

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

Volume 20 Number 53  
Zoom Meeting

Held: April 21, 2020  
Approved: April 28, 2020

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

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager/Recording Secretary; 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 James “Bing” Matt.

The **Tribal Council Meeting Minutes** for April 14, 2020 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for April 14, 2020, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

The **agenda** was presented for approval. **Chairwoman Fyant** has a call with ATNI at 9:00 a.m. for an update from Montana tribes and at 11:30 a.m. the Governor will have a call with all Montana tribes.

**MOTION** by Anita Matt to approve the agenda, with additions. Seconded by Bing Matt. Carried, unanimous (10 present).

**Chairwoman Fyant** reported on a call yesterday. The Lake County Commissioners have a meeting today to discuss reopening, given the Governor’s plan for his metrics to open up the state. Lake County has to follow the state. There are some serious issues ahead of us we need to think about and stay on top of if the Governor ends up opening the schools. We need to think about what our tribal actions will be. She spoke to the chair of Lake County yesterday and he thinks they will open some schools on the east side of Montana since they have no cases over there and are getting pressure to open. They are leaving it up to the districts. Shelly expects an announcement from the Governor later

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this week since his order goes through April 24. The chair of commissioners and Chairwoman Fyant will do another joint message on Wednesday focusing on public health of all reservation residents. **Martin Charlo** spoke to Ryan Rusche, and Ryan did not have any updates on the water compact. We are in a holding pattern.

**Anita Matt** had a letter of support for agriculture through the Intertribal Ag Council through the Native Farm Bill Coalition. The letter will be revised to be specific to CSKT and the lawmaker needs to be filled in. **Council** will obtain legal review.

**Fred Matt** informed council that the Navajo Tribe has 1,197 confirmed cases of coronavirus and 44 deaths. The chief for Choctaw tested positive for coronavirus. **Chairwoman Fyant** commented that social distancing seems to be working here. She hates to see us open the state before we are ready, and especially the schools. It is too bad that this has turned into a political issue with the protests happening.

**Rob McDonald**, Unified Command Center, gave an update. He is working with a web developer team to take the information and organize the information and they will give him mockups of a landing page. That should go live by tomorrow. It will give local updates on the situation in Lake County, access to resources in the community, and a list of resources of services in the community. This is our version of what Missoula created with their joint information center. It will have links to state-wide and national information. This is intended for people to get all their information in one spot. Geofencing is a technology that when people cross certain areas identified through GPS coordinates, their phone is triggered to receive a digital message. KPAX has been providing this service to the community. It was brought up by council to explore that. We have a contract through May 7. Rob received a report and their numbers are showing it is the most successful campaign they have done. The bulk of the messages going to phones are from the Whitefish area. More than 600 people have gotten the alert. The rate of people getting the notice were twice as high as the national campaign. Rob will look at the numbers and compare them next week. **Chairwoman Fyant** thinks there are more messages in that area because Whitefish gets much better service than the south end of the reservation. **Charmel Gillin** talked about the poor cell service in the Evaro area. She asked if they could move those locations near the Missoula I-90 exits or the Frenchtown or Lolo area. She saw some out-of-state plates and talked to the occupants of the vehicles to educate them.

**Jim Steele, Greg Gould, Stephen McDonald, Jean Matt, and Rod Couture**, Unified Command Team, gave an update. Jim reported that scamming is occurring locally. He checked some national sites and scamming/false representation, especially in conjunction with the stimulus checks. The local scamming that is occurring is an individual has been calling around saying they

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represent Mission Valley Power and there is money due, and if they don't pay they will lose their electricity. This issue will become more prominent in the days ahead with the stimulus checks continuing and the refunding of bills from the PPP. Jim discussed reopening and how to reopen. If the hospitality industry is able to open, it may compromise our efforts to get noncongregate mass care. We need testing available with quick results before we open, and source tracing to trace back to potentially where the original infection started with that person. We can say we can do that now because we have a low caseload. If the community reopens and socializing begins, then it will spike new infections. Without the availability of testing with quick testing results and infection tracing, it could be a dark saddle for us to deal with in the future. There are 19 positive tests. There will be a meeting with Ninepipes Lodge, the Red Lion, and the Kwataqnuq Resort about what they are willing to do and things they feel they need, and then Greg will follow up on how the use of their facility would work. The next step would be to deal with the contracting officer and Public Health for the initial inspection and developing what maintenance list may occur to bring it up to the standards to fit their needs. That starts today. The noncongregate sheltering is pretty much a restriction that will not change much based on quarantining or isolation of a person with the infection, so that is something that needs to be looked at from a holistic point. Missoula County sees the conflict with the community and economy. If they reopen the hospitality places, they will step out of any contracting with us so they can open again. That led Missoula to purchasing a motel. It would be brought up to standard and used for mass care and quarantining. Those are the only three entities that stepped up and said they could use their place. They are all mainstream and on Highway 93. They become destination resort types and it becomes apparent to the team that they are losing a grasp on the few resources they have in the community to expand for quarantining. Jim will know more after the three places have been contacted.

**Jean Matt** advised that the scamming has also included impersonating Mission Valley Power workers out in the field. A report was filed with law enforcement. Hacks in email have increased significantly. They found an odd email address forwarding emails to someone who never worked at Mission Valley Power. Phishing is another level of cyber security that was increased. He sees it on the horizon that it will continue to be an issue at the utility level. Jean got some indications that it is happening at other places too. We will see what happens after the 24<sup>th</sup> and how the community will react. There are more problems than solutions at this time. Mission Valley Power is not doing any shutoffs. The system automatically shuts off customers when they are overdue on the prepaid meters. When Mission Valley Power gets that indication they are shut off, the customers' power is turned back on immediately.

**Steve McDonald** informed council that that team continues to meet regularly and is staying with a five-day operational period to stay on top of this. As things

change and get more active, the team will have the ability to hold more meetings or respond quicker. He hopes the council is getting the Incident Action Plan that came out yesterday.

**Rod Couture** reported that things have slowed down quite a bit. They have been receiving a few donations. He has been meeting with schools, elders, and the Boys & Girls Club. They started delivering grocery bags to people in St. Ignatius and Arlee. The Transitional Living Center was added to the daily delivery list through the Boys & Girls Club. **Len TwoTeeth** asked when Elmo would be added to the delivery list. Rod has a meeting scheduled with Constance. She gave him a Monday/Tuesday list of where they are going, so they are working their way to Elmo.

**Charmel Gillin** was curious if there is still a perceived need to establish a potential shelter/isolation at the Black Bear Ranch location. Steve told her that Dale Nelson visited the site and determined it is a small site with limited capacity, is out of the way, and would be difficult to support. They have better alternatives with the hotels, where they could support it in a better fashion. For now, the ranch is a last resort and is on the back burner but not a priority. **Martin Charlo** informed council that the development of a noncongregate care plan is needed and it must be approved by DES and FEMA for reimbursement. The Black Bear Ranch had technical issues that make that location difficult. Regarding the reopening by the Governor, Charmel asked about the possibility of developing an education/awareness campaign targeting school-aged children so they have a better awareness of how to interact with their friends in a safer manner. She did not know if the health team, Education Department and Early Childhood Services could be a part of that or if there is something happening elsewhere in Montana or outside of the state where they have launched campaigns such as that. **Chairwoman Fyant** would like that information relayed to Rob McDonald so he can get that information out. She visited with Bill Barron, and he told her that he saw up to 15 children aged 11-12 running around in Polson. They were not social distancing, and they were holding hands, hugging and having a good time. She was surprised at that because she thought where are their parents, why are they out running around, and why aren't parents monitoring their kids. She asked Rob to work on that with our messaging.

306 people have been tested in Lake County. The question about testing is critical because as the community begins to open up and people are back out on the streets and in the stores, nationally they say a couple million people need to be tested every couple of days. Montana got resupplied with 5,000 swabs. The need versus availability has a wide disparity. It takes up to three days to get the test results. Mission Valley Power had an employee tested and it took four days to get the test results. **Len TwoTeeth** wants the council to consider that if the Tribes choose to follow the state of Montana. **Chairwoman Fyant** commented that testing is done at St. Joe's and St. Luke's, and they are limited to testing

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people showing symptoms. Jim reported that 25% of the school-aged children are asymptomatic. Universal testing and infection source tracing are the two critical parts of this. **Anita Matt** commented in watching the news, they were talking about the need for tracers, people to spend time tracing who they were in contact with, in addition to the testing.

**Len TwoTeeth** asked if there are test kits available at our Tribal Health Department. **Martin Charlo** reported that Tammy Matt said they gave samples at Tribal Health and then send it to a third party for actual testing. They can be swabbed at Tribal Health, but the testing is done offsite. **Charmel Gillin** was thinking about the overall issue or questions that everyone is trying to get to, like what's the metrics we want to use to make some decisions about our reopening or partial reopening or however we look at it, if we have a phased approach to reopening. The Incident Action Plan report has metrics in it. That is something she encouraged the council and team to review those actively, talk about those metrics, and what they mean. She wondered how many test kits are available to us now. Those are things we need to decide, and what do we want to have in place and available before taking that step forward. She would like to contemplate and think about those metrics. With the tribal government, there is a different conversation we need about partial reopening with a focus on essential services, what degree of success are we delivering essential services today, and what is the capacity needs and issue right now and how might we phase in another level of reopening to meet the critical essential needs if there is an unmet need on essential services today. Those are Charmel's recommendations. Shelly asked about meeting with the UCC to answer those questions. Charmel would like to have all ten council members involved in the conversation about a phasing-in approach for reopening. Having real active input, understanding and cohesiveness would be helpful. She is willing to step in as a committee member to do that. **Jim Steele** advised that the team meets twice in a five-day period. They meet once during the mid-portion of the operational period which is more of an update coordination meeting, and then on the evening of the last day they meet to discuss the plan. **Chairwoman Fyant** advised that the council would be available to meet with the team this Thursday morning. Jim wants both governments to be visiting with each other on how they visualize everything opening up together since it would defeat the purpose if the two governments do two different things. **Martin Charlo** will see if Lake County is available for that meeting.

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

**Chairwoman Fyant** out of the room on a telephone call.

**Ruth Swaney**, Financial Management, requested approval of modification 8 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2019 funding for Dam Maintenance and earmarked fiscal

year 2020 funding for Child Care Development Mandatory, Weed Management, Range Inventory, and Forest Plans/Inventories has been awarded and needs to be allocated to the budget.

**MOTION** by Charmel Gillin to approve by resolution modification 8 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 1 not voting (Shelly Fyant out of the room on a telephone call).

**RESOLUTION 20-094**

**RESOLUTION APPROVING MODIFICATION 8 TO THE FISCAL YEAR 2020 BIA SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, earmarked FY 2019 funding for dam maintenance and earmarked FY 2020 funding for Child Care Development Mandatory, weed management, range inventory, and forest plans/inventories has been awarded and needs to be allocated to the budget; and

**WHEREAS**, the budget will be allocated as follows:

Programs, Functions, Services, and Activities	Budget Account	Current FY 2020 Budget Authority	Increase/ (Decrease )	Revised FY 2020 Budget Authority
DHRD 477 Program	13-502-4770	6,667,122.06	107,110	6,774,232.06
TLD Weed Management	13-503-4503	65,657.05	57,529	123,186.05
Safety of Dams	13-503-4511	15,108,191.29	133,000	15,241,191.29
Range Inventory	13-503-4579	22,249.66	11,440	33,689.66
FMIP	13-510-4539	716,474.79	46,000	762,474.79
Total			355,079	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2020 BIA Self-Governance Compact Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the FY 2020 BIA Self-Governance Compact Budget is increased from \$46,023,757.49 to \$46,378,836.49; and

**BE IT FURTHER RESOLVED** that prior years' unexpended funds are available to appropriate for budget expenditures pending final obligation of funds.

**Ruth Swaney**, Financial Management, requested approval of modification 5 to the fiscal year 2020 Indian Health Service Self-Governance Compact Budget. Earmarked fiscal year 2020 funding for Dental Prevention and for COVID-19 has been awarded and needs to be allocated to the budget.

**MOTION** by Charmel Gillin to approve by resolution modification 5 to the fiscal year 2020 Indian Health Service Self-Governance Compact Budget. Seconded by Fred Matt. Carried, 9 for; 0 opposed; 1 not voting (Shelly Fyant out of the room on a telephone call).

**RESOLUTION 20-095**

**RESOLUTION APPROVING MODIFICATION 5 TO THE FISCAL YEAR 2020 IHS SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, earmarked FY 2020 funding for Dental Prevention and for COVID-19 has been awarded and needs to be allocated to the budget; and

**WHEREAS**, the budget will be allocated as follows:

Programs, Functions, Services, and Activities	Budget Account	FY 2020 Current Budget	Increase/ (Decrease)	Revised FY 2020 Budget Authority
Dental Prevention	11-502-4117	312,751.13	125,000	437,751.13
Tribal Health Department	11-502-4130	11,266,887.00	1,433,621	12,700,508
Paid Care	11-502-4133	12,480,951.00	1,273,077	13,754,028
Total Increase/(Decrease)			2,831,698	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2020 IHS Self-Governance Compact Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the FY 2020 IHS Self-Governance Compact Budget is increased from \$28,746,362.87 to \$31,578,060.87; and

**BE IT FURTHER RESOLVED** that prior years' unexpended funds, in addition to Third Party Revenues, are available to appropriate for budget expenditures pending final obligation of FY 2020 funds.

**Joe Durglo** and **Jessi Cahoon**, Tribal Health Department, requested approval of a sole source purchase of pharmacy equipment consisting of a Rapid Pak RX Automated Strip packager in the amount of \$175,000; and the purchase of a RX-Safe 1800 Automated Drug Dispensary System in the amount of \$134,039. Bids were obtained for the RX-Safe automated drug dispensary system.

**MOTION** by Bing Matt to authorize the sole source purchase of pharmacy equipment consisting of a Rapid Pak RX Automated Strip packager in the amount of \$175,000. Seconded by Fred Matt. Carried, unanimous (9 present – Shelly Fyant out of the room on a telephone call).

**MOTION** by Charmel Gillin to authorize the purchase of pharmacy equipment consisting of a RX-Safe 1800 Automated Drug Dispensary System in the amount of \$134,039. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present – Shelly Fyant out of the room on a telephone call).

**Fred Noel**, Salish Kootenai College Library, requested approval to submit a grant application to the Institute of Museum and Library Services Native American Tribal Libraries in the amount of \$10,000.

**MOTION** by Carole Lankford to approve by resolution the submission of the grant application to the Institute of Museum and Library Services Native American Tribal Libraries in the amount of \$10,000. Seconded by Len TwoTeeth. Carried, 9 for; 0 opposed; 1 not voting (Shelly Fyant out of the room on a telephone call).

## **RESOLUTION 20-096**

### **RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION TO THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes have been organized to represent, develop, protect and advance the views, interests, resources and education of its members; and

**WHEREAS**, the Salish and Kootenai College was established to provide post secondary education and vocational training to Indians on the Flathead Reservation; and

**WHEREAS**, the Salish and Kootenai College's D'Arcy McNickle Library provides library materials and programs of need and interest to the members of the Confederated Salish and Kootenai Tribes; All materials are cataloged and shelved for the use of residents of the Flathead Reservation. Special attention is given to collect all materials relating to the Tribes, their history, culture, and Reservation affairs, **NOW, THEREFORE**,

**BE IT RESOLVED** that the Tribal Council of the Confederated Salish and Kootenai Tribes approves the submission of the attached application to the Institute of Museum and Library Services for the 2011 Native American Library Services Basic Grant funding.

**BE IT FURTHER RESOLVED** that the Tribal Council Chairwoman and her designated representative are authorized to negotiate and execute the grant documents and any amendments hereto.

**Michelle Mitchell**, Tribal Education Department, requested approval to install Messenger on the People's Center Facebook page for accepting payments for the Gift Shop, which would be linked to The People's Center Valley Bank account. **Rick Eneas**, Financial Management, commented that as long as the tribal council is okay with the social media aspect of this, it is within our policy to accept it. There are different payment methodologies throughout the Tribes and he is working on the development of a unified system to be applicable to the entire organization.

**MOTION** by Charmel Gillin to approve the request to install Messenger on the People's Center Facebook page for accepting payments for the Gift Shop. Seconded by Martin Charlo. Carried, unanimous (9 present – Shelly Fyant out of the room on a telephone call).

**Greg Wilson**, Natural Resources Department, requested approval to award the bid to Quality Communications Network, LLC in the amount of \$24,000 for a two-year maintenance program (2020 through 2022) for Safety of Dams, including video surveillance camera system and national monitoring center computer maintenance. QCN is an Indian-owned business. **Len TwoTeeth** wanted to know who the owners of this business are. **Charmel Gillin** commented that we have an ordinance that established the Indian Preference Businesses and the procurement process was followed.

**MOTION** by Martin Charlo to award the bid to Quality Communications Network, LLC in the amount of \$24,000 for a two-year maintenance program (2020 through 2022) for Safety of Dams, including video surveillance camera system and national monitoring center computer

maintenance. Seconded by Mike Dolson. Carried, unanimous (8 present – Ellie Bundy McLeod out of the room; Shelly Fyant out of the room on a telephone call).

**Doug Enderson** and **Ryan Guelff**, DOWL; **Scott Johnston**, Natural Resources Department; and **Terry Voeller** and **Jacquelyn Smith**, Montana Department of Transportation; gave an update on the Ronan-Round Butte Road Path Transportation Alternatives Project. This is a grant-funded project administered through an agreement with the Montana Department of Transportation and DOWL has been working on the design and is in the final phase of that. DOWL is developing the final plans, special provisions, and estimate; developing right-of-way plans for construction permits and property acquisition; and reaching out to key stakeholders to facilitate a smooth permitting process. Those key stakeholders include the Ronan School District, Access Montana, City of Ronan, Flathead Indian Irrigation Project, Round Butte Mini-Storage, and White's Automotive. Those key stakeholders support the project. The project cost comparison was \$788,946 (application – 2017) and \$1,118,042 (PIH-2020). The entities must make a match of 13 percent of the project costs. The construction schedule is the spring/summer 2021 with a duration of 60 working days. The contractor will be required to allow access to the property owners at all times during the project. **Charmel Gillin** would like to have the heritage of our people incorporated. **Bing Matt** discussed having a guardrail between the path and the road. There is a trailer park along the road there. Ryan advised that no guardrails have been considered. Guardrails are not warranted as a pedestrian protection or barrier. They are only warranted if there is an obstruction within the roadway clear zone on projects like this. From the traffic safety protection, a guardrail was not warranted there. It would be very expensive. There is a required separation. It is a pretty corridor the way it is, and aesthetically it would not look good to have guardrails there.

**Council** commended the legal staff for their work on the Big Arm case.

**John Harrison**, Legal Department, reported that the bison staff had a conference call with Yellowstone last week regarding their new NEPA process for the Bison Management Plan. Yellowstone will go ahead with the EIS process and request the CSKT to be a cooperating agency. That would give the Tribes more input on what's happening early in the process, allow for consultation, and have our input recognized. That request will be forthcoming and the staff recommended joining as a cooperating agency.

**Rhonda Swaney, Brian Upton, Shane Morigeau, John Harrison, Stu Levit, Daniel Decker, Ryan Rusche, and Mary Price**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Council **recessed** the regular meeting at 1:03 p.m. to conduct a shareholder meeting.

Council **reconvened** into the regular meeting at 2:08 p.m.

**Council** met in **executive session** to conduct interviews for the Salish Kootenai Housing Authority Board Member vacancy and Shoreline Protection Board Member vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

**MOTION** by Anita Matt to accept the results of the ballot and appoint Gene Sorrell, Kim Azure, and Joe Vanderburg to the Salish Kootenai Housing Authority Board for full terms. Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (Fred Matt).

**MOTION** by Len TwoTeeth to accept the results of the ballot and appoint Carrie Antoine to the Salish Kootenai Housing Authority Board for a partial term. Seconded by Martin Charlo. Carried, 8 for; 1 abstention (Fred Matt).

**MOTION** by Anita Matt to accept the results of the ballot and appoint Steve Dupuis to the Shoreline Protection Board for a one full, three year for tribal member term. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

**MOTION** by Charmel Gillin to accept the results of the ballot and appoint John Carter to the Shoreline Protection Board for a one full, three year for non-member term. Seconded by Martin Charlo. Carried, unanimous (9 present).

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

Council **adjourned** at 4:34 p.m., and is scheduled to meet again on Tuesday, April 28, 2020, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Ellie Bundy McLeod  
Tribal Secretary