod  
Tribal Council Secretary