

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

Volume 21 Number 68
Zoom Meeting

Held: June 8, 2021
Approved: June 10, 2021

MEMBERS PRESENT: Shelly Fyant, Chairwoman; Anita Matt, Vice-Chairwoman; Ellie Bundy McLeod, Secretary; Martin Charlo, Treasurer; Carole Lankford; James “Bing” Matt; Fred Matt; Charmel Gillin; Mike Dolson; and Len TwoTeeth.

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for June 3, 2021 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for June 3, 2021, with corrections. Seconded by Ellie Bundy McLeod. 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).

Council discussed a request from the Arlee Celebration Committee to do a memorial, a stick game, snake dance, veterans honoring, a feed, social dancing, and a mass on July 4, 2021, from 10:30 a.m. to 10:00 p.m. The budget is \$5,450.00 for this one-day event. Money was allocated to the celebration this year and it could come out of that funding. There would be a use agreement with the Pow Wow Committee and clarify that it is their responsibility for cleaning up the grounds afterwards. **Len TwoTeeth** suggested Tribal Health having a booth to give immunizations. **Carole Lankford** suggested calling it a mini-pow wow and provide security. **Norrie Dusty Bull** and **Roberta Decker**, Arlee Celebration Committee, joined the discussion. The committee did not plan on having any security since it is a one-day event. **Fred Matt** suggested providing

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security, if needed. This will be a good event for our people. **Martin Charlo** suggested using the Door Monitors to provide security since they are already on the payroll. He would like Law & Order to be aware of this event and staff up. We have the funding to do that. **Chairwoman Fyant** asked the Pow Wow Committee to work out the details with Rick Eneas and the Committee. Norrie informed council that Ruth Swaney and the Veterans Pow Wow Committee will incorporate some things to honor the veterans and will give out some gifts.

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

Tony Incashola, Jr. and **Steve McDonald**, Tribal Forestry, requested approval to accept the proposal from Bitterroot Contracting for the Moss Ranch Salvage Logging Unit and the development of a contract. There was a fire in that area in 2019. It was advertised in 2016 and no bids were received. It was also offered to small loggers and woodcutters, and no one showed interest. There is roadwork involved with this sale. The only way to access the logging unit is to build a road to the bottom. Bitterroot Contracting would build that road and do the road maintenance. There are 201 acres to be logged. Some of the wood may be charred.

MOTION by Martin Charlo to accept the harvest proposal from Bitterroot Contracting for the Moss Ranch Salvage Logging Unit and the development of a contract. Seconded by Fred Matt. Carried, unanimous (10 present).

Rich Janssen and **Dan Lozar**, Natural Resources Department, requested approval to engage with Aerotek for the development of a contract to provide staffing and recruitment needs for the water compact positions that are needed. **Len TwoTeeth** understands we need professionals, but he has not heard anything about what we are going to do to recruit tribal members. **Carole Lankford** clarified that is covered through policy to hire qualified tribal members.

MOTION by Carole Lankford to allow the department to engage with Aerotek to provide staffing and recruitment needs. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Chairwoman Fyant responded to Len's comment. We talked about this in our planning session in Helena about what we could do to recruit our youth for these positions. This implementation will take years, if not decades.

Rick Eneas, Tribal Executive Officer; **Ryan Rusche**, Chief of Staff; and **Renee Joachim**, Personnel Department; discussed moving forward with PayScale for benchmarked positions. The policy question request before council is the weighting policy between the national and local ranges within each position and

what weight should be applied. The national range is higher than the local range in most positions. In some cases, there is no local range to compare. It was suggested to leave the weight in the middle. **Martin Charlo** asked if all positions are entered into PayScale now and how much more would it cost CSKT if we left it at 50%. Rick does not know the cost of that at this point. If we went 100% local, the challenge is that some positions have no local weighting. Rick is working with Personnel to find the best comparable match. **Charmel Gillin** suggested starting off at a 50% distribution and do some more studying before the next update. Rick advised that a market adjustment will be done annually in accordance with Ordinance 69D. PayScale recommends a review of the policies around wage setting on a regular basis. It can be reviewed when necessary. **Chairwoman Fyant** asked if the gender gap is an issue. She has read that women earn 18% less than men in the same positions. Rick commented that part of the gender gap is built into things such as titles and other things, and that is not a compensable factor. Gender is irrelevant to the position, so this will help alleviate that. **Martin Charlo** thinks our organization is the opposite of that. We have empowered a lot of women in our organization, so we are on the right path to creating a more equitable environment here.

MOTION by Charmel Gillin to move forward with PayScale for benchmarked positions. Seconded by Anita Matt. Carried, 9 for; 1 opposed (Mike Dolson).

Rick Eneas will return to council for review of the full package before implementation. This was the last policy piece that needed to be put in place. **Martin Charlo** asked Renee Joachim to send the council members the PayScale login information so they can review the program files.

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

Laurence Kenmille and **Chasity Haynes**, Enrollment Office; and **Sonya Chippewa**; discussed a request from Sonya Chippewa to have research done. It was researched in the past and a blood correction was made. Sonya wants the research reviewed again, but the Enrollment staff cannot find anything different. Sonya stated that there are various spellings of Madeline Pain's name, the birthdates do not match, and there was no information on Joe Pain, Sr. They had him as half Indian and half French. Sonya wants to know what the French is. She heard French is a statement word and not a nationality, so she wants to know what his nationality is. She has documents indicating that Joe Pain, Sr. is a mixed blood Indian, but he is shown as half. Joe was an Indian interpreter for the Army. Laurence informed council that the birth certificate indicates Joe Pain, Sr. is half Indian and half French. His French comes from France, not another Indian, and his lineage goes back to Quebec. The Census shows Joe as Indian, French, and Indian. There is nothing more they can go by to determine there is an error in the lineage. Laurence requested the council to take action

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that there is no further evidence to make a correction. **Charmel Gillin** asked if there were any immigration records if Joe came from Quebec. Laurence said there is. Charmel commented that the council does not have that documentation. It would be helpful if the council could see more about what he is seeing so we can all agree or disagree so Enrollment and Sonya would get the support they are looking for. Laurence told council that it is a large file, so the issues were condensed with the important documentation. Joe Pain, Sr. is half French and half Indian. The parcels of documents provided to council shows there is nothing different than what was already determined to be. The other side was corrected and they changed a blood quantum on the other family side, but they cannot find any evidence that would change the lineage of Joe Pain, Sr. Thompson Smith had the same information the Enrollment Office had. **Anita Matt** thought this required additional research and she was not comfortable deciding on this today. Sonya thinks that French is just a word, so she wanted to know what nationality it is. There is no sign of the Cree or Chippewan lineage from Canada. That is where he originated from. Laurence disagreed that the French is not a nationality. **Chairwoman Fyant** asked if the Red River settlement records were reviewed. Laurence responded that the Hudson Bay Red River records were not checked, but the Canada census records were. That is where they found the old Jocko Finley's parent went to Quebec and became a high-ranking position in Canada. That is also where the Pains come from.

MOTION by Fred Matt to table this issue for Enrollment and Sonya to come up with additional research so we can make an informed decision. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Mike Dolson).

Laurence Kenmille and **Chasity Haynes**, Enrollment Office, presented a request from Felicia Pichette to relinquish enrollment from CSKT so she can enroll in the Spokane Tribe.

MOTION by Charmel Gillin to approve the relinquishment of Felicia Pichette from the CSKT rolls. Seconded by Fred Matt. Carried, unanimous (9 present - Mike Dolson out of the room).

Anita Matt mentioned that the Enrollment staff was going to go to a training in Canada and review records, and she wanted to know if that has happened yet. It was before COVID happened. It would be beneficial to review those records. **Chasity Haynes** responded that the staff wants to go, but no final decision has been made yet.

Laurence Kenmille and **Chasity Haynes**, Enrollment Office, reviewed the updated Burial form. There was an issue regarding a beneficiary being disputed. The form does not have a name for the beneficiary. It only has the personal representative and a secondary representative. Enrollment was told to just add a statement that says the balance would be paid to the individual listed below

so it is clear and concise on who gets the remaining burial funds. If there is no personal representative listed, it goes to probate. If a representative is listed, that individual receives the balance of the funds. There are disputes that happen among family members about the distribution of burial funds. Regarding the disputed situation Laurence ran into was the remaining burial funds were not paid to a tribal member, but the individual was specific to Enrollment on how she wanted it done and the staff just did not have it in writing. **Charmel Gillin** asked if the office would be advising individuals filling out the form that the Personal Representative listed should be the same as the person named to receive balance of funds. The reason for the question is the policy clearly designates the remainder to be directed to the Personal Representative or to the estate, if no personal representative is identified. This form appears to potentially override the policy. **Carole Lankford** discussed the COVID Rescue Plan funding that is available due to COVID-related deaths, and she asked who applies for the COVID burial allowance. Laurence advised that the individual is responsible to make application for the burial allowance. They can get reimbursed for funds that were paid out of pocket. The CSKT gives them \$5,000 for their burial allowance. They can apply for reimbursement of costs, but it must have been paid from out of pocket.

MOTION by Fred Matt to approve the burial allowance form. Seconded by Bing Matt. Carried, 9 for; 1 opposed (Charmel Gillin).

Laurence Kenmille and **Chasity Haynes**, Enrollment Office, reviewed the DNA Policy & Procedures. The attorney suggested that language stating that strict confidentiality will be adhered to was added to the policy. **Carole Lankford** thought the policy should be revised by the Legal Department instead of Enrollment's attorney. She had concerns about how the DNA samples were collected. Laurence explained that Clayton Matt wanted to streamline it and he checked with the Department of Human Resources Development to see how their policies were. They are certified to collect the DNA samples. Carole wants to remain as independent as possible on DNA testing for enrollment purposes. Laurence said he could give the collection portion back to Stu Levit so it can be consistent with DNA testing and collection. **Clayton Matt**, Tribal Services, informed council that he gave Rhonda Swaney a heads up that the policy is on its way for legal review. **No action taken.**

Rhonda Swaney and **Brian Upton**, Legal Department, requested to meet with council in **executive session** to discuss legal issues. **Dan Decker**, **John Harrison** and **Michael Wheeler**, Legal Department, were present for discussion. **Lloyd Miller** and **Donald Simon**, Sonosky Law Firm, joined the discussion.

Martin Charlo out of the room participating in a Big Sky Rail Authority meeting.

Martin Charlo returned to the meeting.

Rhonda Swaney and **John Harrison**, Legal Department, met with council in **executive session** to discuss legal matters. **Dan Decker**, **Michael Wheeler** and **Brian Upton**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to not opt out of the opioid litigation settlement proposal regarding defendant Purdue Pharma and move forward. Seconded by Martin Charlo. Carried, unanimous (10 present).

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

Pete White, Tribal Credit, discussed the revised Tribal Credit Plan of Operation. Tribal Credit was established in 1936 to give opportunities to tribal members where they were not given opportunities before by the traditional means of credit. The Plan of Operation needs to be updated to transition with the times and technology and be competitive with other lending institutions. The scope and purpose guides the operations of Tribal Credit. Anita Matt and Carole Lankford, Council Representatives, Roberta Steele, Ron Morigeau and Bud Gillin, Credit Committee Members; Rick Eneas, Director of Financial Management; Lorma Sloan, Tribal Credit Assistant Manager; and Pete White, Tribal Credit Manager; were the committee members that reviewed the proposed revisions. The significant changes being proposed are: Interest Rate Management. That is for Tribal Credit to have the ability to look at the interest rates and make changes as appropriate to be competitive with other banks or lending institutions and making sure there is a benefit for our borrowers so we are not just stuck with a high interest rate. Credit wants to review the rates in April and October. The interest rates would be published biannually. Collateral and Security. The program was looking for home and property ownership which leaves out business and ag producers. The focus will be shifted to more business and agriculture lending. Credit Worthiness. The program is looking at how an individual's credit worthiness is reviewed. They want to start looking at credit reports. The Plan of Operation allows for tribal member borrowers to have their nontribal member spouse on the loan application. Escrow Accounts. The use of escrow accounts would help the borrower be able to make interest payments, taxes on fee property, and insurance payments on the account. That would mean we would make sure if they have an insurance monthly bill for fire insurance or other insurance, Tribal Credit can include that within their loan payment. The program would make the payment of that bill to the insurance company so the individual borrower does not have to make several payments on the property each month in addition to their loan payment. That will also prevent calls from the county or insurance company informing Tribal Credit that the borrower is late on their payments. Fees and Insurance. Tribal Credit charges a loan origination fee, which is set at one percent of the loan amount. Credit

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wants to make sure that borrowers are taken care of by allowing them to finance those fees through their loan. Tribal Credit typically requires fire insurance for mortgage loans, especially if there is a home. The Plan of Operation would be expanded to require hazard insurance on property or some sort of builder's risk policy if there is some construction so the borrower would be covered by insurance if something happened. Credit Counseling. The Salish Kootenai Housing Authority has a certified program to offer credit counseling and the Economic Development Office provides that service as well. Pete wants to provide that service as a team with Salish Kootenai Housing Authority, Economic Development Office, and Tribal Credit. He wants to do his best to make sure Tribal Credit is part of that service. The program wants to provide quality information and credit counseling to the membership. Tribal Credit advertised for the Credit Counselor position, but it needs to be readvertised. Defaults, Delinquencies and Foreclosures. Tribal Credit analyzed the distressed loans and why people may be in a position to where they are in default, delinquency, or nearing foreclosure. Tribal Credit wants to give the borrower every opportunity to be able to make payments as promised within their promissory note and find a way to help them stay within their homes and give them the opportunity to figure out a payment plan that works. Tribal Credit will send out reminder notices, revamp how they look at past due accounts, and what happens during each of those time frames. Tribal Credit wants to have a process in place to work with the membership to make every attempt to keep the tribal member in their home. Credit wants to have the ability to refinance the high-risk borrowers and have a loan payment deferral option. The program wants borrowers to have the option to make online payments.

Anita Matt talked about credit reports and compliance letters for borrowers. She asked if there is any funding available through the American Rescue Plan to help people with mortgage assistance who have lost their jobs. Pete said the program only uses credit reports on trust loans to obtain the borrower's credit history outside of Tribal Credit. The Salish Kootenai Housing Authority has rental assistance funding. Pete has heard that some assistance would be coming for borrowers. He wants borrowers to be aware that SKHA has programs to prevent foreclosure. Pete wants to look into offering foreclosure prevention loans. **Carole Lankford** likes Tribal Credit being available for tribal members to get a loan. She likes how unique the program is and she does not want to make a lot of changes to make it like any other lending agency. The type of loans Tribal Credit offers are loans on any type of property (fee, trust, leasehold), educational loans, business loans, agricultural loans, CSKT Enterprise loans, personal unsecured loans, permanent disability loans for people who cannot work and cannot meet their loan obligation, letter of credit to be used as a bond, and delinquency refinance/foreclosure prevention loans to give tribal members the opportunity to succeed. **Len TwoTeeth** asked if we have tribal members who have not taken advantage of refinancing their home through Tribal Credit at the 5% interest rate. Pete said yes, and there are a few reasons behind that. With

the old interest rate, Tribal Credit had a program that had mortgage insurance which protected the borrower if there was a loss of life or the structure burned it would pay off the debt with Tribal Credit. Some of the loans keep the 7% interest rate and the borrowers do not want to lose the mortgage insurance by refinancing at the 5% interest rate. Some people do not want to apply for a new loan. Other borrowers do not want to provide the required information for the trust mortgages criteria that gets sent to the Bureau of Indian Affairs and they do not want to wait the amount of time it takes to get the trust mortgage approved in the Portland Office. Len stated that those trust loans used to be approved locally by our Superintendent and he wanted to know when they started going to the Portland Office. Pete said they started going to Portland about eight to ten years ago. It was back when there was the Cobell settlement.

MOTION by Fred Matt to approve the Credit Plan of Operation. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

Carole Lankford, for the record, "I would have liked to see more tribal member involvement, but I guess they have access to a copy of the Credit Plan of Operations."

RESOLUTION 21-077

RESOLUTION TO APPROVE REVISION TO THE PLAN OF OPERATIONS OF THE TRIBAL CREDIT PROGRAM

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

WHEREAS, modification of existing policy and procedures of the Tribal Credit Program are deemed desirable; **NOW, THEREFORE**,

BE IT RESOLVED, by the Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, that the Declaration of Policy and Plan of Operation of the Tribal Credit Program be revised as a new document attached to this resolution (see attached).

Len TwoTeeth had a discussion with the Tribal Council about foreclosed homes. The homes he was referring to are the homes that are already foreclosed on and being advertised by Tribal Credit. Len wanted to know how many homes there are and what the cost would be for the Tribes to purchase them. Len would like to give those homes to tribal members rather than putting them out for public auction. **Pete White** explained that Tribal Credit would offer the foreclosed properties to the membership for a period of time and also make sure it is offered to the Tribes through the Land Committee before entertaining the option of putting something out on the open market. Tribal Credit would make every effort

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to keep it in the hands of the Tribes or the membership. **Martin Charlo** hopes to see the Credit Counselor position filled as soon as possible.

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

Mark Couture, Tribal Lands Department; **Michael Wheeler** and **Stu Levit**, Legal Department; requested to meet with council in **executive session** to discuss the Tribal Lands Ordinance.

Council reconvened into **regular session**.

MOTION by Fred Matt to adjourn the meeting.

Council **adjourned** at 3:21 p.m., and is scheduled to meet again on Thursday, June 10, 2021, at 9:00 a.m.

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/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary