

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

Volume 22 Number 26
Council Chambers, Pablo, MT

Held: January 20, 2022
Approved: January 25, 2022

MEMBERS PRESENT: Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy McLeod, Treasurer; Anita Matt; James “Bing” Matt; Jim Malatare; Jennifer Finley; and Mike Dolson.

MEMBERS ABSENT: Carole Lankford (Rocky Mountain Tribal Leaders Virtual Meeting).

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

The meeting was called to **order** at 9:20 a.m. Quorum established.

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for January 18, 2022 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for January 18, 2022, with corrections. Seconded by Mike Dolson. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Martin Charlo to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (9 present).

Don Bell, Lake County Sheriff, thanked the council for all they do. Many people in service work are quitting their jobs and doing something easier. The Tribal Council is standing tall, going forward, and caring for our people. Mr. Bell requested a land use permit to post political campaign signs. He is running for re-election as the Lake County Sheriff. The Tribal Lands Department told Don that the request would require council action. **Martin Charlo** suggested allowing Mr. Bell to use the tribal sites that are used by the council candidates during campaign season, as well.

MOTION by Ellie Bundy McLeod to authorize Don Bell to use the full venue to post political campaign signs that the council uses. Seconded by Martin Charlo. Carried, unanimous (9 present).

Len TwoTeeth thanked Don Bell for his service to the Tribes and the community. It is good to have one of our tribal members serve as the sheriff, and Len is proud of Sheriff Bell.

Thomas Lozeau, Jr., Tribal Member, discussed taxing woodcutters and the tax ruling under Revenue Ruling 6216, which states tribal members are exempt from paying taxes on tribal land and income from the sale of crops or use for grazing purposes. The woodcutters should not be required to fill out a federal 1099 form. He suggested the process for woodcutters be the same as how the Flathead Post & Pole Yard operated. This would prevent the tax issue. Mr. Lozeau has been shorted wood in his deliveries. The woodcutters should not be required to fill out any forms. **Martin Charlo** hopes the Elders program would get a truck that can hold a cord of wood instead of making four trips to pick up one cord. We do not have people sharing their knowledge with the new people coming in, and they are doing the best they can. **Mr. Lozeau** told council he appreciates the woodstove for his home. If the Tribes had a post yard the woodcutters could deliver wood to the yard and get paid, and then the Elders program could have people delivering the wood from the yard to the people. The woodcutters should receive an additional \$3.00 in their paychecks because it costs them \$3.00 to cash the check. **Chairman McDonald** has heard these same concerns about taxing the woodcutters and council will follow up on this matter to see what can be done.

Dan Decker, Mary Price, John Harrison, and Chelsea Colwyn, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve by resolution an attorney contract with Kathryn E. Jones under the stipulations of the resolution and contract. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-049

A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH KATHRYN E. JONES

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

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WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes;

WHEREAS, the Tribal government maintains a Legal Department, employs contract attorneys to staff that department, and contracts with additional attorneys, with Legal Department coordination, when such outside assistance is needed;

WHEREAS, the Legal Department provides to the Tribal Council and Tribal government its civil legal services;

WHEREAS, Kathryn E. Jones is a licensed attorney, and stipulates that she will become a fully licensed member in good standing of the bar of the State of Montana within eighteen of employment, and wishes to provide legal services to the Tribes through the Legal Department;

WHEREAS, Kathryn E. Jones, Attorney, has agreed to provide her legal services according to the terms and conditions of her Attorney Contract;

NOW, THEREFORE, BE IT RESOLVED, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

Martin Charlo gave a COVID-19 update. Western Montana is in the middle of a surge. The Omicron variant is the dominant strain. It is not as severe as the Delta variant, but it is still serious and can cause serious complications for the people who are immune compromised, elders, and children. Martin encouraged everyone to be diligent. There are approximately 170 cases in Lake County as of Tuesday, compared to 30 cases three weeks ago. The main symptom is a sore throat that feels a lot like strep throat. The Salish Kootenai Housing Authority and the Tribal Prosecutors Office had to close due to COVID-19 cases. If people are sick, they need to stay home. Martin hopes the supervisors will allow employees to remote work and have flexible work schedules. Tribal employees should remote work whenever possible and have flexibility in their work schedules. We had a stimulus payment that just came out. We have never really been affected by overdoses, but the people that have had overdoses talked about getting Narcan available. Narcan is a lifesaving measure for overdoses. It is easy to overdose on Fentanyl. Even the addicted people are our family and it is not always necessarily their fault. Many people were brought up in dysfunction and

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there is historical trauma. We need to be compassionate for the people that need it and we need to look out for each other. We should not allow our political or personal beliefs prevent us from doing what we need to do to keep our communities safe. People are suffering from COVID-19 burnout. Mental health issues and drug abuse have increased during this pandemic. As tribal members, we need to take care of our families. **Anita Matt** has been receiving emails and text messages asking if the Tribes are thinking about closing down again until we get healthy. She hopes we do not get to that point. Anita thinks the Tribal Health Department will keep us updated and make recommendations. **Len TwoTeeth** thinks the COVID Leave Policy needs to be modified. We have employees with kids in school that need to take time off work. During this surge many employees are going to be reluctant to donate their leave because they need to keep it for themselves. The policy needs to be modified to add some more hours of COVID leave for employees to address the situation. He knows some employees that have been in that situation and are having trouble obtaining the COVID leave donations after they used their COVID and PTO hours. Len really wants to find a solution to this. Len was willing to donate his 80 hours of COVID leave to employees in need. **Martin Charlo** commented that the Tribal Council members can easily donate their COVID leave. Council members do not take PTO but they accrue it. Council can donate their 80 hours of COVID leave to those employees who need additional leave. We can work with the department heads and employees with a lot of leave to give up their 80 hours. Martin suggested letting the new policy work and see where we are at in six months to see if we need to adjust it. All employees, including contract employees and apprentices, got 80 hours of COVID leave at the beginning of this calendar year. **Chairman McDonald** mentioned that COVID-19 home test kits are available for each household. They are available online at <https://special.usps.com/testkits>. The test kits are great, but it is limited to four kits for each address. It is not enough kits for multiple families living in the same home. The N95 masks are the preferred mask because they are more effective against the virus. The federal government is supposed to be providing those masks at no cost. **Jennifer Finley** agreed with Len about modifying the COVID Leave Policy. This is a more viable option than closing down the Tribes. She knows someone who was exposed three times and used six weeks leave from work because the individual had to quarantine due to the CDC guidelines that were in place at the time even though the person was not sick. Now the guidelines were decreased to five days. Two Eagle River School is the only school requiring masks and families are having to care for their children due to COVID cases. **Martin Charlo** thanked the Three Chiefs Cultural Center for the coffee mug they gifted to the council members. Three Chief Cultural Center had to close due to COVID-19 cases. **Jim Malatare** mentioned the families where the grandparents have parental duties and having to take off work when their grandchildren are sent home from school because of COVID-19. Those grandparents will be running out of PTO. Jim wants further discussion on how to help those employees because COVID affects the whole family, and we need to be concerned about this. **Chairman McDonald** advised

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that the council could discuss possible modifications to the COVID Leave Policy at the chairman's meeting. Tom appreciates the supervisors and department heads that allow their employees to work from home and have flexible work hours. We need to be creative to be safe while remaining open to provide services to the membership. The local schools are a super spreader of COVID-19. **Anita Matt** stated that the council met with the local School Boards and they were reluctant to require masking. They were waiting to see what the Ronan and Polson Schools were going to do and were waiting for the situation to happen before they contact people and quarantine. The council already tried the School Boards, so she did not know if they want to do that again. **Jennifer Finley** reported that it is difficult to get tested due to the surge. She was mildly sick and was tested, and she was COVID positive. She was sick on Wednesday and the Tribal Health Department could not test her until Friday so she had to go to the hospital to get tested and it took her three days to get the results back. Jennifer encouraged everyone to get tested if they have any symptoms no matter how mild they are to prevent infecting other people. After testing, people need to quarantine three days before they find out the results. **Jim Malatare** thought it would be more effective to put something together with a council representative and Tribal Health staff to meet with the School Boards to talk about it and try to convince them to do something. The spread is coming from the schools and sporting events. COVID-19 cases will continue spreading if something is not done about it. Two Eagle River School is requiring masks, and other schools should take notes from that. **Ellie Bundy McLeod** thought it was difficult to have an engaging conversation with the School Boards because our speaking was limited to two minutes. None of the meetings she attended were effective in any way. The schools have their own teams making the determinations what they feel works best for their school. We had an opportunity to assist with PPE and think outside the box if they would participate with us, but they did not take advantage of that offer.

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

Council gave a report on yesterday's meeting with Foster Funeral Home. Chairman McDonald, Carole Lankford, Jennifer Finley, and Mike Dolson met with Ralph Foster about how to improve services to the membership. One option is to separate the wake and celebration of life portion from the burial cost to provide a fair opportunity for the entire membership of a deceased tribal member to access and utilize it in an appropriate way. The amount for wake costs might be increased. It was suggested that we set an amount for burial expenses only and families would get a certain amount and what they would use would go back to the Tribes to prevent the refund. The fund is to assist with burial expenses; it is not intended to cover everything. There would be a separate amount for the wake expenses and families would have a certain amount for wakes, or if they want mileage or airfare for family to fly home. Not every family would use the full amount. There would be no refund to individuals and any remaining balance

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would go back to the Tribes. **Chairman McDonald** wants to visit with the Executive Team about changing the requirement of a death certificate to access the burial benefit. Sometimes it is difficult to get a death certificate in a timely manner, so the bill can be outstanding for quite some time. Tom found out there is a monopoly going on, other than Ralph's business. If we increased the burial benefit, the costs range from \$3,500 to \$9,000. It's an independent service how the funeral home works with the family. If we double the amount of the benefit, they will consume it automatically, so it looks like the other thing is some folks when they go over the amount provided, there is an outstanding debt and funeral homes have a difficult time collecting the debt. If they knew an amount was guaranteed it would help bring down the total costs. They talked about what our demographics are and how to forecast something like that. We are at the peak unless something with enrollment changes. 60 and older is the bulk of the population, so that benefit amount needed in the future should decrease as that population declines. The number of services provided by local funeral homes is up by 300% due to the number of people moving here. The use of the tribal benefit should decline over time. Meeting with Ralph was the first step since he is the principal service provider. An executive team or council subcommittee looking at it would be appropriate. When it is paid out it needs to be cleared up without the death certificate. Itemizing costs into the two separate accounts would need to happen. Council can work with the Executive Team on an increased burial benefit. Ralph identified the population shift of people moving up here. A limiting factor can be the number of cemeteries. Different cemetery boards have different costs. If we use our own tribal cemeteries, it will cut the costs down. He thinks it's a good idea to meet with the other funeral directors so we do the due diligence necessary. **Mike Dolson** mentioned FEMA providing burial benefits due to COVID deaths. FEMA will provide funding up to \$9,000 if the death was caused by COVID-19. Tom stated there are also military benefits available. Families must pay the costs upfront and then seek reimbursement. Some families don't have that money to pay upfront. **Anita Matt** asked if someone like the Executive Team can assist people with what they have to do afterwards to seek reimbursement. Many people do not know what direction to go and need someone to step them through it. Anita did not know if anyone has tried to seek reimbursement through FEMA. Mike responded that Ralph Foster helped people make that request to FEMA and he made everyone aware it was coming through his services. **Chairman McDonald** pointed out that it has been a long time since the Burial Policy was approved or modified so it needs to be updated and make it a fair benefit to all tribal member families. The council subcommittee members will meet with Rick Eneas, Greg Spahr, and Lake's Funeral Home Director. The council subcommittee members will be Ellie Bundy McLeod, Jennifer Finley and Carole Lankford. It was the **consensus** of council to move forward with the subcommittee.

Council met in executive session.

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Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting. Seconded by Jim Malatare.

Council **adjourned** at 11:53 a.m., and is scheduled to meet again on Tuesday, January 25, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary