

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

Volume 21 Number 2
Council Chambers

Held: October 6, 2020
Approved: October 8, 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; 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 Fred Matt.

The **Tribal Council Meeting Minutes** for September 29, 2020 were presented for approval. **No action taken.** The minutes were tabled until Thursday.

The **Tribal Council Meeting Minutes** for October 2, 2020 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for October 2, 2020, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Jean Matt, Unified Command Team, gave an update. Jean wants to recognize what we need to do to capture the public’s attention. March 26 we had one case in Lake County. We now have 40+ active cases and over 300+ cases total. The instant action plan shares information on a weekly basis. COVID cases are on the rise. It is frustrating that there are no laws or mandates. The governor will put out more mandates this week. It’s a worldwide safety issue. The state projects it will get worse in the next 90 days. **Martin Charlo** discussed the importance of the flu shot. Over 800 individuals were immunized last week. It

is important to push for the flu shot. We don't want to overwhelm our healthcare system with people with the flu. **Chairwoman Fyant** received reports that there are some tribal employees roaming to different buildings and challenging the building monitors. There was an employee waking through the other buildings and then tested positive for COVID-19. We sent out protocols and people need to be held accountable. **Jim Steele, Sr.** informed council that the man resistant he's getting is checking the buildings and door monitors by the employees, and especially department heads. **Charmel Gillin** wants council to discuss accountability. She suggested Jean Matt contact the Browning Tribe to see what they have learned through this process. She has been searching flu shots and there are two differing opinions on this so no wonder people are confused. **Chairwoman Fyant** has been reading about pandemic fatigue. The Information Technologies Department has a new appointment booking site that is available on the Tribes' website homepage. That will help people book their appointments with departments. Tribal Credit has an app for that and it may be expanded for other departments to have an app. Shelly wants department heads to get with IT to set up this appointment booking app. **Crystal Reese**, Information Technologies, showed council the booking appointments app on the Tribes' website. **Anita Matt** commented that there is a Tribal Credit meeting on October 7, and she will ask Pete White about putting the Tribal Credit loan applications online. **Len TwoTeeth** gets inquiries about the Tribal Credit loan applications being available online and that needs to be expedited.

Tony Incashola, Jr., Tribal Forestry, requested approval of the expenditure plan for forest management deductions for fiscal year 2021.

MOTION by Carole Lankford to approve by resolution the expenditure plan for forest management deductions for fiscal year 2021. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-001

RESOLUTION APPROVING FISCAL YEAR 2021 EXPENDITURE PLAN FOR FOREST MANAGEMENT DEDUCTIONS

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

WHEREAS, the Expenditure Plan for Forest Management Deductions is administered under the authority of the Code of Federal Regulations Title 25, Subchapter B, Section 163.25 (f)(l); and

WHEREAS, the Expenditure Plan requires the approval of both the Tribes and the Bureau; and

WHEREAS, funds are available from the deductions from timber sale revenues for the administration of the Expenditure Plan;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes that the Fiscal Year 2021 Expenditure Plan for Forest Management Deductions is hereby approved and the approval of the Bureau of Indian Affairs is requested.

BE IT FURTHER RESOLVED that the Forest Management Deductions collected will be properly deposited and expended on items designated in the Expenditure Plan and in accordance with 25 CFR.

Tony Incashola, Jr., Tribal Forestry, requested approval of the fiscal year 2021 expenditure plan for forest management deductions.

MOTION by Carole Lankford to approve by resolution the fiscal year 2021 expenditure plan for forest management deductions. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-002

RESOLUTION APPROVING FISCAL YEAR 2021 EXPENDITURE PLAN FOR FOREST MANAGEMENT DEDUCTIONS

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

WHEREAS, the Expenditure Plan for Forest Management Deductions is administered under the authority of the Code of Federal Regulations Title 25, Subchapter B, Section 163.25 (f)(l); and

WHEREAS, the Expenditure Plan requires the approval of both the Tribes and the Bureau; and

WHEREAS, funds are available from the deductions from timber sale revenues for the administration of the Expenditure Plan;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes that the Fiscal Year 2021 Expenditure Plan for Forest Management Deductions is hereby approved and the approval of the Bureau of Indian Affairs is requested;

BE IT FURTHER RESOLVED that the Forest Management Deductions collected will be properly deposited and expended on items designated in the Expenditure Plan and in accordance with 25 CFR.

Tony Incashola, Jr. and **James Lozeau**, Tribal Forestry, requested approval of the planting bid for the Glacier Cone Company to plant the Rattlesnake Fire.

MOTION by Anita Matt to approve the bid with Glacier Cone Company to plant the Rattlesnake Fire. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Martin Charlo advised that if individuals contact the Tribal Credit loan officer, a short-term loan application can be emailed to them. Tribal Credit does not email anyone a long-term loan application because they want to go over it with the applicants.

