

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

Volume 20 Number 82
Zoom Meeting

Held: August 18, 2020
Approved: August 20, 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; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:01 a.m. Quorum established.

The meeting was opened with a **prayer** by Anita Matt.

The **Tribal Council Meeting Minutes** for August 13, 2020 were presented for approval. **Anita Matt** reminded council of the email they received from the Personnel Department yesterday informing council that the Mission Valley Power Utility Board position needs to be readvertised. **Carole Lankford** questioned why it needed to be readvertised since Tribal Council already made a selection. **Chairwoman Fyant** explained that Amelia Adams is related to two Mission Valley Power employees (father and sister) and they are both stewards of the union, which is a representative for their employee group. That would be a conflict of interest. **Council** will add this issue to today’s agenda. **Chairwoman Fyant** followed up on the directive for Jennifer to follow up with the committees about hiring Building Monitors and provide an update in the chair’s meeting. That did not happen, so the council will look for a report from Jennifer. **Jennifer Trahan** advised she would do that by tomorrow.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for August 13, 2020, with corrections. Seconded by Bing Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Chuck Reese, Information Technologies, requested to meet with council in **executive session**. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

MOTION by Carole Lankford to approve the letter to the FCC. Seconded by Martin Charlo. Carried, unanimous (10 present).

Chairwoman Fyant informed council that they need to rescind the council action appointing Amelia Adams to the Mission Valley Power Utility Board. That unexpired term needs to be readvertised.

MOTION by Martin Charlo to rescind the action appointing the individual to the Mission Valley Power Utility Board. Seconded by Ellie Bundy McLeod. Carried, 8 for; 2 abstentions (Len TwoTeeth and Charmel Gillin).

***Charmel Gillin**, for the record, "I abstained since I was not present during the original motion and action."*

Chairwoman Fyant directed Jennifer Trahan to notify the Personnel Department to advertise the vacancy for a third time.

Tony Incashola, Jr., Bob McCrea, Ron Swaney, and C.T. Camel, Tribal Forestry/Division of Fire, gave a fire update. **Tony Incashola, Jr.** reported that the fire danger is high on a national level. Some of our resources got sent to Colorado and California. The fire weather watch remains in effect. **Bob McCrea** reported there were 6 person-caused fires this week. Three of those were on the road to Ronan and Hot Springs. The fires are still under investigation. There were two new fires yesterday. One was caused due to a vehicle losing a tire. The other fire was in the Saddle Mountain area, and that fire is under investigation. There was a party fire and a fire by Hungry Man's Camp at Jocko Prairie that is under investigation. The other fires are either out or contained. The Magpie fire still has a lot of smoke and there are some green pockets that started to burn yesterday. We are under a lightning level 3 today. **Ron Swaney** mentioned that they have Oskie Lefthand at the Ferry Basin Lookout since they had some lightning coming in. Two employees will be stationed at the National Bison Range to provide coverage. The division had a visit with the FMO last week. It was a good visit and opportunity to show them how DOF rolls with initial attack. They had 130 people on two fires. Dave Underwood, the National Aviation Officer, visited and discussed how the Division of Fire is managing fatigue, briefing, COVID protocols, and providing safe operations with aviation assets. **Bob McCrea** reported that they have roughly 30+ people on from Arizona and Navajo who are here to help us. It has been difficult to get resources since the resources are going to California and Colorado. There are currently 58 large fires in the lower 48 states. Most of those fires are in the Rocky Mountains, Oregon

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and California. Ferry Basin and Bazoo are the only lookouts that can be used. The other lookouts were torn down or condemned. The division does not have dollars to put people in them. Ron is looking at getting people in those lookouts. **C.T. Camel** reported that the division set up a tip line on social media to ask the community for help. There have been 7 person-caused fires. 1-800-47-ARSON is the hotline tip line to call with any information. Rewards are up to \$10,000. The fire danger is very high right now. There are no campfire restrictions in place, so information will be sent out reminding people to make sure to put the fires out completely before leaving campfires.

Tony Incashola, Jr., Ron Swaney, Bob McCrea, and C.T. Camel, Tribal Forestry, met with council in **executive session**. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

Jean Matt, Chelsea Kleinmeyer, and Dale Nelson, Unified Command Team, gave an update. **Jean Matt** reported they are looking at education, preparation and responding to situations. **Chelsea Kleinmeyer** reported that the state of Montana has a total of 5,846 confirmed cases. 1,556 of those are active cases. There has been a total of 84 deaths. Lake County reported 193 confirmed cases and 13 of those are active. From the Tribal Health side, there are 6 active cases. Lake County reported a total of 16 hospitalizations, and 1 current hospitalization. Yesterday they talked about influenza. They generally start immunizing people for the flu in mid-September. Public and County Health will plan that together. The vaccine is important this year. The symptoms of COVID-19 and influenza are similar. **Dale Nelson** gave an update on preparedness. He is waiting on people for requests for PPE needs. He has been working with the schools and is waiting on Nkwusm to let him know what they need. Dale received a message that Transportation needs more masks, so he will deliver those today. He does not have many masks left, but he does have plenty of sanitizer on hand. **Jean Matt** heard this morning's comments about fatigue on fires. The team is working hard to combat complacency. This incident has extended for over 5 months for the UCC and they continue weekly calls for updates. **Bing Matt** asked if there have been any behavioral health issues due to this crisis. Chelsea has not heard specific issues related to the pandemic. Tribal Health Behavioral Health continues to see people through zoom. They have been seeing their normal number of patients. People have taken well to telehealth through zoom. She can talk to Erica Webber and get more information. Bing had a report from Ashley last week and she was talking about some suicide issues in the survey they had. Red flags are popping up on that survey. It looked like Behavioral Health was working a minimum amount of time and he was worried about people's mental health during this crisis. **Charmel Gillin** discussed contract tracing procedures and success. She wanted to know if that is working as well as it can be. We are working in our second week of back to work at the tribal

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complex. It sounds in other areas of the country has resulted in an increase in cases. Contact tracing is important. In her family that did not work well after July 4. That was in the county realm. Charmel wanted to know if improvements can be made or if they need support with that if the UCC can address that. Chelsea said the County brought on an additional nurse to deal with contact tracing. COVID is an addition to what the Public County Health nurses deal with. Tribal Health tries to assist with filling in the gaps where necessary. There is contact tracing done by both entities and there are 8 nurses working on contact tracing. The two agencies are now sharing information better than they did in the beginning and sharing resources.

Rob McDonald, Communications, requested approval of an artistic contract with Tailyr Irvine to take photographs for the Who's At Stake campaign, to be funded with the CARES Act funding. The contract is for a not-to-exceed amount of \$30,000. Tailyr will take photos of elders and community members who are at risk for COVID-19. There is one tribal member on the Indian Preference Business List and Rob has plans to use that business for a different project.

MOTION by Charmel Gillin to approve an artistic contract with Tailyr Irvine to take photographs for the Who's At Stake campaign. Seconded by Anita Matt. Carried, 8 for; 2 opposed (Mike Dolson and Ellie Bundy McLeod).

Ellie Bundy McLeod, for the record, "While I agree that Tailyr is a very talented photographer, I have concerns over the cost of the project."

Joe Durglo and **Barbara Schott**, Tribal Health Department, requested approval to changes to the organizational chart to add a Medication Assisted Treatment Care Manager position under the Tribal Opioid Response Project Director box. The vacancy will be advertised.

MOTION by Martin Charlo to approve changes to the organizational chart to add a Medication Assisted Treatment Care Manager position under the Tribal Opioid Response Project Director box. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Joe Durglo and **Chelsea Kleinmeyer**, Tribal Health Department, requested approval of a sole source purchase of capital equipment consisting of a mobile medical unit (van), at a cost of \$225,900.00, to be funded from THIP funds. The sole source vendor is Dart Colorado, LLC. This could qualify for a Tier 2 program. If Tribal Health entered into Tier 2 it would receive additional THIP funding. The van could be used in rural areas where there is no medical clinic.

MOTION by Anita Matt to approve the purchase of a sole source purchase of capital equipment from Dart Colorado, LLC, consisting of a mobile medical unit (van), at a cost of \$225,900.00, to be funded from THIP funds.

Seconded by Bing Matt. Carried, unanimous (10 present).

Joe Durglo and **Chelsea Kleinmeyer**, Tribal Health Department, requested approval of a lab consultant services agreement with Providence St. Patrick Hospital to provide oversight and auditing of the lab services in existing clinics. The noncompetitive agreement will be renewed each year until the Tribal Health Department terminates it.

MOTION by Martin Charlo to approve a one-year lab consultant services agreement with Providence St. Patrick Hospital to provide oversight and auditing of the lab services in existing clinics. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Mark Couture and **Tara Irvine**, Tribal Lands Department, presented a request for a revocable permit for Tony Undum, Raceway Track to host up to three car races at the racetrack. The request was previously denied due to the shelter in place order being in effect. Options presented were: (1) approve a 30-day revocable permit, as long as all permitting requirements are met, including a flat rate rental payment of \$834.00 due at the time of signing the permit, required insurance, and no bond; (2) approve a 30-day revocable permit, as long as all permitting requirements are met, including a rental payment of \$400.00 due at the time of signing the permit, with the remainder of the \$434.00 paid at the end of the contract, required insurance, and a \$651.00 bond; (3) approve a 30-day revocable permit, as long as all permitting requirements are met, including a rental payment of 10% of the door entry fee for all races, required insurance, and a \$1,251.00 bond; (4) deny request; and (5) hold further discussion. There is a COVID plan in place and there would be a limited capacity of 50%. The term of the permit would be from August 22 through September 22, 2020. The Lands Department recommended approving option 3.

MOTION by Martin Charlo to go with the recommendation of the Lands staff and approve option 3, with adding the masking being given out and having someone stationed to watch people as they come in. Seconded by Anita Matt. Carried, 6 for; 4 opposed (Ellie Bundy McLeod, Shelly Fyant, Len TwoTeeth, and Charmel Gillin).

Ellie Bundy McLeod, for the record, "I just feel like we should wait on any of that until September 7 while we still have all the other recreation areas shut down before we consider opening anything else."

Len TwoTeeth wanted a list of tribal member participants. **Tara Irvine** said she can get one.

Mark Couture, Tribal Lands Department, requested approval of a revised organizational chart to add 3 Field Crew positions as FTE positions. Those

positions are temporary employment agreements on the current organizational chart. The Fatherhood Program used to fund them, but after the dissolution of that program the Tribal Lands Department took over those positions and they are funded by a grant. There is a funding source to sustain the positions. The crew members would be furloughed from January 1 through March 31. There is a cost share for the crews to build fences. The crews also do work for the Tribes for area rehab projects and they work on fences. **Charmel Gillin** commented that our FY21 revenues are unclear due to potential COVID impacts throughout the organization and requests for new positions should go to the Budget Committee. **Anita Matt** agreed that it should be reviewed by the Budget Committee. She would like to see the plan of operation for the fencing department and how much money they brought in that could go back toward paying their wages. **Mark Couture** explained that the TEAs will be approved through December, if there are issues to be worked out for the organizational chart change. Mark said EQIP and CSP funding pays for those positions.

MOTION by Fred Matt to approve the revised organizational chart to add 3 Field Crew positions on FTE status. Seconded by Len TwoTeeth. Carried, 7 for; 1 opposed (Shelly Fyant); 2 abstentions (Charmel Gillin and Anita Matt).

***Anita Matt**, for the record, "I want a better understanding of the program, the budget, and where the proposed monies would come from and some kind of a report of the program that was instituted thru tribal lands, how much money they made and the number of projects."*

Bing Matt received a call from Sherry Clairmont's ranch hand at the Big Draw. There is a homesite that has hardly any water that serves the channel and horses. The trough at the lower end is completely dry. The spring that serves them dried up. He said there is just a little bit of water coming out of the spring, and he is concerned about the amount of water for the horses and cattle. **Mark Couture** has some guys up there today. He will get a report and send to council. **Chairwoman Fyant** advised that we do not have a revocable permit for that place. Mark will follow up to see if it has been signed yet.

Mark Couture requested that a Land Committee meeting be set for August 24 or 31. **Len TwoTeeth** requested that the Mickey Pablo Ranch improvements be added to the agenda. **Chairwoman Fyant** set the meeting for August 31.

Seth Makepeace, Natural Resources Department, requested approval of two resolutions authorizing the submission of competitive funding proposals to the Bureau of Indian Affairs for water rights funding.

MOTION by Martin Charlo to approve by resolution the submission of the competitive funding proposal to BIA for water resources funding. Seconded

by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-141

RESOLUTION AUTHORIZING THE SUBMITTAL OF A COMPETITIVE WATER RIGHTS FUNDING PROPOSAL TO THE BUREAU OF INDIAN AFFAIRS

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

WHEREAS, the Tribes have maintained a Water Management Program since 1982; and

WHEREAS, the Tribes have been in active negotiations concerning the settlement of their reserved and aboriginal water rights for a lengthy period; and

WHEREAS, the Bureau of Indian Affairs has tendered a competitive proposal to Tribes to submit water rights funding proposals; and

WHEREAS, the Water Rights Compact for resolution of the Tribes' reserved and aboriginal water rights assumes a high level of commitment to water rights information and a science-based approach to water management; and

WHEREAS, the proposal referenced below will support a rigorous approach for registration of existing uses within the framework of the Water Rights Compact.

NOW THEREFORE, BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the proposal titled FY 2021 Water Rights Negotiation/Litigation (R31) be submitted to the Bureau of Indian Affairs.

MOTION by Martin Charlo to approve by resolution the submission of the competitive funding proposal to BIA for water rights funding. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-142

RESOLUTION AUTHORIZING THE SUBMITTAL OF A COMPETITIVE WATER RIGHTS FUNDING PROPOSAL TO THE BUREAU OF INDIAN AFFAIRS

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

WHEREAS, the Tribes have maintained a Water Management Program since 1982; and

WHEREAS, the Tribes have been in active negotiations concerning the settlement of their reserved and aboriginal water rights for a lengthy period; and

WHEREAS, the Bureau of Indian Affairs has tendered a competitive proposal to Tribes to submit Water Resources Management, Planning, and Pre-Development (N34) funding proposals; and

WHEREAS, the Water Rights Compact for resolution of the Tribes' reserved and aboriginal water rights assumes a high level of commitment to hydrologic information; and

WHEREAS, the proposal referenced below will further the Tribes understanding of hydrologic conditions on the Reservation and will support the water measurement program maintained by the Tribal Water Management Program.

NOW THEREFORE, BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the proposal titled FY 2021 Water Resources Management, Planning, and Pre-Development (N34) be submitted to the Bureau of Indian Affairs.

Rick Eneas and **Ruth Swaney**, Financial Management, presented the second and third quarterly financial and donation reports. Rick discussed the impacts to revenue streams due to COVID-19 on the Dedicated Trust Fund and Gaming revenue. Council questioned the Third-Party Collections. Rick explained Third Party Collections were 25% of the total revenues. There had been some billing problems that needed to be fixed. The Tribes were closed for a period of time due to COVID and the personnel and contract costs continued during that time. There were increased revenues from recreation permits. CARES funding will be reported in the fourth quarter or FY 2021. EKI made their payments and are paying interest only through 2022.

MOTION by Anita Matt to approve the second quarter financial report. Seconded by Martin Charlo. Carried, unanimous (10 present).

MOTION by Martin Charlo to approve the third quarter financial report. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Rick Eneas discussed the FY 2021 budget process. Departments were directed to remain at the FY 2020 budget levels. The budgets will be going to council in the near future.

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

Rhonda Swaney and **Stu Levit**, Legal Department, discussed a request from the US Army Corps of Engineer's Liaison whether the Tribal Council wants to have

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a one-on-one meeting with the deputies that released the Columbia River EIS of the entire basin. Thursday they are holding a webinar from 2:00 p.m. to 4:00 p.m. for general information. They asked Stu to see if council wants meetings with the deputies. September 9 or 10 are the tentative dates for the consultation. The activities do not affect our fish off or on the reservation. The federal agencies worked closely with CSKT and Legal is happy that we got what we wanted. He is pleased with the outcome. **Council** thought it would be a good idea to meet with them and thank them for listening to us. Council asked Stu to submit an agenda request form to schedule the meeting.

Rhonda Swaney and **Stu Levit**, Legal Department, informed council that Stu has been doing work on the Elk River Watershed and transboundary resources coming into the United States. Stu also does other consultation work on a voluntary basis. He was asked to write a report on the Elk River Watershed and a comparison of certain pressure points where US interests could get involved in impacting mining to improve accountability and lessen mining effects. Stu requested permission to write the report. **Council** had no objection to Stu writing the report.

Rhonda Swaney, John Harrison, Shane Morigeau, Michael Wheeler, Dan Decker, Mary Price, Stu Levit, and Chelsea Colwyn, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

MOTION by Anita Matt to approve the letter to Mr. Tuholske for his lifetime of good work on behalf of the public interest and the CSKT. Seconded by Martin Charlo. Carried, unanimous (10 present).

Anita Matt asked what happened with the pipeline. It was after Yellowstone Pipeline was taken out. She did not know whether there was a new proposal. **Carole Lankford** thought it was discussed and then placed on hold based on the recommendation of the elders. Council Support staff should have a copy of the letter that was incoming from the Culture Committees.

Ellie Bundy McLeod presented a request from the Men's Prayer Group to use the council chambers on Friday mornings. The group would practice social distancing. **Council** had no objection.

Chairwoman Fyant informed council that the Mission Valley Power Utility Board vacancy will be advertised again. The Personnel Department would like the partial term to be combined with the full term since the partial term will expire soon. Jean Matt was contacted and had no issues with combining the terms.

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MOTION by Martin Charlo to adjourn the meeting.

Council **adjourned** at 1:09 p.m., and is scheduled to meet again on Thursday, August 20, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary