

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

Volume 20 Number 47
Council Chambers, Pablo, MT

Held: March 24, 2020
Approved: April 7, 2020

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

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; and Abby Dupuis, Recording Secretary.

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

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

The **Tribal Council Meeting Minutes** for March 16, 2020 were presented for approval.

Bing Matt joined the meeting.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for March 16, 2020, with corrections. Seconded by Fred Matt. 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).

Mark Couture, Tribal Lands Department, presented a request from Safety of Dams for a temporary land and road use permit for the contractor to begin phase 3 of the Crow Dam Spillway project. This was reviewed by the Land Committee on February 24. **No action taken.** Council took the request under advisement until Safety of Dams is present to answer council’s questions.

Tony Incashola, Jr. and **Bob McCrea**, Tribal Forestry; **Renee Joachim**, Personnel Department; and **Rick Eneas**, Financial Management; discussed the type 3 organization with the county for a unified command team, which is set up

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to have a uniform plan. Bob requested a delegation of authority to do things for the Tribes, and it includes spending. They will get money from FEMA and the expenditures will be reimbursable. The county will also need to approve a delegation of authority. **Chairwoman Fyant** requested the objectives and plan in writing. The tribal council needs to designate the spending authority and what would be funded with those resources. **Greg Gould**, Unified Team Operations Chief, informed council that the team would develop a baseline within the unified structure. As the disaster (coronavirus) unfolds, the unified command and structures underneath it would unfold. FEMA, Lake County, and the CSKT have declared that those are mechanisms to tap into for funding. FEMA designated emergency protective measures and that doctrine is available for everyone to access. It lays out what is reimbursable. There is a cost share, which is typically a 75/25 split, so we need to anticipate reimbursables at that 75% level. Rick Eneas would be the finance co-chief with the county. Scott Beggs is the Lake County OFM/CFO. The Tribes and County would separately track costs that come from this system, and there would be a system for rolling those up and doing the reporting. The Tribes may have the availability to request a waiver of the 25% cost-share and that question still needs answered. **Chairwoman Fyant** questioned if there would be a mutual aid agreement with the county, and she wanted that discussed with the commissioners. This is just with Lake County, but the reservation includes Flathead, Sanders and Missoula counties. Bob advised that the OFM is contacting those other counties so the entire reservation would be covered and it would be specified in the agreement. The delegation of authority would only be for the coronavirus and the responsibilities are clearly laid out. **Charmel Gillin** discussed the vulnerability of keeping the command center and all of the players in place and the risk of illness and fire. If there were a fire emergency, those guys would have to go to the fire. She wondered how that should be considered. Bob reported that we have had five or six fires and he responded to those. If this thing continues, we will not be able to bring in people from other states to handle fires. We will have to do it ourselves. The team will not be leaving the state for fires. They will only be responding within our counties. Due to the low amounts of snow received during the winter months, fires are a concern. **Chairwoman Fyant** was concerned about illness and asked whether they are doubled up or have a team that could fill in in case our team members got ill. Bob is working on a plan to get doubled up and get it worked out. There is a risk that the whole team could get sick. Shelly wants EOC addressed in the delegation of authority. Greg explained that the EOC was set up to be virtual. The system was built to avoid a group of people being in one room. If he gets sick, he can operate in his role virtually as long as he is healthy enough. EOC is virtual right now. They would need a space that could safely house up to 10 people. It needs to be a fairly large conference room. They will have more clarity on that by this Thursday. Shelly asked about communications; if it would go through the IPO or internal communications. Greg explained that the system would be the primary tool that they use to share with everyone. There would be a process that everyone will

need to adjust to and there will be a training curve to get that communication in that platform. The public information officer will be responsible for the external communications. Rob McDonald will serve as the Public Information Officer and will be coordinating with the county and private sector partners (hospitals, medical clinics). The joint information center (JIC) will coordinate all of the information and be a central router point for information and messaging. Mr. McDonald will be the tribal council's public information officer and however the governing body wants the information communicated can happen. This team helps entities; it does not take over. The team will provide support to such entities as first responders, law enforcement, hospitals, and Social Services. It will function as a type 3 team. Bob requested authorization to hire Rod Goss as the Safety Officer and Jim Steele as the Planning Chief. Those costs would be reimbursed by FEMA. **Martin Charlo** commented that the council needs all the issues outlined in the contracts before they are hired. The steps need to be followed prior to hiring individuals. Bob has not developed the contract terms and rate of pay yet. He will get those details worked out. Bob also wanted to have Martin Charlo part of this structure because of his technology capabilities, and we need to clarify that role specifically. He was functioning as the liaison between the Unified Command Team and Tribal Council. Martin is doing whatever is needed and is taking care of issues where he can. **Anita Matt** questioned if there was a way to add these duties to Rod and Jim's current fire contracts. Tony will look into adding those duties to the scope of work in the existing contracts and include the different rates of pay. **Renee Joachim** clarified that a contract modification would be okay; they just need to make sure those contracts are still valid because they cannot modify an expired contract. **Martin Charlo** suggested granting blanket authority to the chairwoman to approve and sign any amendments, if possible, instead of doing them separately. Rick told him that it would be addressed in the specific delegation of authority. Rick recommended including in the motion to delegate the authority and acknowledge the waiver of policies during this process. Bob can make it specific to this team.

MOTION by Fred Matt to modify the existing contracts with Jim Steele and Rod Goss to function in the respected positions on the incident command team. Seconded by Martin Charlo. Carried, unanimous (10 present).

Tony Incashola, Jr., James Lozeau and **Steve McDonald**, Tribal Forestry, discussed tree planting and the tree planting contracts. It was advertised and there was a bid opening. Forestry needs approval to award the bid. He asked whether the department should operate as business as usual or postpone it until this fall. The contractor would be coming here from Oregon. It cannot be pushed back for more than one year or the trees will be ruined. Forestry has 900 acres to plant. Tribal members are hired to do the planting, but due to the workload it was advertised for contractors. **Charmel Gillin** would like to explore different options to planting the trees, such as hiring a local contractor or having it done

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internally. It is important for us to adjust to the current circumstances we are in. **Martin Charlo** preferred not to bring in people from out of state and recommended going with the second low bid. **Anita Matt** told council that the media reported that the state of Oregon was in lockdown. Some of the other states may get to that point. There are many out-of-state license plates here, and she would like the Tribes to consider going into lockdown mode since the surrounding states have coronavirus cases. **Len TwoTeeth** commented that there is nothing that requires us to accept the low bid. We received a bid from a tribal member and it should not matter that it was the high bid. Regardless of the cost, we should put the tribal member to work (Glacier Cone Company). It is a gamble to hold off on planting the seedlings. The discussion continued in **executive session**.

Council reconvened into **regular session**.

Tony Incashola, Jr., James Lozeau and **Steve McDonald**, Tribal Forestry, discussed the Eva Paul Logging Unit Timber Sale. The contract was prepared and the NEPA was done. Tony recommended postponing this timber sale until the market stabilizes due to the local market condition. There are some permits that will be advertised for two weeks, which hopefully will get the small loggers to work. It was the **consensus** of council to go with Tony's recommendation and postpone the Eva Paul Logging Unit Timber Sale.

Dale Becker, Natural Resources Department, requested approval of a letter to Neil Anderson, Montana Fish, Wildlife & Parks, to transfer the 2019 moose harvest data.

MOTION by Anita Matt to approve the letter to Neil Anderson transferring the 2019 moose harvest data. Seconded by Martin Charlo. Carried, unanimous (10 present).

Dale Becker, Natural Resources Department, requested approval to modify Homestead Helicopter's contract to add additional funding for fiscal year 2020.

MOTION by Charmel Gillin to modify the contract with Homestead Helicopter to add additional funding for fiscal year 2020. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Dale Becker, Natural Resources Department, informed council that Martha Williams, Montana Fish, Wildlife & Parks, was scheduled to meet with the tribal council, but that visit would be rescheduled due to the coronavirus.

Chairwoman Fyant informed council that the partial shutdown ends on March 27 and she asked if the council wanted to extend it through April 10. **Rick Eneas** informed council that he has a proposed resolution regarding

administrative leave that will be in effect until action is taken to revoke it. **Charmel Gillin** suggested including the attachment Rick provided. **Carole Lankford** was contacted by a tribal corporation asking whether the council received their plan, and Carole wanted some acknowledgement that we received it.

MOTION by Fred Matt to approve the resolution approving administrative leave for employees of the CSKT tribal government and affiliated entities in an effort to prevent the spread of the novel coronavirus. Seconded by Charmel Gillin. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-087

A RESOLUTION PROVIDING ADMINISTRATIVE LEAVE FOR EMPLOYEES OF THE CONFEDERATED SALISH AND KOOTENAI TRIBAL GOVERNMENT AND AFFILIATED ENTITIES IN ORDER TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19)

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes; and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes; and

WHEREAS, CSKT responding to an imminent threat to the citizens of the Flathead Reservation due to the global outbreak of COVID-19, the coronavirus, has declared a state of emergency on the Flathead Indian Reservation; and

WHEREAS, the CSKT wish to establish measures to ensure the safety and security of the residents of the Flathead Indian Reservation;

NOW THEREFORE BE IT RESOLVED, that CSKT Tribal Council has implemented a partial shutdown of CSKT governmental operations and, as a key component of such shutdown, has provided paid administrative leave to employees who are unable to work as a result.

NOW THEREFORE BE IT FURTHER RESOLVED, that CSKT Tribal Council has initially declared the partial shutdown of CSKT governmental operations and

administrative leave provisions will be in effect from March 16, 2020 until such time as the CSKT Tribal Council lifts the order.

Rick Eneas and **Bill Bjarko**, Financial Management; **Chris Tyhurst**, **Jonathan Rothweiler** and **Chris Bitakis**, REDW (by Zoom); presented the 2019 audit report.

MOTION by Martin Charlo to accept the 2019 audit report. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

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

Ryan Rusche, Legal Department; **Rob McDonald**, Communications; **Jami Pluff**, Policy Analyst; and **Chuck Reese**, Information Technologies; discussed livestreaming tribal council meetings. Ryan presented for consideration a proposed resolution authorizing videoconferencing for tribal council meetings.

MOTION by Charmel Gillin to approve the resolution authorizing videoconferencing for tribal council meetings. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-088

RESOLUTION AUTHORIZING VIDEOCONFERENCING FOR TRIBAL COUNCIL MEETINGS

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

WHEREAS, the Tribal Council may establish rules for conducting the business of the Council consistent with the Constitution and By-laws; and

WHEREAS, the Tribal Council has broad responsibility for the health and safety of the Tribes and of the Flathead Indian Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes consider the health and protection of the Tribal membership to be one of the most important responsibilities of the tribal government; and

WHEREAS, in response to the COVID-19 pandemic the Tribal Council declared a state of emergency for the Reservation on March 17, 2020, and implemented temporary policies of limiting travel and personal interactions and encouraging social distancing; and

WHEREAS, the Governor of the State of Montana and the President of the United States have made declarations of emergency and imposed similar policies; and

WHEREAS, in order to slow the spread of the virus it is necessary to limit in-person meetings to every extent possible, including, but not limited to, Tribal Council meetings; and

WHEREAS, current technology allows for live multi-party meetings to be conducted using audio-visual communication, while allowing Tribal membership to listen and view such live meetings; and

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes orders as follows:

ORDER

1. Throughout the state of emergency declared on March 17, 2020, all meetings of the Tribal Council shall be conducted by electronic audio-visual teleconferencing.
2. Tribal Council members who are connected via audio-visual teleconferencing shall be deemed to be present at such meetings, and may discuss and vote of matters duly before the Council through audio-visual teleconferencing.
3. All such meetings shall be broadcast live to Tribal membership.
4. Existing rules for executive session, respecting privacy, or otherwise privileged or confidential shall apply to matters before the Council at meeting conducted by audio-visual teleconferencing. No portion of any matter discussed within executive session or that is private, privileged or confidential shall be broadcast or recorded.
5. So long as this order is in effect, the official method of recording shall be by written minutes. Audio or visual recordings of Council meetings shall not be deemed an official record of such meetings.
6. This order shall remain in effect during the state of emergency declared on March 17, 2020.
7. A copy of this order shall be published in each publication of the Char-Koosta News and shall be displayed on the Tribes' official websites so long as this order is in effect.

Ryan Rusche, Legal Department; **Rob McDonald**, Communications; **Jami Pluff**, Policy Analyst; and **Chuck Reese**, Information Technologies; continued the discussion on livestreaming tribal council meetings. The Council requested an immediate modification removing the section regarding the two-year archive of recorded meetings and leaving that undefined, at this time. It was emphasized that it is a "working document" policy and will be updated, as needed.

MOTION by Charmel Gillin to approve the policy for livestreaming, as modified. Seconded by Martin Charlo. Carried, 9 for; 1 abstention (Carole Lankford).

Chuck Reese gave a demonstration on livestreaming a council meeting. There was discussion on holding council meetings by Zoom. Chuck asked if there is an option for some Zoom training. Chuck will be present at Thursday's council meeting to provide assistance for using Zoom.

Council discussed department plans during this partial shutdown. **Chairwoman Fyant** will request updated plans from the tribal departments. **Charmel Gillin** would like to have the Communications Director develop a summary graphic of departments and their status to be published in the newspaper and other outlets.

Rick Eneas, Financial Management; and **Pete White**, Tribal Credit; discussed Pete's recommendation to modify the Tribal Credit Plan of Operation to give the Tribal Credit Manager the authority to waive and set fees on short-term loans. There was discussion on having an economic hardship deferment plan, which would defer loan payments during the COVID-19. It would require council action to offer an interest-free deferment plan. Those costs would be tracked.

MOTION by Ellie Bundy McLeod to waive the new and refinancing fee for short-term loans. Seconded by Martin Charlo. Carried, unanimous (10 present).

MOTION by Mike Dolson to allow deferments, which would apply to all loans, related to the State of Emergency, which would be an application process and accompanying documentation, deferring the principal and waiving interest on eligible loans. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Pete White, Tribal Credit, informed council that Tribal Credit has processed 20 loans since the 17th. They are processing long-term loans and as of yesterday processed 7 long-term loans. There are 4 pending loans. Tribal Credit is limiting the hours to the public (from 9:00 a.m. to 4:00 p.m.) and encouraging people to make loan payments by telephone or mail.

Anita Matt discussed the permits. We have an influx of nonmembers using our resources to recreate. Our tribal members will be using the resources during this time. She wants to stop the permits until we find out how far this situation is going to go. **Carole Lankford** suggested getting a recommendation from the appropriate staff so we get the full picture before closing the reservation to nonmember use with permits. **Charmel Gillin** suggested closing down Blue Bay

Campground and any other tribal campgrounds with facilities than cannot be kept sanitized. **Council** directed Jami Pluff to follow up.

Martin Charlo discussed our tribal corporations. He was told of an employee from Mission Valley Power that was required to take PTO because that employee did not have childcare during the school closures. He hopes these corporations will have some compassion for their employees during this situation. **Bing Matt** informed council that every employee at Mission Valley Power is being required to work, and he is not sure they need a full office and whether every single employee is essential. Bing suggested visiting with Jean Matt about this. **Chairwoman Fyant** told council that the Mr. Matt said that the union agreement requires all MVP employees to report to work. The General Manager is the only non-union employee. **Fred Matt** believes someone should have some authority over the union. Routine maintenance could be halted during this time during the shutdown. We may need to address this issue with the IBEW Union. Shelly provided a copy of a resolution by the Mission Valley Power Utility Board, and that is the only plan she has received for MVP. **Jami Pluff**, Policy Analyst, read the last paragraph of that resolution where it states the Utility Board affirms the General Manager's authority to make the decision on which employees are considered essential and to set the staffing levels needed during this time.

Bing Matt reported on the gaming meeting. Gaming is waiting to hear from the council if there is still going to be a shutdown.

Chairwoman Fyant reported on the Rocky Mountain Tribal Leaders conference call with Andy Werk on the I.H.S. bill that is coming out and the concerns that urban agencies are receiving more COVID-19 money than the Tribes. The resolution was passed. They continue to monitor the situation.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 1:31 p.m., and is scheduled to meet again (by Zoom) on Thursday, March 26, 2020, at 9:00 a.m.

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/sgnd/

Ellie Bundy McLeod
Tribal Secretary