Chasity Haynes, Enrollment Office, requested approval of the December per capita distribution. November 12, 2020 at 5:30 p.m. is the deadline to get enrolled in order to receive the December 2, 2020 per capita.

MOTION by Anita Matt to approve by resolution the December 2, 2020 per capita distribution. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 1 not voting (Fred Matt out of the room).

RESOLUTION 21-003

RESOLUTION AUTHORIZING THE DECEMBER 2, 2020 PER CAPITA DISTRIBUTION

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

WHEREAS, the Tribal Council established policy by Resolution 96-83 to make per-capita payments to tribal members three times annually during the months of December, April and August for each fiscal year; and

WHEREAS, said policy states that three equal per capita payments of \$400.00 will be made annually and that one-half (1/2) of each per capita distribution for each minor child enrolled in the Tribes is to be issued to said minor's parent or legal guardian and the other one-half (1/2) is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Northwest Regional Director is requested to authorize the \$400.00 per capita distribution to be made during the month of December 2020; and

BE IT FURTHER RESOLVED, that the Director of Financial Management is directed and authorized to request sufficient tribal monies on deposit in the United States Treasury to be advanced to local status to effect said distribution; and

BE IT FURTHER RESOLVED, that the Superintendent, Flathead Agency, and the Director of Financial Management are authorized to apply these funds to judgments held by Tribal Court, to assignments through Tribal Credit, and voluntary child support and to those accounts under the control of the Superintendent; and

BE IT FURTHER RESOLVED, that the December 2, 2020 per capita distribution will be made to those members enrolled in the Tribes as of November 12, 2020 at 5:30 p.m., and

BE IT FINALLY RESOLVED that the deadline for claims to be withheld from individuals' December 2, 2020 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than November 12, 2020 at 5:30 p.m.

Rich Janssen, Natural Resources Department, presented a request for a collection permit from Dr. Michael Ivy, Montana State University. 7-10 individuals would be on our tribal lands and they would have tribal permits. The Natural Resources staff supports the request; it would provide us with some good data about bees on the reservation. **Chairwoman Fyant** asked what kind of report we get. Tribal Council never gets reports back for these permits. Rich said that Yellow Bay provided reports. Some of the studies are ongoing; he can have Michael give the council a report via zoom. He can follow up with the individuals that have been granted collection permits to come back to council and give a report. The Notre Dame students' studies schedule did not work out and they had to go back home before they could meet with the council. It is required in the permit that they give a report. **Ellie Bundy McLeod** asked if the request would need to go to the Internal Review Board. Rich explained that he is part of that board and has tried to submit these kinds of requests to the board and the board said it has nothing to do with humans or blood testing so they did not review them. NRD has always handled these kinds of requests within the department. **Anita Matt** commented that the bees are disappearing and it would be good to get a report. There has been a lot of praying mantises around this year. Frogs were disappearing and she wants to know if they are making their way back. It would be good to get a report on that. The magpies disappeared for years and it was thought to be due to pesticides. Rich will have Dale Becker check on the frog populations. Praying mantises have increased and he thinks it has to do with climate change and changes to our earth. He will make sure they report back to the Tribal Council. **Ellie Bundy McLeod** advised that we are having a presentation by the Salish Kootenai College Internal Review Board and

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it looks like they are tracking non-human research so she will get clarification from them today. Rich commented that the last time he spoke to Stacey Sherwin she understood they did nothing for natural and wildlife studies. If they want to track it, that is easy to do.

MOTION by Anita Matt to approve the collection permit for Dr. Michael Ivy. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Rich Janssen emailed council about the Environmental Protection Agency visiting the Libby area on October 14. Rich hopes to set up a meeting with the Tribal Council and the Regional Director to talk about the Lake Kooconusa selenium levels. Jennifer Trahan was directed to add it to the council's calendar.

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

Jeanne Christopher, Early Childhood Services, requested approval of a one-year contract with Debra Sykes to provide audiologist services. The service was advertised.

MOTION by Carole Lankford to approve a one-year contract with Debra Sykes to provide audiologist services. Seconded by Martin Charlo. Carried, unanimous (10 present).

Jeanne Christopher, Early Childhood Services, requested approval of a contract with Dr. Kara Harrop as a Health Practitioner for up to ten or twenty hours per month to provide consultation. The service was advertised. **Charmel Gillin** questioned the compensation based on hours worked and potential audit flag it could bring forward. She asked if our health department could bring an understanding of what benchmark that should fall into since it seems excessive. Jeanne said Early Childhood Services is working hard to keep staff and children safe and she wants that support. ECS will be using Bureau money and any COVID funding she can. **Chairwoman Fyant** asked why there is no longer a nurse on staff. Jeanne does not know the reason for that. ECS advertised for a nurse when the position became vacant. She contracted with a student that was in college for a Public Health degree. That person did not have a nursing degree. Shelly did not understand why a FTE nurse would not be hired based on the amount of compensation in the contract. **Carole Lankford** suggested having the Personnel Department compare the pay scale to the contract amount because it seems out of line. The discussion continued in **executive session**.

Council reconvened into **regular session**.

Martin Charlo reported on the new COVID-19 case count for today. The State has 504 cases and Lake County has 10 new cases. **Fred Matt** reported the pentagon is shutting down due to COVID-19 cases at the senior staff level.

John Carter, Legal Department; **Renee Joachim**, Personnel Department; and **Vina Little Owl**, Internal Auditor; discussed proposed revisions to the Grievance Policy in Ordinance 69-C.

Daniel Decker and **Brian Upton**, Legal Department, gave an update on the Progress Act. Brian presented three letters for council to request CSKT representation on the negotiating team to be sent to Secretary David Bernhardt, Department of the Interior; Sharee Freeman, Director of Office of Self-Governance; and Ron Allen, Chairman and CEO of the Jamestown S'Klallam Tribe. The bill has not been presented for signature to the White House yet. The 90-day period in which this negotiating team process runs begins once it is signed by the president.

MOTION by Ellie Bundy McLeod to approve the letters addressed to Secretary David Bernhardt, Department of the Interior; Sharee Freeman, Director of Office of Self-Governance; and Ron Allen, Chairman and CEO of the Jamestown S'Klallam Tribe; requesting to participate in negotiated rulemaking for the Progress Act. Seconded by Anita Matt. Carried, unanimous (10 present).

Daniel Decker and **Brian Upton**, Legal Department, gave an update on the construction programs for Title I for Indian Health Service.

Daniel Decker and **Brian Upton**, Legal Department, gave an update on the opioid litigation and informed council that the business associate agreement is similar to HIPAA requirements. The chairwoman's signature is needed on the agreement.

MOTION by Martin Charlo to enter into an agreement with Sonosky Law Firm. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Daniel Decker and **Brian Upton**, Legal Department, informed council that Congresswoman Deb Haaland introduced the Reconciliation in Place Names Act. The act seeks to make public lands and outdoor spaces more inclusive by creating an advisory committee that would make recommendations to the Board on Geographic Names and to Congress on renaming Federal land units with offensive names. The Board would have to accept the advisory board recommendations unless there is justification why they didn't. Legal will vet this matter and come back with a draft letter.

Rhonda Swaney, **Dan Decker**, **John Harrison**, **Ryan Rusche**, and **Brian Upton**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Stacey Sherwin, Niki Graham, Michael Durglo, Chelsea Colwyn, and Rich Janssen, Working Group, discussed the interim process for dealing with research proposals on the reservation or tribal members. Ordinance 110-A was passed in January to direct all research proposals to go through the Salish Kootenai College Internal Review Board (SKC IRB) for review. The research Working Group recommended CSKT form its own Research Review Board to review relevant research. Until the board is established, the Working Group is proposing an interim process to review any relevant research. They requested council approval of the interim process for all research proposals involving tribal members or the reservation go through the SKC IRB review. Stacey is the chairwoman of the SKC IRB. The proposed interim process is that all research requests be submitted to the chair of the IRB. SKC IRB will review the proposal. Culture Committees and other relevant departments will review the research proposal and provide a response. The next step is for the Tribal Council to approve the research proposal, and then the research begins. The list of the non-human subject research review departments are: both Culture Committees, Natural Resources, Preservation, Economic Development, Education, Tribal Health, and Department of Human Resources Development. The list of departments for the human subject research is both Culture Committees, Preservation, Economic Development, Education, Tribal Health, and the Department of Human Resources Development.

Carole Lankford commented that the Tribes get collection permit requests to collect bugs, for instance, and she asked if that is already approved by an IRB like the University of Montana or do we send it to our IRB. Chelsea said that kind of project does not involve human subjects, so it does not need to be reviewed by an IRB. If it did go through their flow chart, Rich would send it to the IRB, and then Stacey would send it to the department list for non-human subject research. NRD would most likely be the only department to review it. The SKC IRB would not review that. It makes sense to have categories of studies that should be exempt, and collection permits for bugs should be exempt. **Chairwoman Fyant** gave the example for research on fish in high mountain lakes, specifically the South Fork primitive area. She asked how they would handle something like that. Chelsea said with the current flow chart it would go to the SKC IRB, which is Stacey, who puts it into the tracking spreadsheet and send it to the list of departments that might want to review it (Culture Committees, Natural Resources, Preservation, Economic Development, Education, Tribal Health, and Department of Human Resources Development). NRD might want to review it and have the Culture Committees review it too. Departments have two weeks to say if they want to review the proposal. Once all the departments sign off on it, then it goes to the council for final approval. Departments have the option to accompany the researcher to council. There is

a form that would be sent to the SKC IRB to note the approval by the Tribal Council in the spreadsheet so they have an ongoing list and record of all research occurring. That process would require the research request to be submitted to the SKC IRB; the SKC IRB would review the proposal and send it to both Culture Committees and relevant departments to review and respond; and then it would go to the Tribal Council for final approval. Once all those steps are followed the research could begin. Niki Graham suggested adding Tribal Forestry to the review list. Human subject research goes through the tribal review process and council sends an approval form back to Stacey and then the SKC IRB reviews that proposal to make sure all federal ethical guidelines are met and either approves or denies the proposal. A list of the researchers and studies, along with who approved it, would be posted on the website so everyone knows what research is going on. **Chairwoman Fyant** thought there was going to be a repository for research. Chelsea said it is something that they will be working on, but right now they are just trying to finalize the interim process. It was the **consensus** of council to go with the exemption category.

Rich Janssen advised that the Natural Resources Department receives requests for collection permits, and he asked if they should they start going through the IRB. Everything he receives only has to do with natural resources. Chelsea thinks from the perspective of tracking things, the SKC IRB would put it in a tracking spreadsheet and then send it back to Rich and the tracking departments. If other departments need to review it, then she suggested it go through this process. If NRD is the only reviewing department, then it does not need to go through the SKC IRB. Rich explained that he sends the requests to both Culture Committees and relevant departments for review and comments before he takes it to the council. Chairwoman Fyant thought it would be a good idea to have the research projects all in one place. Chelsea showed council the form that was developed for council approval that will be sent to the IRB. They need to know how long the project is approved for. They recommended it be good until a status report is submitted, and then the Tribal Council could approve it to proceed. That way a project would not be approved indefinitely. Chairwoman Fyant liked that option.

Mike Durglo reported that the Preservation Office received a request for a student to do his thesis on the history of artifacts that came from Koocanusa. The Preservation Office and the Culture Committee denied the request. Mike asked when the Preservation Office receives these kinds of requests, should they be making that decision or should they forward the request to the board first. Chelsea was not sure if it would go to the SKC IRB since it was denied at the department level. **Stacey Sherwin** prefers that those types of research requests be posted on the website. It would be a good idea to have those kinds of proposals logged in so they could be tracked. The working group holds monthly meetings. They are developing a permanent ordinance and the establishment of a research review board. **Anita Matt** suggested they develop a check list so the

council knows what things have been done. Stacey ensures that the research conforms to the federal regulations, works with the researchers to have the appropriate documents, coordinates IRB meetings, and maintains the documentation. The working group requested approval of the memo to the departments. **Council** was good with the memo. **Council** supported the work moving forward. **Mike Dolson** asked who validates that the researcher has the qualifications to do the research. **Chelsea Colwyn** thought that should happen when the departments review it. **Niki Graham** said that is something they can follow up on for non-human subject research. The human subject research requires the researcher to have the necessary certifications.

Carole Lankford left the meeting to attend another meeting.

Janet Camel and **Robin Thorne**, Homeless Committee, discussed the draft memorandum of agreement with the Missoula Housing Authority for 4 supportive housing vouchers we are purchasing for \$730,000. Those units would be set aside for CSKT and referrals would be made by the Tribal Defenders Office. The units would be available for the ten-year term, and then the tenants could remain in the units after that. **Anita Matt** asked if they go under the same Salish Kootenai Housing Authority rules, do they need to be drug free, do they pay thirty percent of their income, and what happens if they have no income. **Robin Thorne** explained this is supportive housing and there are guidelines they must follow while in that program. If they have no income, then their payments would be zero. Most people in supportive housing have very little or no income. **Council** asked if the document had legal review. **Janet Camel** thought the Legal Department would not be able to review the scope of work, so maybe it could be reviewed by the Tribal Health Department and Department of Human Resources Development. **Len TwoTeeth** wanted to make sure we are not housing members of other tribes when our tribal members need housing. It should include any member of a tribe that has a CSKT tribal member child in the household. **Chairwoman Fyant** wants the document reviewed by Rick Eneas and Vina Little Owl. **Janet Camel** will send it to those departments for review. The discussion continued in **executive session**.

Council met in **executive session**.

Mark Couture, Tribal Lands Department; and **Craige Couture**, Law & Order; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Ellie Bundy McLeod to adjourn the meeting.

Council **adjourned** at 4:38 p.m., and is scheduled to meet again on Thursday, October 8, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary