

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

Volume 21 Number 8
Council Chambers, Pablo, MT

Held: October 27, 2020
Approved: October 29, 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 9:07 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for October 22, 2020 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 22, 2020, with corrections. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Bing Matt).

The **agenda** was presented for approval.

MOTION by Fred Matt to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Jaimie Stevenson and **April Charlo**, Flathead Reservation Community Action; and **Jordan Thompson**, Legal Department; followed up on last week’s discussion about Flathead Reservation Community Action and requested assistance to continue their activities. They have funding through this week. They raised \$38,000 from independent donations and other funding sources; and received \$50,000 from the Tribes’ CARES Act funding. They want to have a coordinator/manager to help manage the spreadsheet for services. 432 meal kits were given out last week and they ran out of food. The need for food is increasing. Multiple tribal departments are referring people to FRCA. FRCA will be running out of funding. They are working with Jami and Rick to go through the process for funding, but they requested emergency funding to keep them

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going until their funding request is approved. It costs \$10,000 per week for FRCA to operate and going through the CARES funding process would take about three weeks. **Jami Pluff** gave an update on concerns and liabilities about this request. She understands the frustration with the CARES stipulations. The employees are not an allowable cost under the CARES funding. With the emergency funding, the process is MOAs are brought in for council approval; once approved they get sent through the signature process, then get a PR done with accounting, and then accounting processes it. That takes time to do all that. Jordan's support is for food security; he didn't necessarily mean it was a legal statement/definition that it meets the CARES Act requirements. Rick wants a meeting with legal to discuss some issues. **Jordan Thompson**, Legal Department, commented the food security team thinks it's a good idea for several reasons. As for the emergency funding request, people are relying on meal kits. CARES Act provides funding for food. The team is reviewing the impacts to our Tribes in response to COVID. Once that's done they can make long-term recommendations on food security. The team wants do more homework on this; that will take two to three weeks. Jami advised that FRCA has to have the Arlee CDC as their fiscal sponsor. Those two have to be done together. The MOA can't be done with just FRCA alone. She is not sure how to do the emergency funding with FRCA alone. She doesn't know how to speed up the process unless council funds it from a different funding pool, but that's up to council to do that. **April Charlo** said Tribal Health is referring families to FRCA. \$200.00 is the cost for groceries, cleaning supplies, and medications for a family with COVID. She asked who would pick up the slack to provide that support if FRCA doesn't. **Fred Matt** told her there are other entities (county and state) that they can solicit funding from since it serves everyone and not just tribal members. **Jaimie Stevenson** responded that FRCA has purposely not asked people to disclose that. Families are enrolled and non-enrolled, and FRCA makes sure they can feed their whole family. Based on the politics of enrollment, FRCA serves everyone. Fred said he is asking this because if we cannot use CARES Act funding, it narrows it down to using hard core tribal dollars. **Chairwoman Fyant** commented that we all know there is a need, but until it passes muster with Rick and the CARES Act requirement, we cannot do anything. We talked about the other entities that offer food, like the commodities program and others. For now, we will need to refer people to those other entities and the county programs. As much as we believe in this and know there is a need, we have to comply with the CARES Act funding. Jami Pluff recommended that FRCA work with other programs such as commodities and DHRD to collaborate on their efforts. **Martin Charlo** said the majority of people going to FRCA are tribal. There's not a lot of other opportunities for people out there. He went to the food bank last Friday for a tribal member and they cut people off and said for him to come back on Tuesday. If 432 meals are taken and people are still waiting for food, it is hard to believe we cannot find a way to do this. We're putting more restrictions on this than what needs to happen. People starving is not just a tribal issue. **Carole Lankford** serves on the Food Bank board and thought some information stated

about the Food Bank were inaccurate. She would rather see FRCA work with Sylvia's Store and Commodities. **Rick Eneas**, Financial Management, joined the discussion. As it relates specifically to FRCA he is recommending an emergency request for a couple of weeks of funding for them to continue their operations. There is frustration as to why we cannot make this happen. We discussed this with the council. We're requesting the advice of our audit firm and a legal analysis of our CARES funding projects. The CARES Act allows us to do a wide range of activities. But the burden of justification, there is no immediate bar you can meet. He met with Dan Decker last week about this justification under the CARES Act. There are some unanswered questions regarding the need as it relates to available resources, the specific need as it relates to the causation of COVID-19 and being unable to lock those things down and have a legally defensible position, that's where we are at right now. The challenge is to do that data; that is important and it's hard to get data. FRCA's quantity of distribution in one sense shows there is a need there, but a lack of requesting funding from other entities like food banks points to there not being a need. If the council makes this donation to FRCA, it's a small enough amount of money if we have to pay it back, it would not harm the tribal budget in the grand scheme of things. **Charmel Gillin** commented if there was a general need for this, then it would not be through FRCA. FRCA started before we had access to the CARES funding. If we cannot fund it, she hopes FRCA can figure out how to be resourceful again. If it's a general need, she hopes people let us know how they're impacted by COVID and how it reduced household income and resulted in those kinds of restraints. We have the ability to stimulate the economy and we have taken those measures recently. **Jaimie Stevenson** said in March they coordinated with local food distributions as much as they could. They were making large purchases with their donations and taking large quantities of food to the food bank. They didn't know the restrictions for people to access food banks were hindering. They can only go twice monthly. We were surprised about the restrictions from the food banks. We continue to incentivize people who are and should be self-quarantining. **Carole Lankford** told her that information is not accurate. She went over the process. Paperwork must be filled out. It upsets her to say they ask about income. They need to keep records to make sure the workers don't take food home. It's once a month they give out food for three or four days. The volunteers at the food bank try to do what they can. It would be nice to have young people help them. People need to make sure what they are saying is accurate. **Chairwoman Fyant** suggested they get some volunteers from other organizations, such as ECS and THD that FRCA mentioned. **No action taken.** Council will work with Rick to see if we have funding from somewhere and get back to them. **Rick Eneas** commented if it is approved for an emergency funding proposal we just process as if it as grassroots organization and can do the accounting work if it's not supported by CAREAS Act and move that activity out of the CARES Act funding. That's the easiest way unless the decision is identified the source if it's not eligible for CARES. It would either be a donation above and beyond the donation budget or tribal general fund dollars. **Martin Charlo**

commented we will have money left over in the grassroots budget and he does not understand why the organizations we already funded can't be funded again and why council is making it so difficult. He understands the employee request cannot be funded. The information on nutrition ties in with COVID. If the immune system is weak due to bad nutrition, people are susceptible for COVID. If you're malnourished while having COVID the symptoms are worse and the COVID lasts longer. **Jami Pluff** will process an MOA for \$20,000 emergency funding with FRCA and Arlee CDC. It will go through the regular process and bring it in today for council approval. Once council approves the MOA a purchase order will be submitted to accounting so a check can be issued.

Jean Matt, Mark Clary, Rob McDonald, Chelsea Kleinmeyer, Unified Command Team, gave an update. **Jean Matt** commented on the joint PSA with Commissioner Barron and Chairwoman Fyant. They crafted another PSA for this week with the County/Tribal nurses. Mark appreciated the joint message from Bill and Shelly and he hopes to do more messages like that and keep everyone updated the best we can. Jean said the next 90 day forecast brings concerns of Halloween, Thanksgiving, Christmas and New Year's. **Chelsea Kleinmeyer** reported Lake County has 645 confirmed cases, 174 active cases, 5 hospitalizations, and 3 deaths. The State has 28,501 confirmed cases; 9855 active and 303 deaths. MT DPHHS made hospital capacity public data on their website. All hospitals are less than 70% capacity. Community, St. Pat's and Kalispell Regional have beds available. The Tribes, Sanders County and Lake County are working together to vaccinate for the flu. Flu symptoms are very similar to coronavirus and people need to protect themselves from the flu. Shelly has been getting questions about employees having potlucks. Chelsea said anything shared shouldn't happen, even coffee pots, water coolers, and the CDC recommends against those. **Mark Clary** said there is evidence out there with functions/dinners in groups and they're in quarantine and highly recommend against it. Jean reported that Dale reached out to Bryon Miller and Bryon is looking to make rooms available at KTN for UCC based on need and the cabins at Big Arm. If we have a need for the Starlite Motel, they cannot identify a need for that motel from the UCC. We don't see a need to pause the plans going forward. Dale has a large supply of PPE available for schools. There has been a lot of spreads in the schools. We look forward to building off the PSA this week to share information. **Rob McDonald** discussed PSAs. We are moving toward the PSA and getting a camera/mic to health officials. We're targeting a message on Halloween. They are trying to keep it simple and put on all social media outlets. **Rick Eneas** said with the idea of the Starlite, we're working on this project with bids and timelines to meet the December 30 deadline. **Martin Charlo** said going forward that thinking outside the box and being creative on this is critical. He reminded everyone to wear a mask, wash hands, social distance, work on your immune system, and stay safe. **Chairwoman Fyant** said there was a question about if it is true some health clinics are asking workers with contact with COVID-19 to come to work unless symptomatic. The

response from Tribal Health was each clinic has their own plans for how they address close contacts and continued work. They increase cleaning, monitoring and safety and continue to work. It's not ideal but due to high numbers of people affected and quarantined they have to do what they can to address client needs. Shelly commented that we're all about family and community, but it's a pandemic and we need to be aware of that and take necessary precautions. **Len TwoTeeth** saw an email about vaccines and they want a response by October 30. Johnathan told Shelly we are going with the state plan and waiting for confirmation from the state. Chelsea is getting in contact with them to let them know we are going with the state plan. Len wants information on how does the vaccine affect us and how will we respond. **Fred Matt** advised that today is the last day for Patience to be quarantined and she will go back to school tomorrow. Jean reported that Greg Gould joined the call yesterday; he is working to increase contact tracing capabilities and looks forward to communications so we can be aligned with the UCC and the SKC.

Chairwoman Fyant discussed the MSU support letter for Western SARE Research and Education grant proposal.

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

Jami Pluff, Policy Analyst, requested approval of the presidential task force letter of written comments that are due October 31. **Len TwoTeeth** thinks there should be a committee set up with a tribal member for every Montana tribe would be important to start looking at. Jami said the work group is collaborating with those organizations.

MOTION by Ellie Bundy McLeod to approve the letter. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Chairwoman Fyant left the meeting to attend the NCAI moderator training.

Joe Durglo and **Milissa Grandchamp**, Tribal Health Department, requested approval of a contract with Providence for a lab services agreement.

MOTION by Martin Charlo to approve a contract with Providence for a lab services agreement. Seconded by Carole Lankford. Carried, unanimous (8 present – Shelly Fyant out of the room attending NCAI moderator training; and Charmel Gillin out of the room).

Joe Durglo, Tribal Health Department, requested approval of an amendment to the annual funding agreement with the Indian Health Service to accept \$3 million to perform COVID testing. THD will submit a plan to test a percentage of the tribal population.

MOTION by Martin Charlo to approve an amendment to the annual funding agreement with the Indian Health Service to accept \$3 million to perform COVID testing. Seconded by Bing Matt. Carried, unanimous (9 present – Shelly Fyant out of the room attending NCAI moderator training).

Johnathan Owens and **Joe Durglo**, Tribal Health Department, requested approval of a revised organizational chart. The first change is a supervisor change in the Facilities Maintenance program. There will be no pay increase due to the changes. Natasha Sinclair is in the position and the supervision is the only change. The second request is to change the position title of the IT administrative assistant RPMS to a clinic informatics coordinator medical assistant. That would be a position description change and would be sent to Personnel for classification/benchmarking. No action taken. Additional information requested.

Johnathan Owens and **Joe Durglo**, Tribal Health Department, requested approval of a revised organizational chart to change the title of the facilities support administrative assistant to facilities support assistant manager. It is a title change to an existing position.

MOTION by Bing Matt to approve revisions to the organizational chart to change the title of the facilities support administrative assistant to facilities support assistant manager. Seconded by Martin Charlo. Carried, unanimous (9 present – Shelly Fyant out of the room attending NCAI moderator training).

Johnathan Owens and **Erica Weber**, Tribal Health Department; and **Ann Miller**, Tribal Defenders Office; requested approval of a two-year temporary employment agreement with Shanley Swanson to fill the clinical tribal jail placement assessor position.

MOTION by Carole Lankford to approve a two-year temporary employment agreement with Shanley Swanson to fill the clinical tribal jail placement assessor position. Seconded by Martin Charlo. Carried, unanimous (9 present – Shelly Fyant out of the room attending NCAI moderator training).

Joe Durglo and **Milissa Grandchamp**, Tribal Health Department, requested approval to hire Kristi Joachim on a three-year contract to fill the Radiology Technician position. It has been vacant for a year and was advertised.

MOTION by Charmel Gillin to approve the hire of Kristi Joachim on a three-year contract to fill the Radiology Technician position. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present – Shelly Fyant out of the room attending NCAI moderator training).

Len TwoTeeth acknowledged the snowplowing contractors for stepping up this weekend and plowing out the elders. The contractor is required to go back and get signatures from the elders before they can get paid for that work. That's inappropriate now. We need to minimize any contact and exposure. We need to waive that requirement so they can get paid. He wants council to direct DHRD to waive the signature requirement. **Martin Charlo** was worried if it's a requirement for the funding; maybe they could do a phone verification versus going to their homes. Martin does not want to jeopardize funding. **Anita Matt** explained it is tribal dollars that fund it. **Fred Matt** commented that this has nothing to do with funding criteria. It had to do with someone being dishonest, so it changed it for everyone. That criteria is ridiculous. **Charmel Gillin** said the contracts haven't been brought in yet but council authorized them. This should be without saying the snowplow workers should not be in contact with a tribal elder right now. **Anita Matt** thought a phone call by DHRD to the elder could work.

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

Ed Meece, Polson City Manager; and **Cindy Dooly**, Finance Manager; introduced themselves to council. Mr. Meece is the new city manager. Ed serves as the chief executive for the city. He discussed the resort tax initiative that will go to the voters in 2021. Polson is undertaking this effort due to being in a dire need for funding sources for streets improvements. Property tax is the main revenue generator. Tribal members would be exempt from paying the tax with proper identification. Tribal businesses would be exempt from collecting the tax. Infrastructure backlog of work that needs to be done. It costs the city about \$335,000 to rebuild one block of streets in Polson. The tax revenue would be deposited in a specific fund for those projects. 17% would be set aside for property tax relief under the state statute and 80% would be strictly for street maintenance/repairs. **Martin Charlo** asked Mr. Meece if he would support stricter enforcement of the masking mandate due to the increase in COVID-19 cases. **Mr. Meece** responded that he is aware of the importance of needing to balance the concerns and individual needs. He is open to listening to see if there are things we can do. He has natural hesitations about what enforcement means. **Martin Charlo** said the Tribes are looking at the food distribution from Livingston and bringing a similar model to the reservation. Mr. Meece commented that it is the best model to use. They raised \$700,000 in local private donations for that facility. It does economic development training, food processing, catering businesses, food pantry, and opened the bakery program. Ed would be glad to have those discussions and set up meetings to discuss further.

Dan Decker and **Chelsea Colwyn**, Legal Department, gave an update on the US Forest Service oil and gas regulations. They did not reach out about tribal

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consultation. They created process for that. The public comment period ends the end of this month. The tribal consultation has another sixty days for that. We will submit a placeholder comment in the public comment to remind them to their duty to consult with the tribes on a government to government level. Chelsea asked who the comment should come from. Council requested that it come from the chairwoman. Chelsea is working with the Salish Pend d'Oreille Culture Committee with native teaching aides for language materials for the CC. 25% of profits on those items go back into redevelopment for new materials. That will formalized in a MOA so it sends CSKT be sent a check for ten percent and 15 percent go back into redevelopment in new materials. In 2019 the credit to CSKT was under \$2,000.

Dan Decker, Chelsea Colwyn, Brian Upton, and Ryan Rusche, Legal Department, requested to meet with council in **executive session** to discuss legal issues.

Council reconvened into **regular session**.

Charmel Gillin left the meeting

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

Presented Chairwoman Fyant and Lake County Commissioner, Bill Barron's PSA on UCC update for the reservation.

Chairwoman Fyant discussed the Montana State Appointments for the State-Tribal Economic Development (STED) Commission and the Burial Preservation Board.

MOTION by Anita Matt to approve Kevin Askan to be appointed on the Burial Preservation Board. Seconded by Michael Dolson. Carried, unanimous (9 present).

MOTION by Fred Matt to appoint Shelly Fyant as delegate and Len TwoTeeth and Martin Charlo as alternates to the State-Tribal Economic Development (STED) Commission. Seconded by Anita Matt. Carried 6 for, and 3 abstentions (Shelly Fyant, Leonard TwoTeeth, and Martin Charlo).

Charmel Gillin returned to the meeting.

Jody Perez, Velda Shelby, Janet Camel, Katie Symons, Robin Thorne, and Katie Miller, Homeless Committee, requested to meet with council in **executive session** to discuss homelessness. **Ann Miller**, Tribal Defenders Office; **Dan Decker**, Tribal Legal Office; **Rick Eneas**, Financial Management; and **Joe Durglo** and **Johnathan Owens**, Tribal Health Department, were present for discussion.

Council reconvened into **regular session**.

MOTION by Carole Lankford to approve the demo portion of the contract with R&R Building Productions LLC. Seconded by Martin Charlo. Carried, 9 for; and 1 abstention (Shelly Fyant).

MOTION by Martin Charlo to approve general contractor for the rehab of the former Starlite Motel to R&R Building Productions LLC. Seconded by Ellie Bundy McLeod. Carried, 9 for; and 1 abstention (Shelly Fyant).

MOTION by Martin Charlo to waive the policy for requiring drivers to get signatures from elders after plowing snow. Seconded by Fred Matt. Carried, 9 for; and 1 opposed (Ellie Bundy McLeod).

Ellie Bundy McLeod, for the record, "While I agree we shouldn't make personal contact with elders due to COVID, we should be getting verification in another way."

MOTION by Anita Matt to adjourn the meeting.

Council **adjourned** at 3:43 p.m., and is scheduled to meet again on Thursday, October 29, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary