

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

Volume 21 Number 6  
Council Chambers, Pablo, MT

Held: October 20, 2020  
Approved: October 22, 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 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairwoman Fyant.

The **Tribal Council Meeting Minutes** for October 15, 2020 were presented for approval.

**MOTION** by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for October 15, 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).

**Shannon Burke**, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **George Ducharme** and **Roberta Decker**, Tribal Lands Department, were present for discussion. Shannon’s issue will be sent to the Land Committee on Monday, October 26, 2020.

**Craige Couture**, **Louis Fiddler**, **Vern Fisher**, and **Will Masteth**, Law & Order, requested to meet with council in **executive session** to give an update.

Council reconvened into **regular session**.

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

**Mark Couture, George Ducharme, Desirae Nault, Willie Birthmark, and Holly Hitchcock**, Tribal Lands Department; and **Dan Decker**, Legal Department; gave an update on Race Horse Gulch and Lease 3022 in Ferry Basin. Willie showed council the photographs of the land and signs. The roads are Bureau of Indian Affairs roads which were built with federal funds so they are public access roads. The other road is a Sanders County road. The new landowners have no trespassing and no hunting without permission signs posted on their property. That parcel of land contains 60 acres. Tribal members are allowed access and to hunt with permission. The landowners called the Tribal Lands Department this morning to let the staff know they are moving to Texas for the season. They seemed like they want to be good neighbors. **Anita Matt** wanted to know if Lands spoke to the realtor and told the owners what they cannot do on that land. George will make sure they realize they cannot hunt. Dan suggested that the Tribes offer to purchase this land when the owners return in the spring. **Bing Matt** asked about mining. **Holly Hitchcock** advised the owners have never mentioned anything about mining. Mark reported that the owners said they were going to live off the grid. **Chairwoman Fyant** commented that she was told the previous owner offered this land to the Tribes, but the Tribes did not respond.

**Jean Matt, Chelsea Kleinmeyer, Audrey Walleser, Dale Nelson, and Rob McDonald**, Unified Command Team, gave an update. **Jean Matt** reported that the priority this week was to revisit the Incident Action Plan and priorities. The Incident Action Plan can be found on Schoology. The team is focusing on needs for continued contact tracing and opportunities for quarantining families. **Chelsea Kleinmeyer** reported that the state of Montana has 24,093 confirmed cases and 8,999 active cases. There have been 252 deaths to date in the state. Lake County has 508 confirmed cases and 126 active cases. There are currently 4 hospitalizations and have been 2 deaths to date. The state cannot keep up with the numbers being reported so that is why there is a discrepancy in the numbers reported on the State's website versus by the counties and Public Health Department. The website shows the trends across the state. **Charmel Gillin** asked whether or not the UCC has any ability to assist or improve contact tracing in Lake County and whether or not we need to apply any additional resources to the UCC. Chelsea talked to the county and they are bringing on two additional staff to assist. Public Health is trying to hire staff for COVID response. She spoke to Greg Gould at Salish Kootenai College about pulling the nursing staff in, and is waiting to hear back from the state if that is allowable. Chelsea spoke to Rick and it sounded as though we have the financial resources to bring on staff. **Audrey Walleser** is assisting tribal nations and is handling the Northern Cheyenne, Blackfeet, and CSKT areas. Their concern is the tribal nations. There has been a huge growth in those areas and we need resources. The hospitals are at capacity and some are operating above 100 percent capacity. If a vaccine is available in November, it would be very limited. She thinks April is a more solid capability. Drug companies are pushing back their trials. She

urged the Tribes to stay diligent and to let her know if they need assistance. Audrey got some PPE information from Dale Nelson. She said to let her know if help is needed for commodities and food to families. Health and nutrition are important to ward off this virus and the most vulnerable populations need to be served. Chairwoman Fyant told the Facebook audience to let Dale Nelson know if they need anything and Dale can refer the request to Audrey. **Dale Nelson** contacted the rehab center in Polson and provided cloth masks for the residents. Dale has been looking at hotels. He spoke to Bryon Miller at S&K Gaming about using a wing of the Kwataqnuq Resort's hotel for an isolation center in case of an overload. Bryon said he would let Dale know, but it should not be a problem. They would need some kind of agreement in place to lay out expectations, etc. Dale will look at other hotels too. He asked who the contact person is for the Starlite Motel in case that facility needs to be used for isolation due to COVID cases. **Chairwoman Fyant** told him the Tribes purchased the Starlite Motel for supportive services for the homeless and it is currently being rehabbed. Jody Perez is the contact person for the Starlite. Jean commented that Halloween, Thanksgiving and Christmas are coming up within the next 90 days, which presents the potential to spread COVID. Our best protection is masks, washing hands and social distancing. The team expects the next 90 days to get worse. There is no enforcement for the stores that do not enforce masks and customers not wearing masks. Lynn's voluntarily shut down due to having a positive COVID case. It is the stores' responsibility to enforce the masks. Pablo IGA isn't requiring a mask and very few employees and customers wear one. It is up to individuals if they spend their money at those places. **Mike Dolson** asked what the hospitalization status is in Missoula and Kalispell. In the beginning we were told our people would go to Kalispell or Missoula hospital. Chelsea meets twice weekly with local partners Ronan, Polson and Kalispell. On Friday, Kalispell Regional Medical Center reported 23 patients with 3 on ventilators in the ICU. St. Joseph's had one positive patient. St Luke had two on the floor in isolation. They reported it's manageable in Ronan and Polson. She has no information on Missoula hospitals. **Martin Charlo** asked about local establishments/businesses. Jean said it is up to businesses to stay open or not. Some businesses in Missoula County were shut down for not wearing masks. Lynn's is the only local business that has voluntarily shut down so far. **Anita Matt** asked where Lake County is and if they are with us and support us trying to get the pandemic stopped in some way. We are the only ones who can enforce it. Businesses are the only ones who can enforce wearing a mask. She sees businesses open and not requiring masks and social distancing. Some businesses have had repeated cases. Jean was told by Mark Clary that the Lake County Commissioners are unwilling to go back to phase one because they took a lot of heat from the businesses. The county is relying on public health to shape their decision and are not looking to put out unenforceable restrictions. The county is still in phase two but is not enforcing masks. **Chairwoman Fyant** commented this comes back to personal responsibility. If county is not willing to go back to phase one or the Tribes don't see a shelter in place, it's up to everyone

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to take personal responsibility. Jean was told that the county does not have enough personnel to enforce it. Audrey said the governor has an order and the counties and local governments can make their own stricter rules. **Fred Matt** is frustrated that some businesses do not require or wear masks. There seems to be a missing link in this, and we all need to be in this together. He had gotten a COVID test and it was negative. The nurse told him he tested too soon. Jean suggested being together as one to come up with a plan or go our separate ways with the county. He can talk to Mark Clary about it. It is time to have that conversation. Martin agreed. We need to take drastic measures because the numbers continue to increase. **Charmel Gillin** commented that it seems like the UCC started off with all pieces put together. We had the Tribes, state, and county working together. As noted, the county pulled away early on. She does not see how the effort of the UCC can be successful. The Tribes are a minority on the reservation. The one business that voluntarily shut down is a tribally owned business. Without the county being all in and doing something meaningful for safety measures, there is not more we can do other than personal responsibilities and personal care. Jean will contact Mark Clary to invite him to a meeting with the Tribal Council on Thursday.

**Rob McDonald**, Communications, requested approval of a contractor agreement with Total Screen Design to produce 1,000 masks for the Who's at Risk campaign. Martin Charlo asked if it was bid out or went through the Indian Preference Office. Rob said it was not advertised. This business is on the Indian Preference list. Rob contacted the other mask making companies but they did not have the capabilities to produce the masks that were needed.

**MOTION** by Charmel Gillin to approve a contractor agreement with Total Screen Design. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

**Rob McDonald**, Communications, gave an update on the Get Out The Vote efforts and the three coordinators that were hired. The taco feeds are more challenging since they are not using the inside of the buildings and doing everything outside. There was an event in Hot Springs. They registered 10 voters, had 8 ballots dropped off, and gave out 30 tacos. The next event will be at the Arlee Pow Wow grounds on October 24, and St. Ignatius Long House on October 25, from 5:00 p.m. to 7:00 p.m. Rob has been sending out emails to remind people to register to vote and make sure they are registered if they are an inactive voter so they can still vote. The Coordinators are targeting the unregistered membership. There is some confusion among the voting population in Sanders County. It is an all-mail ballot. If people do not receive a ballot in the mail, they need to contact Sanders County Offices to get one. There will be a drop box at the non-native Hot Springs senior center on October 22 and the Dixon Senior Center on October 29 from 10:00 a.m. to 2:00 p.m. Missoula County did the same thing. It is now 14 days until the election. **Chairwoman**

**Fyant** reminded the Facebook audience to register and vote.

**Pete White**, Tribal Credit, requested approval of a revised organizational chart to add a Credit Counselor/Collections Compliance Officer position that will be a Pay Level 15. The position would benefit the membership by giving them additional resources for individual and family finance counseling. The membership will be informed and educated about their accounts, create a budget, and given finance tips. They will contact tribal members who are delinquent and let them know the impacts for not paying their loan payments and enter into a payment plan with them. The goal is to empower and educate people on budgets, managing debts, taxes, and financial goals for the short and long term. If the person in that position is not certified in credit counseling, they will be given the opportunity to become so while working in the department. Pete can provide a report on the delinquency rate at a future date. The delinquency rate hasn't really changed much. Tribal Credit made some deferred payments for long-term loans.

**MOTION** by Anita Matt to approve the organizational chart change and add a Credit Counselor/Collections Compliance Officer position to the Tribal Credit program. Seconded by Fred Matt. Carried, unanimous (10 present).

**Dana Morales**, Department of Human Resources Development, requested approval to hire Rebecca Whitesell on a one year contract to fill the CPS position. There were two available positions, and a tribal member was hired for the other one.

**MOTION** by Bing Matt to approve the hire of Rebecca Whitesell on a one year contract to fill the CPS position. Seconded by Carole Lankford. Carried, unanimous (10 present).

**Patricia Courchane**, Department of Human Resources Development, requested approval of an education contract that was drafted by legal staff. It is the template contract that would be used for employees to obtain a degree. This would be used by social workers to do their practicum hours, the time we put into training, and the employees allotted 8 hours per week educational leave. **Martin Charlo** sees this contract as an obstacle and a stressor and it puts more pressure on someone who's working and going to school. If it is IV-E funding he wanted to know how it is going to get paid back in a different fiscal year. Patricia said it makes employees more marketable because they are getting paid to work for two years and are provided funding for their degree. **Ellie Bundy McLeod** was concerned about the GPA requirement; some people struggle maintaining grades while working. She wouldn't want their employment terminated because they are failing school. The educational leave is designed to help employees advance in their careers, not to lead to termination. **Martin Charlo** asked what about a sickness or medical issue that causes the employee to drop out of school

for unforeseen circumstances. There is no out clause. Patricia commented they could get a medical leave and attend the next quarter of school. Martin thinks the contract needs more work. **Charmel Gillin** wished it had cross references to 69-C so we know it is coming in to line up with the personnel ordinance. It should be recorded as compensation and go through Personnel. It does not seem to have expectation of payback for termination for cause or other type of termination in the first couple years. **Council** directed Patricia to make those revisions in concurrence with Legal and then bring back to council. Shelly told Renee to respond to Charmel's request regarding Tribal Education and what's in place now.

**John Carter**, Legal Department; and **Rick Eneas**, Financial Management; reviewed proposed edits to the Grievance Procedures in Chapter 14 of the Personnel Ordinance 69-C. Whether or not to allow punitive damages for malicious acts by the employer still needs to be decided by the council.

**MOTION** by Mike Dolson to not include punitive damages in the grievance policy in 69-C. Seconded by Anita Matt. Carried, 6 for; 4 opposed (Shelly Fyant, Carole Lankford, Bing Matt, and Ellie Bundy McLeod).

**John Carter** and **Rick Eneas** reviewed other proposed edits to Ordinance 69-C, including the hiring practice when organizational charts differ. Council had no objection to the language edit. Changes to the employment classification would provide flexibility to council should the organizational chart change with time. Council had no objection. Edits were made for expanding the range for people who might be eligible for family medical leave and the definition of immediate family member. Council had no objection. There was a proposed modification made to the employment classification so the Tribal Council may provide guidance on employment classification to the Personnel Department by tribal resolution based upon the then-current tribal government organizational chart. It would include non-member hires. Rick asked if council wanted to shy away from personnel matters and have that responsibility and authority for that to stay with the departments, or allow for council involvement. Rick asked if policies are in place, what is the level of involvement council wants to be in with personnel matters. Policies need updated if they don't address concerns. There needs to be trust with the staff that oversees following the policy is what the process should be. **Chairwoman Fyant** commented that the council dashboard showed that the Tribal Council spends a lot of time on personnel matters. Sometimes position descriptions are being written for certain individuals to apply when tribal members could be trained and mentored. **Charmel Gillin** said major changes take a long time to implement. What's not being talked about enough is how to improve the level of cooperation and trust of the people we have in place to carry out council's priorities and tribal member preference is a huge issue, so they have every contract coming to council. That's not the best answer. Performance management is needed. We need to improve our system collectively.

John suggested having a different approach from what is presently going on. The edits make it clear that the council is supposed to deal only with department heads and employees directly appointed by council. Shelly was agreeable to that. The council already follows that and tells people they cannot discuss personnel issues with them if they are filing a grievance. Chapter 12, Part 1, disciplinary action, says the authority to discipline department heads and executive officers and other employees directly appointed by council is vested in the council. There was a change in the sentence to add “pursuant to provisions of the current organizational chart” after the word “delegated”. John referred back to immediate family for medical leave and asked if council agreed to the edit to add step-children and step-parents to the immediate family definition. Council had no objection. It is up to council to define “immediate family”. **Anita Matt** wanted to include sons and daughter in-laws. Ellie Bundy McLeod thought spouse could be identified as “significant other”. Anita asked about common law. The language will be changed to include son in-law, daughter in-law and a common law marriage as traditionally recognized by the CSKT. Paid leave for cultural leave was discussed. The Honor Guard does a change of duty. Cultural leave is approved by the Culture Committee Directors pursuant to cultural leave guidelines. Harassment was edited to include “comment about a person or category of people”. Council had no objection to the edit. John will confirm the people that previously showed interest in being a hearings officer are still interested. He will make the edits discussed and present back for final adoption.

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

**Dan Decker** and **Stu Levit**, Legal Department, gave an update on the Elk River Watershed. The Lake Kooconusa selenium has continued to advance. There was a hearing last week with the Water Interim Committee and Shane Morigeau was on that. There will be a final review hearing and Stu wants to submit the same comments as we did in the past supporting our position as part of a joint letter with the Kootenai Tribe of Idaho. **Council** agreed to submit the same letter.

**Dan Decker** and **Stu Levit**, Legal Department, discussed Tech Mining’s plans to expand Castle Mine. CSKT asked the government to review it and do its own assessment and the Canadian government agreed. Stu asked if the council was willing to send comments to the Environment Canada. They would be the same comments that were submitted in the past jointly with the Kootenai Tribe of Idaho to provide our concerns and cultural goals. **Council** agreed to submit the same comments as in the past.

**Dan Decker** and **Brian Upton**, Legal Department, requested approval of a proposed support letter to Congresswoman Deb Haaland regarding a bill she and a congressman from Texas introduced regarding the Reconciliation and Place Names Act.

**MOTION** by Ellie Bundy McLeod to approve the letter for the chairwoman's signature. Seconded by Anita Matt. Carried, unanimous (10 present).

**Daniel Decker** and **Shane Morigeau**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Tony Incashola, Jr.**, Tribal Forestry, was present for discussion.

**Chairwoman Fyant** commented that one thing we discussed but didn't come out in a regular session was the need for the committee that was established for Forestry, but the council agreed to serve on this committee were Bing and Mike. Then we had two individuals from Forestry, two small loggers and two woodcutters. So that committee needs to be established.

**Daniel Decker, Shane Morigeau, Brian Upton, Michael Wheeler, and Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

**Velda Shelby**, Economic Development Office, requested approval of a modification to the contract with Upward Public Relations to assist with the business relief grant to profile businesses.

**MOTION** by Martin Charlo to approve a modification to the contract with Upward Public Relations. Seconded by Anita Matt. Carried, 7 for; 3 abstentions (Mike Dolson, Charmel Gillin and Carole Lankford).

**Velda Shelby**, Economic Development Office; and **Dr. Robert Sonora**, University of Montana Bureau of Business and Economic Research; presented Dr. Sonora's draft economic impact study on the Flathead Reservation due to the COVID-19 pandemic. The economy was slowing down in the county before the pandemic. There was an uptick for tribal employment and a downtick for non-tribal employment. The COVID pandemic is a once-in-a-lifetime event which will leave a lasting impression on the global economy. It will have significant impact on the national, state and regional economies for the foreseeable future. The regional economy will not return to pre-COVID trends for three to four years. The economic and health policy will likely have a significant impact on the trajectory of the economy over the next five years. Velda asked if the information could be made public. **Council** took the request under advisement for further discussion with the Economic Development Office.

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

**Katie Miller**, Salish Kootenai Housing Authority, requested approval of a resolution to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes a Competitive Indian Housing Block Grant application for fiscal year 2020.

**MOTION** by Martin Charlo to approve the resolution to authorize SKHA to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes a Competitive Indian Housing Block Grant application for fiscal year 2020. Seconded by Carole Lankford. Carried, 8 for; 1 abstention (Ellie Bundy McLeod); 1 not voting Len TwoTeeth out of the room).

**RESOLUTION 21-004**

**RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES**

**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 Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes have designated the Salish and Kootenai Housing Authority as their Tribally-Designated Housing Entity, with the authority to administer and participate in housing programs for the benefit of the Confederated Salish and Kootenai Tribes and their members, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

**WHEREAS**, the Confederated Salish and Kootenai Tribes desire to have an application for a fiscal year 2020 Competitive Indian Housing Block Grant prepared and submitted on behalf of the Tribes in support of affordable housing activities.

**NOW THEREFORE BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby delegates the Salish and Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes a Competitive Indian Housing Block Grant application for fiscal year 2020; and

**BE IT FURTHER RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby states and acknowledges that the Tribe will

not be applying for fiscal year 2020 Competitive Indian Housing Block Grant funds as its own entity; and

**BE IT FURTHER RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby delegates the Salish and Kootenai Housing Authority the authority to administer and manage said Competitive Indian Housing Block Grant for fiscal year 2020.

**Janet Camel**, Economic Development Office, discussed the RFQ for the Starlite remodel project. Monday they proposals will be opened, and be brought to council on Tuesday for approval of a contract. The walk through was changed to Thursday. She recommended we don't need approval for an RFQ to go out because we can reject all bids. Janet needs approval to skip the compliance plan agreement for subcontracting or take action to work with IPO to expedite any subcontracting paperwork process. The discussion continued in **executive session**.

Council reconvened into **regular session**.

**Janet Camel** requested approval of the contract with Dick Anderson Construction.

**MOTION** by Ellie Bundy McLeod to approve the contract with Dick Anderson Construction. Seconded by Anita Matt. Carried, 7 for; 1 opposed (Charmel Gillin); 2 abstentions (Mike Dolson – until he hears from the budget committee; and Fred Matt).

**Chairwoman Fyant** discussed a message from the Whiskey Trail Ranch owner wanting to know if there is a change in council's feelings about pursuing that purchase and take it to the Land Committee or not. **Anita Matt** commented that council requested Lands to negotiate with the landowner on the past proposal. She does not want to make that purchase if we cannot use it or manage it for fifteen years because that is not feasible. **Ellie Bundy McLeod** was not in favor based on council's conversations and the risks. **Len TwoTeeth** wants to bring in the landowner and tell him we would have a hard time justifying a purchase this large without using it for fifteen years. **Chairwoman Fyant** will get him scheduled for the Land Committee meeting.

**Ryan Rusche**, Legal Department, met with council in **executive session**.

**Council** met in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to adjourn the meeting.

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Council **adjourned** at 4:58 p.m., and is scheduled to meet again on Thursday, October 22, 2020, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Ellie Bundy McLeod  
Tribal Council Secretary