

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

Volume 20 Number 86  
Zoom Meeting

Held: September 1, 2020  
Approved: September 3, 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 9:00 a.m. Quorum established. **Charmel Gillin** attending a medical appointment and will join the meeting later today.

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

The **Tribal Council Meeting Minutes** for August 27, 2020 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for August 27, 2020, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **agenda** was presented for approval.

**MOTION** by Ellie Bundy McLeod to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (9 present).

**Joel Clairmont**, Tribal Member, discussed an easement issue in Oliver Gulch. Joel and the Polson Cattle Association have a lease in Oliver Gulch. He was hauling cattle last week, and the owner had put in a lock on that gate. Joel was frustrated by the lack of return calls from the Tribal Lands Department. The discussion continued in **executive session**.

Council reconvened into **regular session**.

**Tony Incashola, Jr., Bob McCrea, Robert McCrea, and Darrel Clairmont**, Tribal Forestry, gave a fire update. We are at a planning level five at the national

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level. The primary focus is California. There have been some person-caused fires. There was a fire from power lines on Round Butte, a fire at Eagle Pass, and a fire at Finley Creek that is 40+ acres in size. The Finley Creek fire is lined. Division of Fire does not want it to move downhill. The east side of the fire it is unmanned due to the steep terrain. The top of the fire is looking good and the crews are trying to make sure it does not go over the ridge. There is no water source there, so they will use helicopters to apply water. Winds are forecasted for tomorrow. The cause of the fire was an unattended campfire. The west side and top flank have been secured. The east side of fire has pockets of timber and there is minimal potential for spread due to the steep and rocky terrain. It may be a long-term fire due to the terrain.

**Jean Matt, Mark Clary, Rob McDonald, Dale Nelson, Chelsea Kleinmeyer, and Lisa Shourds**, Unified Command Team, gave an update. Jean Matt commented there has been no real change since the last update. Some additional information was put into the safety message about returning to school and what to watch out for. They want to express the fact that the tools we had in the beginning are still pertinent today (washing hands, wearing a mask, and social distancing). The schools have started. Jean plans on attending a sporting event at school today as a father. The Montana High School Association is following sports and monitoring how activities are conducted. **Mark Clary** reported things have been fairly quiet at the county level. He is curious to see how things happen with the activity events for schools. **Chelsea Kleinmeyer** informed council that the state of Montana has reported 7,421 confirmed cases. 1,987 of those are active cases. There have been 104 deaths to date. Lake County reported a total of 212 confirmed cases and 10 active cases. There is currently 1 hospitalization at the Kalispell Regional Medical Center. There has been 1 death in the county. Teton County reported the first multisystem inflammatory disease in children. It is a rare and serious disease associated with COVID-19. There have been less than 700 cases of those cases nationwide. That person was between the age of 10 and 19. The person was hospitalized in Salt Lake City and is now at home recovering. The Harding School District reported multiple students testing positive. Northern Cheyenne reported rising numbers. They set up some road check points. Their tribal offices closure has been extended until further notice. **Dale Nelson** gave an update on logistics. Dale is working with the tribal schools. The schools requested some PPE and he delivered those. In case we have a big blow up, Dale has some supplies in storage. He is working on a site plan for the upcoming flu immunization drive-through clinic at Salish Kootenai College. **Jean Matt** reminded council that the flu shot drive-through clinic is scheduled for September 30 at Salish Kootenai College. It will be conducted similar to how the COVID-19 testing event was held. **Rob McDonald** is watching the situation. The UCC continues to have a presence in the community. A private citizen had sent a note about a business in Ronan and expressed great concern to him to pass on to the County Commissioners. Folks are concerned about the entire community not following

the protocols. **Chairwoman Fyant** reminded everyone of the drive-through flu immunization event scheduled for September 30 at Salish Kootenai College. Labor Day weekend is coming up. We saw a huge local spike during the July 4 weekend when people let their guard down. Since that time, our cases have subsided. We do not want to go through that again Labor Day weekend. Shelly encouraged everyone to mask up, wash their hands, and stay out of public places, if possible. **Jean Matt** informed council that he was questions about the opening of tribal lands after Labor Day weekend whether the SKQ Dam and that entry will reopen. **Chairwoman Fyant** clarified that the Tribal Council will be entertaining a resolution to open tribal lands on Tuesday after Labor Day. However, Energy Keepers, Inc. is a different situation. They have not replaced their stairs, so we are not sure if they are reopening those. There have been some serious incidents in that area, so it will not be opening as far as she knows. Jean will educate people when he is asked that question. **Martin Charlo** reminded everyone that people need to be cognizant that COVID-19 has become a political issue. There is information spreading on Facebook that September 1 is the official end of COVID, which is not true. Masking will become more political the closer we get to the election. **Jean Matt** commented that it is all within our control as individuals to lead our families and friends. We can wear a mask. People do not need to be involved in politics and they can wash their hands, mask up, and social distance. The sporting events in Frenchtown will allow up to 200 people to attend the volleyball game. **Mark Clary** said things have been posted on the website. People need to understand this virus is real. Hopefully, we can get through this and get a vaccine so we can get back to normal. There are a lot of skeptics out there about COVID being real, and they need to take it seriously. **Chelsea Kleinmeyer** talked about the Indigenous Running Warrior that is a challenge from the Kidney Keepers to challenge people to walk and run. If people want to join their group, they have to run or walk in September. They have a Facebook group to log and submit their miles walked.

**Tony Incashola, Jr., Shawn DeFrance** and **Duane Plant**, Tribal Forestry, requested approval of a modification to Contract # F203C19015 with 3MOR to relieve them of the penalties in Sections (b) and (d) of A17 Special Provisions, minimum payment deficiencies, and not meeting contract timeframe for logging for the Hot Springs Tractor Logging Unit, due to the mills shutting down because of COVID-19. The modification will impact the incoming revenue for this fiscal year.

**MOTION** by Carole Lankford to approve by resolution a modification to Contract # F203C19015 with 3MOR to relieve them of the penalties in Sections (b) and (d) of A17 Special Provisions, minimum payment deficiencies, and not meeting contract timeframe for logging for the Hot Springs Tractor Logging Unit. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-154**

**RESOLUTION APPROVING MODIFICATION #1 HOT SPRINGS TRACTOR LOGGING UNIT CONTRACT NO. F203C19015**

**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. F203C19015, Hot Springs Tractor Logging Unit, between the Confederated Salish and Kootenai Tribes, the Seller, and 3 MOR Enterprise, the Purchaser; and

**WHEREAS**, Tribal member owned 3 MOR Enterprise requested a relief of A17. Special Provisions (b) Penalty for minimum payment deficiencies and (d) Penalty for not meeting the Contract Timeframe. He is requesting an extension because TRL stopped buying timber and IFG is shutdown right now and 3 MOR was assisting CSKT Division of Fire with firefighting suppression; and

**WHEREAS**, the Superintendent and Seller agree with this request which will relieve 3 MOR of the penalties from Section (b) and (d) of the A17. Special Provisions;

**NOW, THEREFORE, BE IT RESOLVED**, that 3 MOR will not have to pay the penalties stated in Section (b) and (d) of the A17. Special Provisions at this time; and

**BE IT FURTHER RESOLVED**, it is 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.

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

**Dr. Garry Pitts**, Tribal Health Department, requested approval to renew a three-year contract with David Bull to fill the Dentist position.

**MOTION** by Carole Lankford to renew a three-year contract with David Bull to fill the Dentist position. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Seth Makepeace**, Natural Resources Department, requested approval of a contract with Dick Anderson Construction for a not-to-exceed amount of \$68,000.00 to provide preconstruction services for the Jocko K Canal Headworks project.

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**MOTION** by Anita Matt to approve the contract with Dick Anderson Construction for a not-to-exceed amount of \$68,000.00 to provide preconstruction services for the Jocko K Canal Headworks project. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

**Dan Lozar**, Natural Resources Department, requested approval of a no-cost change extension to PMP# 20-037-001 with the Bureau of Reclamation until December 31, 2020 to complete the Flathead River Pumping Plant Scoping Study, due to COVID-19 inefficiencies in work production and travel.

**MOTION** by Martin Charlo to approve a no-cost change extension to PMP# 20-037-001 with the Bureau of Reclamation until December 31, 2020 to complete the Flathead River Pumping Plant Scoping Study. Seconded by Anita Matt. Carried, unanimous (9 present).

**Jeanne Christopher**, Early Childhood Services, requested approval to hire Jennifer Broughton on a three-year contract to fill the Infant/Toddler Teacher position. All vacancies continue to be advertised, and all qualified tribal member applicants were hired.

**MOTION** by Anita Matt to approve the hire of Jennifer Broughton on a three-year contract to fill the Infant/Toddler Teacher position. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

**Jeanne Christopher**, Early Childhood Services, requested approval to hire Haley Carroll to fill the Teacher Aide position.

**MOTION** by Len TwoTeeth to approve the hire of Haley Carroll on a three-year contract to fill the Teacher Aide position. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Charmel Gillin** joined the meeting.

**Jeanne Christopher**, Early Childhood Services, requested approval to hire Lindsay Laws on a three-year contract to fill the Teacher Aide position.

**MOTION** by Len TwoTeeth to approve the hire of Lindsay Laws on a three-year contract to fill the Teacher Aide position. Seconded by Anita Matt. Carried, unanimous (10 present).

**Jeanne Christopher**, Early Childhood Services, requested approval to purchase capital equipment consisting of a copier/printer at a cost of \$8,739.00. ECS worked with Information Technologies and Property & Supply to ensure it is compatible and obtain price quotes.

**MOTION** by Martin Charlo to approve the purchase of capital equipment consisting of a copier/printer at a cost of \$8,739.00. Seconded by Fred Matt. Carried, unanimous (10 present).

**Rhonda Swaney** and **Stu Levit**, Legal Department, confirmed that the Tribal Council would like to schedule a consultation with EPA regarding the Elk Watershed on September 10.

**Rhonda Swaney** and **John Harrison**, Legal Department, requested approval of a resolution to rescind Tribal Resolution No. 20-091, and subsequent modifying Tribal Resolutions 20-107 and 20-221 in their entirety, and expressly revokes the Orders set out in those Tribal Resolutions, to be effective on Tuesday, September 8, 2020. **Chairwoman Fyant** informed the membership that the recreation permit sales increased this year due to the locals having to purchase a tribal recreation permit.

**MOTION** by Fred Matt to approve the resolution to rescind Tribal Resolution No. 20-091, and subsequent modifying Tribal Resolutions 20-107 and 20-221 in their entirety, and expressly revokes the Orders set out in those Tribal Resolutions, to be effective on Tuesday, September 8, 2020. Seconded by Bing Matt. Carried, 10 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-155**

#### **BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:**

**WHEREAS**, on March 17, 2020, the Tribal Council proclaimed a State of Emergency to exist on the Flathead Reservation as a result of the threat of COVID-19; and

**WHEREAS**, in a short period of time, COVID-19 rapidly spread throughout the United States and the State of Montana, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS**, the preservation of public health, safety, Tribal property, wildlife and natural resources, and general welfare of the Tribes throughout the entire Reservation is among the highest priorities of the Tribes, the Tribal Council found it necessary for all residents of the Reservation to adhere to public health directives from Tribal, Federal and State authorities; and

**WHEREAS**, on March 26, 2020, the Tribal Council enacted Tribal Resolution No. 20-090 directing social distancing and other measures be implemented to protect the public from the COVID-19 virus; and

**WHEREAS**, on March 31, 2020, the Tribal Council enacted Tribal Resolution No. 20-091 directing limitations on use of all Tribal lands, including those campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation be implemented to protect the public from the COVID-19 virus; and

**WHEREAS**, on May 26, 2020, the Tribal Council enacted Tribal Resolution No. 20-107 modifying the terms of Resolution 20-091; and

**WHEREAS**, on June 25, 2020, the Tribal Council enacted Tribal Resolution No. 20-221 further modifying the terms of Resolution 20-091; and

**WHEREAS**, limitations and other measures placed on the use of Tribal lands pursuant to Tribal Resolution No. 20-091 (modified by Tribal Resolution 20-107 and Tribal Resolution 20-221) were to remain in place until revoked by the Tribal Council;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tribal Council hereby rescinds Tribal Resolution No. 20-091, and subsequent modifying Tribal Resolutions 20-107, and 20-221 in their entirety, and expressly revokes the Orders set out in those Tribal Resolutions, effective Tuesday, September 8, 2020.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that any use of Tribal campgrounds and recreation lands permitted by the Tribal Council shall remain subject to any required permits or other applicable Tribal regulations.

**Publication**

- This Tribal Resolution shall be published on the Tribes' official website and in the Char-Koosta News.

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

**Rhonda Swaney, Dan Decker and Michael Wheeler**, Legal Department; **Mark Couture** and **Holly Hitchcock**, Tribal Lands Department; **Rick Eneas**, Financial Management; and **Joel Clairmont**, Tribal Member; requested to meet with council in **executive session** to discuss a land issue.

Council reconvened into **regular session**.

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

**Council** met in **executive session** to conduct interviews for the S&K Gaming Board of Directors vacancy. **Melanie Piedalue**, Personnel Department, was

present for interviews.

**Council** met in **executive session**. **Janet Camel**, Economic Development Office, joined the discussion. **Jody Perez**, Salish Kootenai Housing Authority, joined the discussion.

Council reconvened into **regular session**.

**MOTION** by Martin Charlo to approve the Buyer Broker Agreement. Seconded by Carole Lankford. Carried, 9 for; 1 abstention (Shelly Fyant – due to family relation).

**Jody Perez**, Salish Kootenai Housing Authority; and **Janet Camel**, Economic Development Office; requested approval of a resolution to approve noncompetitive procurement.

**MOTION** by Martin Charlo to approve the resolution approving noncompetitive procurement. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-156**

### **RESOLUTION TO APPROVE NON-COMPETITIVE PROCUREMENT**

#### **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 (Tribes) are committed to the sound planning and management of Flathead Reservation resources and lands; and

**WHEREAS**, the Tribes have dedicated \$7.25 million in CARES Act funding received from the U.S. Treasury to address Homelessness and reduce the spread of COVID-19 due to overcrowded housing conditions; and

**WHEREAS**, the Tribes have approved use of these funds to develop a single-family housing project at the Grizzly Bear Homesites on Clairmont Road and a supportive housing project on the former Kicking Horse Job Corps property; and

**WHEREAS**, there is a December 30 deadline to have the funds expended, and time is of the essence to complete contracts with qualified contractors who have



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worked on Tribal projects in the past, and who are available to immediately work with the Tribes to develop these projects before the deadline;

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation hereby approves non-competitive procurement for a contract with Jackola Engineering and Architecture, PC to work on infrastructure design and mapping, surveying, geotechnical work, and other tasks necessary to assist the Tribes in developing the supportive housing project at the former Kicking Horse Job Corps Center site by the December 30 deadline to improve resiliency to COVID-19 and future pandemics by reducing overcrowded housing conditions and homelessness.

**BE IT FURTHER RESOLVED** that Jackola Engineering is approved to subcontract geotechnical and ground penetration some of these services with Alpine Geotechnical LLC and Deep D'Tect Services LLC.

**MOTION** by Martin Charlo to accept the results of the ballot and appoint Carol Holyan to the S&K Gaming Board of Directors to fill the unexpired term ending August 1, 2021. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Carole Lankford).

**MOTION** by Anita Matt to reappoint Tony Incashola, Jr. to the Shoreline Protection Board for a three-year term. Seconded by Martin Charlo. Carried, unanimous (10 present).

**MOTION** by Fred Matt to adjourn the meeting.

Council **adjourned** at 3:36 p.m., and is scheduled to meet again on Thursday, September 3, 2020, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Ellie Bundy McLeod  
Tribal Secretary