

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

Volume 20 Number 90
Zoom Meeting

Held: September 15, 2020
Approved: September 17, 2020

MEMBERS PRESENT: Shelly Fyant, Chairwoman; Anita Matt, Vice-Chairwoman; Ellie Bundy McLeod, Secretary; Martin Charlo, Treasurer; Carole Lankford; James “Bing” Matt; Charmel Gillin; Fred Matt; 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 9:01 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for September 10, 2020 were presented for approval.

Len TwoTeeth joined the meeting.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for September 10, 2020, with corrections. Seconded by Charmel Gillin. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Charmel Gillin to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (10 present).

Kathy Smith and **Ryan Smith** requested to meet with council in **executive session** to discuss a personal matter. **Erma Haynes**, Enrollment Office, was present for discussion.

Council reconvened into **regular session**.

MOTION by Fred Matt to accept under special circumstances the copy of the DNA document for Ryan Smith. Seconded by Ellie Bundy McLeod. Carried, 8 for; 2 abstentions (Charmel Gillin and Anita Matt).

***Anita Matt**, for the record, “I don’t disagree with it, but I’m related so I’m abstaining.”*

Tony Incashola, Jr., Ron Swaney and **Bob McCrea**, Tribal Forestry, gave a fire update. The nation and regions are at planning level 5. The Northern Rocky Mountain Region is at a planning level 4. Our resources are staying in the region. There was a total of 40 uncontained large fires in those regions. We have 9 uncontained fires here locally. Smoke is coming from the California fires. The Seepay fire is 150-200 acres and is contained. The Finley fire will be called out today. There have been 54 person-caused and 12 lightning-caused fires this season. It is still dry. We only have our local resources here. **Anita Matt** commented that along the river she could not see twenty feet in front of her due to the smoke. She posted that people need to be mindful. Fire crews are trying to spot the fires, but they cannot see. She hopes people are mindful on how extreme it is out there. There has been off-roading and that can spark fires. Anita hopes the membership helps out and says something when they see something. Anita thanked the crews for what they do. The Marsh Creek fire was person caused and Division of Fire used jumpers on that fire. The DOF had a meeting with the Lake County Fire. The public needs to understand how important it is to take care of their campfires and extinguish them. When open burning starts is also an issue. CT Camel has been getting education out to folks. We see neighbors calling in neighbors. They are working with rural fire departments, and the communication and coordination is working well. **Chairwoman Fyant** thanked the crews for assisting with The People’s Center fire. **Fred Matt** commented that Homer Courville read the minutes where he said the county helped us out in a coordinated effort in the past. **Ron Swaney** is putting in for a Type 2 IA funding request. September 30 is the deadline. He wants a letter of support for the funding request. Ron put in for a request for over 100 radios. The total cost will be \$223,393.20. Ron needs permission to purchase capital equipment, but this is not capitalized equipment. The cost is less than \$5,000 for each radio, but they are ordering many of them. He wanted council to know the region sent the money for the national data call in June and their request was fully funded. The division will purchase 85 hand-held radios and 35 mobile radios. They are looking at the infrastructure for the radio system with the money left over and upgrades to the dispatch center. This is money that came down from the region. They went with Index King as a sole source contractor to purchase the radios, because the federal government has a contract with them and they offer a reduced rate for the federal government. The Type 2 IA discontinued this program. DOF sees great potential for the program to go. They are requesting carryover funding for this year and then build a plan to get some hard dollars to fund the program for multiple years. **Chairwoman Fyant** discussed the National Congress of American Indians panel tribal unity impact days to be hosted by Chairman Raul Grijalva, Chairman of the House Natural Resources Committee Chairman, and Ruben Gallego, Chairman of the Natural

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Resources Subcommittee on Indigenous Peoples. The whole idea of this roundtable is for land, environment, and climate. Brian Upton arranged for Mary from Sonosky to talk to Shelly and Brian yesterday. We decided the main question for them at the roundtable as authorizers and appropriators is how is it affecting your actions to the Climate Change Policy? Under that is four categories: water compact funding, wildland fire funding, aquatic invasive species, and the need to change the extremely outdated Code of Federal Regulations (CFR) as it relates to the \$25,000 limit. Shelly will report back to everyone after the meeting.

Jean Matt, Rob McDonald, Chelsea Kleinmeyer, and Lisa Shourds, Unified Command Team, gave an update. **Jean Matt** discussed comparisons. March 26 was the first confirmed case in Lake County. On August 3 we had 36 active cases and over 166 total cases. Right now, we have 42 active cases and 241 total cases in Lake County. The issue with that is it is often difficult for emergency responders and the UCC to know where those 42 are. It is an invisible challenge they are up against. Our strongest tools are staying safe by washing hands, wearing masks, and social distancing. There was no movement in finance or logistics. **Chelsea Kleinmeyer** gave an update. As of yesterday, the state had a total of 9,107 confirmed cases, and 2,127 are active cases. There have been 138 deaths in the state. Lake County has 251 total cases and 31 active cases; and 3 hospitalizations. They are working through a couple of clusters in Lake County and have lots of people in quarantine that are close contacts. They are getting the public immunized for the flu. The Tribal Health Department began immunizing and will have a drive-through flu shot clinic on September 30 at the Salish Kootenai College parking lot. **Chairwoman Fyant** had a request from a tribal member to get those masks out to elders. Shelly requested them from Dale Nelson. He brought a big bag and they were distributed to tribal council. The council members distributed them the best they could. There is more demand and not many masks. They talked about having the UCC and the Community Health teams at Tribal Health assist in that endeavor, and she asked if Chelsea could coordinate that. Chelsea said she could. She reached out to the Elders program and Dale. They can handle that. Shelly reported that last week she was contacted by a member of the public whose son was dispatched to a fire and he tested positive for COVID. The contractor was told to leave the equipment at the site to be cleaned and used. The other two crew members tested negative, but all three of them were coming back in the same vehicle. The person had questions about what they should do if he got sick on the way and is there a place we can quarantine individuals. She gave her Chelsea's information. She wants an update on the isolation facility availability and what we do in that kind of situation. **Chelsea Kleinmeyer** responded that we do not have a specific place to isolate people. The nurses working with them are taking it on a case-by-case basis. They could see if a family member has a room they can stay in or look into a hotel. They were not successful in finding one place for mass sheltering. **Jean Matt** commented that now that tourist season is subsiding, we have an

opportunity to see if places have availability that was not an option during the summer due to tourism. School plans are working so far. Schools are back in session with no adverse outcome. Polson is transitioning and Ronan has been full time for some time now. The Polson School had a soccer event cancel today due to the smoke. The CSKT return to work has been successful since August 10th. Reasonable mask compliance contributes to that success. He saw signs on the reservation lines that were updated to wear masks. They are doing smoke awareness that has adverse effects on people's health. Chelsea discussed doing measures at home. Most people are home and monitoring their vital signs. People get shortness of breath and they get them supplemental oxygen.

Rick Eneas, Financial Management; **Troy Felsman**, S&K Gaming Board of Directors; and **Bryon Miller**, S&K Gaming Chief Executive Officer; requested approval of a modification to the S&K Gaming loan documents due to the economic impacts from COVID-19. The modification would defer principal and interest ending March 31, 2021. Three triggers would cause THE loans to revert back to normal payments: positive cash flow for a consecutive three-month period; revenue actual results that exceed projected targets that is included in attachment A by more than 25 percent; and a projected minimum of cash balance for the period of no less than \$3 million which will allow SKG to have sufficient capital to operate their business. **Carole Lankford** discussed SKG downsizing the company and she wanted to know how many people did not come back to work and what those impacts would be on services. Troy Felsman explained that the Board of Directors had directed the Chief Executive Officer to review the organizational chart to downsize without affecting services in the properties that remained opened. Those moves were strictly pandemic related. The names of employees were removed from the process and they determined what team could they have to stay in business, deliver a positive customer experience, and not affect the overall operations. 39 employees were affected. **Council** asked why the dates in the modifications were different. **Rick Eneas** explained that the loans were originated at different times; they did not change anything but the length of the deferral period with the extension of the loan. That is why it is in the document as it is. **Chairwoman Fyant** questioned the August projections. It does not look like those projected numbers reflect the actual gaming, food, beverage, etc. She asked how did those numbers actually turn out, because they look low. She also wanted to know what the hotel occupancy is. **Bryon Miller** responded that the books for August just closed. It was a great month for SKG. SKG saw the benefits from the stimulus checks paid by the Tribes. Overall, the Hotel, Food outlets and Bar revenues have decreased by 50-75% of the prior revenue year to year and month to month. Those outlets have been significantly impacted by the pandemic. **Troy Felsman** reported that the Banquet sales were affected since scheduled conferences were canceled.

MOTION by Len TwoTeeth to approve the second amendment to the loan agreement, security agreement and promissory note for the S&K Gaming

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Kwataqnuq Resort remodel project, the second amendment to the loan agreement, security agreement and promissory note for the Gray Wolf Peak Casino, and the first amendment to the loan agreement, security agreement and promissory note for the site improvements for the Marina at Big Arm. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Troy Felsman informed council that the August numbers would be provided to the tribal council once they are ready. **Chairwoman Fyant** requested an update be provided at a later date regarding the \$11,000 improvements to the former Ranald McDonald house. She would like to know where those improvements went.

Johnathan Owens and **Joe Durglo**, Tribal Health Department, requested approval of the Providence St. Patrick Hospital Lab Consulting Service Agreement to provide support for Tribal Health labs point of care.

MOTION by Anita Matt to approve the Providence St. Patrick Hospital Lab Consulting Service Agreement. Seconded by Mike Dolson. Carried, 9 for; 1 abstention (Charmel Gillin).

Johnathan Owens, **Joe Durglo**, and **Erika Weber**, Tribal Health Department, requested approval of a revised organizational chart to change box 1019 from Allied Services Division Director to Supervisory Clinical Psychologist and place said box under the Behavioral Health Division.

MOTION by Carole Lankford to approve the revised organizational chart to change box 1019 from Allied Services Division Director to Supervisory Clinical Psychologist and place said box under the Behavioral Health Division. Seconded by Anita Matt. Carried, unanimous (10 present).

Johnathan Owens, **Joe Durglo**, and **Aimee Gustafson**, Tribal Health Department, requested to add a TEA position for one year for a Dental Assistant position. They want to hire Kimberly Matt for that position.

MOTION by Fred Matt to approve the request to add a TEA position for one year for a Dental Assistant position and hire Kimberly Matt for that position. Seconded by Bing Matt. Carried, unanimous (10 present).

Johnathan Owens, **Joe Durglo** and **Aimee Gustafson**, Tribal Health Department, requested permission for the Staff Dentist position to forego a two-week mandatory advertising and hire a nonmember to fill it. Heather Howell was the only applicant when it had been advertised. They want to pursue hiring her.

MOTION by Charmel Gillin to approve a 3-year contract with Heather Howell for the Staff Dentist position. Seconded by Fred Matt. Carried, unanimous (10 present).

Johnathan Owens, Joe Durglo and Chelsea Kleinmeyer, Tribal Health Department, discussed the drive-through flu clinic on September 30 at the Salish Kootenai College parking lot and requested a two-hour change of duty for employees to attend the event.

MOTION by Martin Charlo to approve a two-hour change of duty, with supervisor approval, for employees to attend the flu shot event on September 30, 2020. Seconded by Anita Matt. Carried, unanimous (10 present).

Chelsea Kleinmeyer, Tribal Health Department, requested permission to work with Rob McDonald to send employees a RAVE alert reminding them to get their flu shot the day of the event. **Council** agreed to that request.

Chelsea Kleinmeyer, Tribal Health Department, informed council that with the COVID testing they used CARES funding to give out gift certificates. They can use THIP funds to provide gas cards for those eligible for Tribal Health services. She was asked if tribal employees could receive the \$15 gas card for attending the flu shot event. For the COVID testing, they did not monitor it and so employees received the gift card. **Chairwoman Fyant** advised that it would be a question for Legal and Rick.

Chairwoman Fyant talked about having a census table at the drive-through flu shot event and she heard some concern about HIPAA. We did not have that concern when we had the FRCA take a table at the COVID testing, so she asked if it was resolved. **Chelsea Kleinmeyer** spoke to Rob and thinks they can help people fill out the census. They will have a parking lot that they need to pull into after getting their shot to fill it out. **Martin Charlo** asked if Tribal Health in Polson and Elmo could be sites to deliver masks for people to go pick up. Martin put it on Facebook and got overwhelming responses. **Chelsea Kleinmeyer** thought those sites would work and she said Ronan and Arlee would be good, as well. **Ellie Bundy McLeod** offered to volunteer at the flu clinic. **Chairwoman Fyant** requested an update at a future date on the Arlee Clinic. She heard they are doing business from the Community Center and she received several inquiries about when the Arlee Clinic would open.

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

Stu Levit, Legal Department; **Deb Thomas** and **Tonya Fish**, Environmental Protection Agency; and **Rich Janssen**, Natural Resources Department; participated in a WebEx meeting for government-to-government consultation regarding the protection of CSKT resources impacted by Canadian Mines'

impacts to the Elk River Watershed. Coal mining in British Columbia degrades water entering the United States, notably with selenium. The State of Montana is developing a site-specific water quality criteria for selenium for the United States/Montana portion of Lake Koocanusa. The Department of Environmental Quality is requesting comments from the Tribes regarding the upcoming United States Environmental Protection Agency action on Montana Department of Environmental Quality adoption of selenium water quality criteria for Lake Koocanusa and the Kootenai River. They gave the background and context; water quality criteria under the US Clean Water Act; and tribal interests. The Kootenai River Watershed is a 9 million-acre watershed and spans the United States and Canada, Montana, and Idaho boundaries. Selenium impacts in the Kootenai watershed is toxic at very low parts per billion concentrations, accumulates in the aquatic food chain, and is toxic to fish. Selenium trends in the Elk River are sharply increasing. Recent studies show selenium from Lake Koocanusa in the Kootenai River water and fish tissue. Fish tissue in Lake Koocanusa and the Kootenai River has exceeded the Environmental Protection Agency recommended concentration and trout populations in Elk River tributaries are crashing. They gave a presentation on the Montana Department of Environmental Quality plan for adoption of selenium criteria: Lake Koocanusa based on site-specific ecosystem modeling done by USGS experts; Montana Department of Environmental Quality has proposed a 0.8 ug/L concentration for water (in concert with British Columbia); adopt Environmental Protection Agency national recommended fish tissue values of 15.1 mg/kg dry weight for egg/ovary tissue, 11.3 mg/kg dry weight for muscle tissue, and 8.5 mg/kg dry weight for whole body. The plan for the Kootenai River from Libby Dam to the Idaho border is to adopt the Environmental Protection Agency national recommended criteria for riverine waters of 3.1 ug/L (ppb) and recommended fish tissue values as described above. The schedule for adoption is the Board of Environmental Review will meet on September 24 to initiate rulemaking for the proposed selenium criteria. The public comment on proposed criteria takes place October 5 – November 23. There will be a public hearing held on November 5. They plan to adopt the revised criteria into state law in December 2020. Following adoption, the Montana Department of Environmental Quality will submit the revised selenium criteria to the Environmental Protection Agency for review and action under the U.S. Clean Water Act, likely early 2021. The Environmental Protection Agency will continue working closely with Montana during the Water Quality Standards development and provide both informal feedback and formal comments during the rulemaking with the goal that the adopted Water Quality Standards are approvable. Once Montana submits the Water Quality Standards to the Environmental Protection Agency, the US Clean Water Act and Environmental Protection Agency's Water Quality Standards regulation requires the Environmental Protection Agency to approve within 60 days or disapprove within 90 days. Environmental Protection Agency's review includes the requirements of US Clean Water Act Section 303(c) and Environmental Protection Agency's Water Quality Standards regulation. For

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water criteria, their review focuses on whether the criteria are based on sound scientific rationale and protect the designated uses. The Environmental Protection Agency would like to offer a consultation meeting with the Tribes soon after they receive a decision.

Rhonda Swaney and **John Harrison**, Legal Department, informed council that the voting rights trial concluded and there should be some resolution from the District Court by September 22. John discussed a case in the DC District Court. The Native American Rights Fund and tribal organizations will write an amicus brief and the CSKT has been asked to sign on. **Council** had no objection to signing the amicus.

Rhonda Swaney, **Ryan Rusche** and **Yolanda Page**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Daniel Decker** and **John Harrison**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

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

Shelly Fyant, **Len TwoTeeth** and **Charmel Gillin** out of the room.

Janet Camel, Economic Development Office, requested approval of modification 2 to Contract No. 20-041 with Tina Begay to extend the contract to September 29, 2021 and increase the compensation by \$18,699.00 to provide assistance to tribal members with filling out grant applications and provide training. The total amount of the contract is for a not-to-exceed amount of \$36,866.00.

MOTION by Ellie Bundy McLeod to approve modification 2 to Contract No. 20-041 with Tina Begay to extend the contract to September 29, 2021 and increase the compensation by \$18,699.00, for a total not-to-exceed amount of \$36,866.00. Seconded by Bing Matt. Carried, unanimous (7 present – Shelly Fyant, Len TwoTeeth and Charmel Gillin out of the room).

Carmelita Matt, Department of Human Resources Development, requested approval to hire Hannah Kiehn to fill the Foster Care Social Worker Trainee position. There is more than one vacancy, but their HR made a mistake on the job announcement so only one position was advertised. The vacancy was advertised for three weeks and there were no tribal member applicants.

Len TwoTeeth returned to the meeting.

MOTION by Fred Matt to approve the hire of Hannah Kiehn on a one-year contract to fill the Foster Care Social Worker Trainee position.

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Seconded by Martin Charlo. Carried, 7 for; 1 abstention (Len TwoTeeth); 2 not voting (Shelly Fyant and Charmel Gillin out of the room).

Len TwoTeeth informed council of a request from Lorene Zakuse for the Tribes to get her house worked on. She is having serious roof problems with her home. **Anita Matt** advised that the Elder crews have gone out and patched the roof several times. They had looked at this in the past, but insurance was the requirement for the other programs. **Council** directed the Department of Human Resources Development to follow up.

Len TwoTeeth brought up the request from Terry McDonald for his tribal member grandson be issued a moose permit. Tom McDonald had acknowledged in an email that the Tribal Council had issued permits in the past to tribal members under the age of 16. Len called Terry and he indicated his grandson would be hunting with him. The family takes an annual hunting trip to Dillon.

MOTION by Len TwoTeeth to approve the request for Joseph Weaselhead to be granted a moose permit with stipulations that he is hunting with Terry McDonald off the reservation, provided they both have permits. **MOTION WITHDRAWN**. The request was tabled until Thursday to allow time for the council to receive a copy of Tom's email confirming these requests have been approved in the past.

Jeanne Christopher, Early Childhood Services, requested approval to extend the time frame of Contract No. 19-137 with Kelly Wilson, 4 Abilities, LLC, for behavioral consulting services through September 2021.

MOTION by Ellie Bundy McLeod to extend the contract with Kelly Wilson, 4 Abilities, LLC, to provide behavior consulting services through September 2021. Seconded by Fred Matt. Carried, unanimous (8 present – Shelly Fyant and Charmel Gillin out of the room).

James Magpie, Warrior Spirit, discussed his background. He does interaction with the youth group. He gave an introduction to Special Operations Forces. The U.S. Special Operations Command is headquartered in Florida. The concept is to provide the youth with some motivation. It is not intended to be a recruitment. There are many Native Americans that join the military.

Charmel Gillin returned to the meeting.

Shelly Fyant returned to the meeting.

The Tribal role would be to host Special Operations Forces training venues and granting access to tribal lands for uninstrutive training and aid in training. There would be no effects to tribal lands. All requirements would be laid out in

a memorandum of agreement prior to any training. **Council** advised that the request would need to be vetted by the elders before council could make a decision.

Rick Eneas, Financial Management, requested approval of the resolution for the first amendment to the loan agreement, security agreement and promissory note for the \$2.6 million loan for site improvements and upgrades at the Big Arm property and the Marina at Big Arm.

MOTION by Carole Lankford to approve by resolution the first amendment to the loan agreement, security agreement and promissory note for the \$2.6 million loan for site improvements and upgrades at the Big Arm property and the Marina at Big Arm. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 2 not voting (Martin Charlo and Bing Matt out of the room).

RESOLUTION 20-182

RESOLUTION TO AUTHORIZE AND APPROVE THE FIRST AMENDMENT TO THE LOAN AGREEMENT, SECURITY AGREEMENT AND PROMISSORY NOTE FOR THE \$2.6 MILLION LOAN FOR SITE IMPROVEMENTS AND UPGRADES AT THE BIG ARM PROPERTY AND THE MARINA AT BIG ARM

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

WHEREAS, The Confederated Salish and Kootenai Tribes of the Flathead Reservation (hereinafter "Tribes") are a federally recognized Indian Tribe governed under a constitution form of government organized pursuant to Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, as amended, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council is the governing body of the Tribes with responsibilities to establish a more responsible organization, promote general welfare and engage in activity on behalf of and in the interest of the Tribes and enrolled members; and

WHEREAS, the Tribes formed the S&K Gaming, LLC, to provide general gaming management oversight to the Tribes for the KwaTaqNuk Resort & Casino and the Gray Wolf Peak Casino on the Flathead Indian Reservation; and

WHEREAS, the Tribes formed the S&K Gaming, LLC, to engage in any and all lawful business both on and off the Flathead Indian Reservation such as the Marina at Big Arm; and

WHEREAS, the S&K Gaming, LLC, actively promotes the operation of Indian gaming and other lawful business on the Flathead Reservation as a means of promoting tribal economic development, self-sufficiency and strong tribal government; and

WHEREAS, the S&K Gaming, LLC, experienced significant and unanticipated economic harm as a result of the COVID-19 pandemic; and

WHEREAS, the S&K Gaming, LLC, requires a modification to the terms of their existing \$2.6 million loan from the Confederated Salish and Kootenai Tribes of the Flathead Reservation for site improvements and upgrades at the Marina at Big Arm; and

WHEREAS, the Tribes approve of the proposed modification of the said existing \$2.6 million loan to S&K Gaming, LLC; and

NOW THEREFORE, BE IT RESOLVED, that the Confederated Salish and Kootenai Tribal Council authorizes and approves the first amendment to the loan agreement, security agreement and promissory note for the \$2.6 million loan for site improvements and upgrades at the Big Arm property and the Marina at Big Arm.

Rick Eneas, Financial Management, requested approval of the resolution approving the second amendment to the loan agreement, security agreement and promissory note for the \$5.45 million loan for the Kwataqnuq Resort & Casino remodel project.

MOTION by Ellie Bundy McLeod to approve by resolution the second amendment to the loan agreement, security agreement and promissory note for the \$5.45 million loan for the Kwataqnuq Resort & Casino remodel project. Seconded by Fred Matt. Carried, 8 for; 0 opposed; 2 not voting (Martin Charlo and Bing Matt out of the room).

RESOLUTION 20-183

RESOLUTION TO AUTHORIZE AND APPROVE THE SECOND AMENDMENT TO THE LOAN AGREEMENT, SECURITY AGREEMENT AND PROMISSORY NOTE FOR THE \$5.45 MILLION LOAN FOR THE KWATAQNUK RESORT & CASINO REMODEL PROJECT

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

WHEREAS, The Confederated Salish and Kootenai Tribes of the Flathead Reservation (hereinafter "Tribes") are a federally recognized Indian Tribe governed under a constitution form of government organized pursuant to Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, as amended, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council is the governing body of the Tribes with responsibilities to establish a more responsible organization, promote general welfare and engage in activity on behalf of and in the interest of the Tribes and enrolled members; and

WHEREAS, the Tribes formed the S&K Gaming, LLC, to provide general gaming management oversight to the Tribes for the KwaTaqNuk Resort & Casino and the Gray Wolf Peak Casino on the Flathead Indian Reservation; and

WHEREAS, the Tribes formed the S&K Gaming, LLC, to engage in any and all lawful business both on and off the Flathead Indian Reservation such as the Kwataqnuq Resort & Casino; and

WHEREAS, the S&K Gaming, LLC, actively promotes the operation of Indian gaming and other lawful business on the Flathead Reservation as a means of promoting tribal economic development, self-sufficiency and strong tribal governments; and

WHEREAS, the S&K Gaming, LLC, experienced significant and unanticipated economic harm as a result of the COVID-19 pandemic; and

WHEREAS, the S&K Gaming, LLC, requires a modification to the terms of their existing \$5.45 million loan from the Confederated Salish and Kootenai Tribes of the Flathead Reservation for the Kwataqnuq Resort & Casino Remodel Project; and

WHEREAS, the Tribes approve of the proposed modification of the said existing \$5.45 million loan to S&K Gaming, LLC; and

NOW THEREFORE, BE IT RESOLVED, that the Confederated Salish and Kootenai Tribal Council authorizes and approves the second amendment to the loan agreement, security agreement and promissory note for the \$5.45 million loan for the Kwataqnuq Resort & Casino Remodel Project.

Rick Eneas, Financial Management, requested approval of a resolution approving the first amendment to the loan agreement, security agreement and promissory note for the \$27.4 million loan for Gray Wolf Peak Casino.

MOTION by Fred Matt to approve by resolution the first amendment to the loan agreement, security agreement and promissory note for the \$27.4 million loan for Gray Wolf Peak Casino. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 2 not voting (Martin Charlo and Bing Matt out of the room).

RESOLUTION 20-184

RESOLUTION TO AUTHORIZE AND APPROVE THE FIRST AMENDMENT TO THE LOAN AGREEMENT, SECURITY AGREEMENT AND PROMISSORY NOTE FOR THE \$27.4 MILLION LOAN FOR GRAY WOLF PEAK CASINO

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

WHEREAS, The Confederated Salish and Kootenai Tribes of the Flathead Reservation (hereinafter "Tribes") are a federally recognized Indian Tribe governed under a constitution form of government organized pursuant to Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, as amended, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council is the governing body of the Tribes with responsibilities to establish a more responsible organization, promote general welfare and engage in activity on behalf of and in the interest of the Tribes and enrolled members; and

WHEREAS, the Tribes formed the S&K Gaming, LLC, to provide general gaming management oversight to the Tribes for the KwaTaqNuk Resort & Casino and the Gray Wolf Peak Casino on the Flathead Indian Reservation; and

WHEREAS, the Tribes formed the S&K Gaming, LLC, to engage in any and all lawful business both on and off the Flathead Indian Reservation such as the Gray Wolf Peak Casino;

WHEREAS, the S&K Gaming, LLC, actively promotes the operation of Indian gaming and other lawful business on the Flathead Reservation as a means of promoting tribal economic development, self-sufficiency and strong tribal government; and

WHEREAS, the S&K Gaming, LLC, experienced significant and unanticipated economic harm as a result of the COVID-19 pandemic; and

WHEREAS, the S&K Gaming, LLC, requires a modification to the terms of their existing \$27.4 million loan from the Confederated Salish and Kootenai Tribes of the Flathead Reservation for the Gray Wolf Peak Casino; and

WHEREAS, the Tribes approve of the proposed modification of the said existing \$27.4 million loan to S&K Gaming, LLC; and

NOW THEREFORE, BE IT RESOLVED, that the Confederated Salish and Kootenai Tribal Council authorizes and approves the first amendment to the loan agreement, security agreement and promissory note for the \$27.4 million loan for the Gray Wolf Peak Casino.

Jody Perez, Charmel McClure-Sternick, Janet Camel, Mark Couture, and Robin Thorne met with council in **executive session** to discuss homelessness. **Daniel Decker** and **Rhonda Swaney**, Legal Department, joined the discussion.

Charmel Gillin left the meeting for the remainder of the day.

Council reconvened into **regular session**.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 3:40 p.m., and is scheduled to meet again on Thursday, September 17, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary