

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

Volume 20 Number 84  
Zoom Meeting

Held: August 25, 2020  
Approved: August 27, 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. **Ellie Bundy McLeod** will join the meeting later today.

The meeting was opened with a **prayer** by Len TwoTeeth.

The **Tribal Council Meeting Minutes** for August 20, 2020 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for August 20, 2020, with corrections. Seconded by Martin Charlo. Carried, unanimous (9 present).

The **agenda** was presented for approval. **Chairwoman Fyant** added the filming of Perma Red to the agenda.

**MOTION** by Charmel Gillin to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (9 present).

**Charmel Gillin** asked what additional work needs to be done in the council chambers for everyone to take their seats in the council chambers. Charmel commented that we had the staff preparing the chambers and developed the protocols. This would allow the walk-ins to see the council members in person. **Anita Matt** was willing to move in there once the sound issues with the echoing are resolved. Shelly told council that their ear buds needs to be paired with their device, and then they would be good to go. **Martin Charlo** advised that the Tribal Council needs to direct IT to turn it over to someone else because Chuck Reese is working on another project to the work done on streaming/filming. We need to decide if we will still zoom the council meetings. The council can all sit in the

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chambers if they want to. Chuck had told Shelly it would take him two weeks to resolve the issues. **Jami Pluff** will check with Chuck on the status.

**Laurence Kenmille** and **Agnes “Kelly” Kenmille** requested to meet with council in **executive session** to discuss an employment matter. **Jami Pluff**, Policy Analyst; and **Juliana Tanner**, S&K Gaming Human Resources Manager; were present for discussion.

Council reconvened into **regular session**.

**Bob McCrea** and **Ron Swaney**, Tribal Forestry, gave a fire update. The smoke is coming from northern California. Last week there were 11 fires (7 lightning caused and 4 person caused). 3 fires are in patrol status. The Division of Fire released all tribal contract equipment. They still have resources from Oklahoma, Arizona, and Alaska. Most of the folks from Oklahoma will be gone at the end of the month. **Anita Matt** commented on the air quality and individuals burning stubble fields. She asked who they got a permit from to burn and wanted to know if it is followed up on. Ron understood no permit was required. He has been told they have always had the authority to burn and we do not have jurisdiction over that property. The Division of Fire is trying to get the Type 2IA Crew funded. Ron appreciated the chairwoman speaking to Brian Mercier on that issue. Now Tony is taking it to a higher level. Ron wants to work with the Tribal Council to find a good solution for this issue. The Type 2IA Crew will be available on the boards on Friday and they will have the opportunity to go to northern California. As we see cooler temperatures, they will make their local resources available and we need to be part of the national efforts. **Chairwoman Fyant** spoke to Tony Incashola, Jr. this morning. Tony did outreach to the Chief National Forester and we should have a response by the end of the week, and they were told to work on the workforce development strategies. Bob suggested contacting Senator Tester. Shelly spoke to Darrin Williams and he explained how the wildland fire funding comes down. It is not specific to the Bureau of Indian Affairs. It is a chunk of money that gets divided up between agencies. **Carole Lankford** commented on the county allowing the farmer to burn his stubble fields. She thought the Tribes had a mutual aid agreement in place with the county. Bob said what happens is every FMO we have had has tried to do something about that and we run into it being an agriculture burn. He thinks Washington state is in the same place to do a burn. It has to be done for seeding. We have never been able to stop it since Bob has worked here. Carole thought it was a huge liability for the county to give that authorization since the weather is very dry. She did not know they complied with that mutual agreement we have. **Chairwoman Fyant** asked Jami Pluff to look into this as a policy matter with the County Commissioners. This could be something to bring up at the joint meeting between the Tribal Council and the County Commissioners. **Anita Matt** thought that it was severely dangerous to be burning right now because of how dry it is. It is something that they could wait to do until we get cooler

weather.

**Jean Matt, Rob McDonald, Dale Nelson, Chelsea Kleinmeyer, and Lisa Shourds**, Unified Command Team, gave an update. **Jean Matt** reported he appreciates the opportunity to serve. The team has helped with the return to work transition. It is important to note that this incident has been going on for 150 days now. The UCC has discussed the fatigue of the team members, and they continue to monitor and manage that. We are in a holding pattern and look forward to the agency providing guidance each time they report. **Chelsea Kleinmeyer** reported the numbers were not updated today. As of yesterday, the State has 6,489 confirmed cases, and 1,556 of those are active cases. There has been a total of 91 deaths across the state. As of this morning, Lake County has had a total of 201 cases, and 13 of those are active cases. There are currently no hospitalizations. There has been one COVID-related death in Lake County. Flu season is coming up. The County Public Health and Tribal Public Health are working on a plan to host a drive-through immunization event for influenza on September 30, 2020, at the Salish Kootenai College Gym parking lot. It will look a lot like the COVID testing event did. It is important that we vaccinate as many people as possible against the flu this year. **Jean Matt** commented on the possibility of administrative leave being granted for tribal employees to get immunized since September 30th is on a Wednesday. **Dale Nelson** gave an update on logistics. He has a few cloth reusable masks available. Dale is trying to hang on to the PPE he has in case things blow up. He has talked to all the local schools. Nkwusm will be on hold for a while, and Dale has PPE supplies for them when needed. Salish Kootenai College and Two Eagle River School received some supplies from him, and he hopes that will hold them over for their quasi openings. Dale ordered some more face shields and those should be here by the end of the month. **Anita Matt** saw that the Charlo School was advertising that they will be running their busses, and she asked if the students will be supplied with a mask when they get on the bus and if they will be practicing social distancing while riding the bus. Dale responded that Mark Clary is working with them, and he was not sure what the plan is. Tribal Transportation picked up quite a bit of PPE from him. **Jean Matt** said each school district left it up to the school boards to make the return decision and how transportation is done, and they are all different. The school boards are approving the plans and the UCC has not been asked for input from any of the schools. **Rob McDonald** reported that it is noticeable that the number of new cases has slowed down. Some days the numbers did not tick up at all for the county. All eyes are on the schools and what the impacts will be when school starts again. **Chairwoman Fyant** expressed her appreciation for the team keeping the Tribal Council informed. She attends their meetings whenever her schedule allows it. Shelly is anxious to see how it plays out when the schools reopen. **Martin Charlo** thanked the team for everything they do. Two Eagle River School held its graduation ceremony on Saturday. People wore masks and practiced social distancing. That was due to input from our team. Martin thanked everyone who

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assisted with that. The ceremony was streamed live on Facebook so the people that could not attend could watch it. Martin reminded everyone that they need to boost their immune systems for the flu season. People need to wear a mask when they are outside, try to get healthy, get a flu shot, go to the doctor for a checkup, and to watch their health. COVID-19 is a lot worse for people who have medical issues or are not healthy. **Jean Matt** reported that in mid-September, Tribal Health will start giving flu shots.

**Anita Matt** asked about the due date change for Mission Valley Power and wanted to know what that meant. **Jean Matt** explained that Mission Valley Power used to have five billing cycles (one a week per month). There were people throughout the service area with alternating due dates, which caused problems with the late fees. They have narrowed it down to two billing dates, one at the beginning of the month and one at the end of the month. There is also one billing date for irrigation. All late fees are waived during the transition period. This change in billing cycles was advertised in local newspapers for three weeks in June and in accordance with the requirement of the 638 contract. A better method needs to be figured out for advertising now that so many people read the newspapers from their cell phones.

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

**David Strohmaier, Josh Slotnick** and **Juanita Vero**, Missoula County Commissioners; **Sarah Bell, Casey Gannon, Andrew Hageman, Karen Hughes, Chris Lounsbury, and Chet Crowser**, Missoula County Planners and Staff; **Velda Shelby** and **Janet Camel**, Economic Development Office; **Jami Pluff**, Policy Analyst; **John Harrison** and **Mary Price**, Legal Department; **Tony Incashola, Sr.** and **Thompson Smith**, Salish Pend d'Oreille Culture Committee; met with council for an annual meeting. **Missoula County Services Evaluation Process**. **Chairwoman Fyant** saw this online and was curious about how the county evaluated the services. That is something the Tribes have been looking at during the pandemic since we had a partial shutdown and shelter in place, and the Tribal Council has been looking at services we provide to the membership. Casey is the project manager for the evaluation process. Missoula County initiated the community survey before COVID struck. Its purpose is to get some quality feedback from the community. They had never done a survey before. They worked with the National Research Center. The center has a standardized survey they use. This allowed the County to benchmark its results against other similar counties. The results will be presented to the County Commissioners next Wednesday. They did 1,700 mail surveys and had a 33% response rate. It was also available online to allow the entire community to give input. There was a geographic breakdown, it was split from city and outside city boundaries, and was broken down by demographics. That was very helpful. **Chairwoman Fyant** commented that the Tribes have been going through this with the departments as far as efficiencies. The partial shutdown was difficult

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for the tribal membership to access services and get a response during the shutdown; people were not getting a phone response. We came back to work on August 10 and we are still trying to get in full operations. Another change for us during the pandemic is having zoom meetings and livestreaming them on Facebook. David commented that this will prove useful during their budget process. The Missoula County Commissioners are elected officials and their constituents let them know what they want from their respective governments. When they adopt a budget, they hear general comments in terms of the values and services folks like or do not like. People think they should tighten their belt; rarely do they say what they want cut or what they don't like. They generally hear that people want more from their local government. This tool will help the commissioners see what services the community appreciates being provided and how they can better do what they do already. **Chairwoman Fyant** commented that the Tribal Council wants to initiate work plans to go along with our budgets to review the goals, objectives, outputs, and deliverables so the council will have the necessary data to make those decisions on.

**Missoula Place Names.** David Strohmaier commented in continuity with a partnership with the Tribes and working together to chart a future that is somewhat different than what is found in other counties across the state, the lands occupied in Missoula or any other county in Montana are the original homelands for people who have lived here since time immemorial. The names on the streets or pieces of infrastructure in our community only reflect the city fathers from the 1850-1860s. It does not reflect the diversity and deep history of this place we all call home. One concrete step Missoula County took in the last couple years was to recognize the history of this place and partnership they have with the Tribes is to rename and rededicate the conference room to be the Sophie Moiese Room. They dedicated the tribal flag in the Commissioner chambers. There are other names and places that are kind of mismatched in terms of how they are named and the connotations of those names. One name that came up in the planning by the airport and city boundaries is the Mullen area. It is a name that is a part of Montana's history. He is memorialized at Higgins Avenue and has a statue. As they have developed the master plan for the Mullen area and infrastructure, some of the constituents brought up what is the history of Captain John Mullen. The statue of John Mullen is located by the train station on Higgins Avenue. A series of these statues exist throughout the pacific northwest. As they looked at reconstructing and rebuilding the Higgins Avenue Bridge, he thought it would be great if this major piece of architecture and infrastructure in downtown Missoula was renamed to reflect the deep tribal heritage and history that remains today as a piece of our culture in western Montana. Renaming the Higgins Avenue Bridge is harder than he thought it would be. One path forward is to have the legislature take action to pass a law that would name and rededicate the bridge. The second path is taking the issue to the State Transportation Commission. A true accounting of history needs to happen to tell an accurate story of how we got here. It is a great first step and

not just symbolism.

**Tony Incashola, Sr.** commented that it is gratifying to see some of these things happening, such as the Tribes are starting to be recognized for who they are and the first people that were here. History is something that we must understand and know in order to build a better place for our next generation. That simple misunderstanding of history has created the mess that is out there today. There are things we do not like, but we need to go back and understand the history and the past in order to understand who we are and where we come from. There is a lot of growth between Missoula County and the CSKT people, simply because somebody was willing to step forward and create that connection, to create that first meeting, and create a better understanding. Tony has been at the Culture Committee for many years and saw the opportunity to grow from those stories, the information he got from his elders throughout the past 40-something years their stories they relayed to him that were told to them generations before. Those stories are important to relay to the next generation. We need to build that bond of respect to what is happening to our world. That foundation gives us a better understanding and bonds our relationships. Tony supports any efforts that accomplish that understanding and bonding. He hopes we all continue this relationship with an open heart. People are judged by their color or their looks. Tony was taught not to do that.

**Thompson Smith** commented this meeting is a welcomed change. This goes back to decades of research in the Missoula area. We had talked about how the elders looked at the landscape at Reserve Street and still saw their camps there until they were forced to stop digging there. Our efforts have not just been about documentation of place names but doing our best when the opportunity arises to return these names to our landscape and daily lives. Throughout the history, the simple act of cultural continuance to practice the traditional ways of live, modes of subsistence, ways of being in this world, the language constituted resistance because too often in the past the goal of the federal, state, and local governments was the extinguishment of tribal ways of life. So many non-Indian agencies, governments, and organizations became enthusiastic partners in this effort. Thompson discovered the strategy of deceit to tribal people in the council minutes and letters with other leaders. There was a friendship in the letters to the Tribes, but there was something else in the letters to each other. Thompson researched their paper records. They lay out their actual vision for the erasion of tribal people. Due to the heroics of tribal people, that objective was not successful. Tribal people are still here. It continues today. The signs themselves are the reflection of that. Thompson sent information on the research he did on the Mullen and Missoula areas.

**Chairwoman Fyant** advised that we had talked about renaming the Higgins Avenue Bridge in the past and she is glad to see it coming to fruition through one of the venues mentioned earlier. The Culture Committee worked hard on

these place name signs. This is a great project that Missoula County took upon themselves to initiate, and she appreciates that. **Charmel Gillin** commented that the document Tony and Thompson prepared was very moving and goes into the deep, especially as a first nation's descendant of those who walked there. The meaning for us is at a greater level for anyone else. She asked if there was any translation of the city's name within their signage or have they also brought out the translation of the name of the city and is that something that can also be done for public awareness.

**David Strohmaier** said they had discussed it at some length and talked to Tony and Thompson. There is a project underway to create an interpretive trail in downtown Missoula. Tony and Thompson have been involved in those conversations. They are still in the early stages of the project. That is a good opportunity to incorporate some reflection of the heritage of the name Missoula into how we are talking about this place and interpreting it for the public. They will narrow down the selection of what the name should be by getting input from the Tribes. **Charmel Gillin** was curious if there was additional translation for the city and appreciation of that name of itself to stand alone from the naming of the bridge. She did not want her comments to make them think they should refocus the project they are doing.

**Thompson Smith** reported that we have a sign at the Milltown State Park. We have created some signs about individual place names. The former site of Rattlesnake Dam and the place name for Rattlesnake Creek was discussed and a sign will be developed for that. There was some question around whether things are purely symbolic and the importance of symbolism. The area around Mullen and the Missoula valley as a whole was a prime bitterroot grounds. One thing that could be considered that would add substance to symbolism is to see how many remaining patches of bitterroot are still in the Missoula valley. There have been some bitterroot populations destroyed in recent years west of Reserve and between the airport. **David Strohmaier** extended his thanks for the background notes. That will be helpful to Tony and Thompson and how we ought to approach symbolism and the reality of what these places stand for. David looks forward to staying in touch with Tony and Thompson on these topics.

**COVID Relief Grants.** **Velda Shelby** reported that the Economic Development Office has been preparing business development grants to assist our tribally owned businesses with their adaptation, stabilization, and continued operations. They will let those out in the next couple of weeks. It is for people who are not comfortable with the PPP. Our businesses must be certified through the Indian Preference Office and in good standing with the state of Montana. She hopes to have those packaged and released this week. They must operate their business on the reservation. Going forward, EDO wants to expand that. They are looking at artist relief grants. The grant awards for business relief grants are up to \$30,000; \$20,000 for stabilization; \$10,000 for adaptability; and \$3,000 for

artists. This grant will help them out and stimulate the economy. Some artists lost revenue due to no pow wows or summer events this year.

**Homelessness & Supportive Housing.** **Janet Camel** discussed homelessness. We are building 9 single-family homes to address homelessness, overcrowded homes, and exposing elders to COVID-19. There will also be 20+ supportive housing units. They had 200 people and families who are homeless and in and out of that state by couch surfing, camping, and living with three families in a household. The Tribes have CARES Act funding to get them into safer living conditions. **Velda Shelby** talked about the supportive housing project. EDO has networked with the Missoula YMCA and the Missoula County Housing Authority. They will look at the idea of how to conduct operations and sustain operations, so we know what to expect in terms of operational costs and things associated with supportive housing. David asked about the criteria used for the artist relief grants. Velda explained that the artist relief is for people who typically consider themselves professionals and use art as their income and living expenses in the former year. We are not looking at new startups. It is to help people recover from what has happened and give them some working capital for 9.5 months. David has considered making the case to the Governor about making COVID-19 money available to arts and cultures in Missoula. Velda will share her information with them. The Montana Arts Council former grants is the model EDO used for the program.

**Smurfit Stone Site.** **Mary Price** gave an update. Since 2015, the CSKT and the Missoula County Commissioners joined forces on this issue. It is important to understand the landscape. She showed slides of the Smurfit Stone site when the pulp mill was constructed. The pulp and paper manufacturing used millions of gallons of water. Water discharged into the Clark Fork River. The State required them to treat those discharges. The treatment separated the solids and liquids. The solids are still on site. The liquid portions were treated and were discharged into large holding ponds before they were discharged directly or percolated through the ground water and ultimately discharged into the Clark Fork River. The Tribes have been the trustee for super fund issues. We want to restore the river where it is injured. The Environmental Protection Agency divided the site into three operable units (ag area, industrial footprint, and the operable unit 3, which is the waste management). This is 1,700 acres for operable unit 3 and includes the Clark Fork River wherever contaminants from the site could be located. This would entail river sediments where contaminants were deposited over time and are migrating downstream. EPA, with potential responsible parties, are looking to identify the contaminants, sources, and pathways as they move through the sites. EPA is doing a risk-based investigation, meaning they are looking at the risk to ecology to the site, as well as human health risks. They compare each contaminant produced on the site to risk-based thresholds to the extent that the contaminates exceed the risk-based threshold to determine how and if the site is cleaned up. We ensure the

risk assessment is done accurately and thoroughly and if the contaminants affecting their survival or reproduction of fish. Bull trout is an endangered species and of great importance to the CSKT. In addition to the ecological affects, these can have human health effects. In 2013, the Montana Fish, Wildlife & Parks sampled rainbow trout and northern pike from the Clark Fork River and found dioxins and contaminants to warrant an advisory for consumption. The Tribes are allowed to take fish in usual and accustomed places, and consume fish greater than recreation fishermen and put people at greater health risk that could be exacerbated by Native Americans who have other underlying risk factors, such as cancer, diabetes, and high blood pressure. That puts them at greater risk to consume these contaminated fish. EPA agreed to look at those fish as part of their risk assessment and add tribal subsistent fish to the human health assessment in addition to the recreational fishermen. A berm sustainability study is being done. They are worried about erosion of that berm during runoff. As part of the remediation, they need to be reconnecting the channel migration zone so the river can resume its natural movement across the floodplain and re-establish natural processes that create and support riparian. The site is devoid of vegetation. There is a new owner of the site now. EPA is reviewing the new owner status to see if it can be a potential responsible party. Mary thanked the Missoula County Commissioners for holding a public meeting on the exempt application for boundary line relocation. The site is actively being marketed. A comprehensive investigation needs to be done in a timely manner. **Josh Slotnick** informed council that they have asked the Department of Environmental Quality to hold a public hearing on permits for gravel mining operations. **Chairwoman Fyant** advised that the Tribes could provide a letter of support, if needed. The Tribes have an interest in the importance of this aboriginal territory and the health of the fish. **Mary Price** suggested that the hearing focus on operable unit 3, how gravel operations would affect the site, and what is the groundwater monitoring plan to ensure they are complying with that. David said we could all weigh in with the Montana Department of Environmental Quality on the proposals for gravel mining operations.

**Big Sky Passenger Rail Authority.** The Missoula County Commissioners have undertaken an effort to reestablish the Big Sky Passenger Rail Authority. They have 7 counties that have adopted joint resolutions to establish the authority and they have surpassed the threshold of number of counties that are needed to do this. Lake County was invited but did not sign on. The County Commissioners will be holding the Montana Passenger Rail Summit on September 17, and the Tribes were invited to attend the event. They are producing a video and asked if the Tribal Council was interested in being included in the production of that video.

**COVID-19 Documentation Project in Missoula County.** **David Strohmaier** commented that we are all living through a historic moment of time. It would be an opportunity lost if we do not document how we responded to this crisis. We

are looking back a century to see how folks in the nation responded to the global flu pandemic. They are working with the Historical Museum, Missoula County, City of Missoula, and the University of Montana to do interviews and use this moment to document how we are responding to this crisis for future generations. David invited the Tribes to participate in this and have staff representation at their meetings. We are in this together and our lessons learned may be different. **Chairwoman Fyant** commented that the schools came to the Unified Command Team about their senior graduations. The Unified Command Team had asked the schools to wait until June to hold a ceremony. All of the local schools held their graduations except for the tribal high school; those kids said they would wait rather than do a virtual graduation. They had their graduation last Saturday, and it was on Facebook Live. They were respectful of the Tribes' shelter in place order.

**Tribal Youth Campaign.** **Charmel Gillin** discussed the Youth Campaign. We had a successful campaign that started with the idea to engage our local youth and ask them to create messages for other youth that would raise the awareness of prevention measures needed to guard against the COVID-19 pandemic. It was supported by COVID Relief funds we received and was led by Michelle Mitchell, Rob McDonald, Jami Pluff, and the Foster Care Worker. We had them look at the pressure areas of the youth, such as the peer pressure issues, the possibility that some of them are struggling with the seclusion aspect of it, have no support at home, and being lonesome for their peer groups. It was used to raise awareness on how important it is as a tribal culture to share the importance of protecting them. It was a way to bring critical areas to the forefront and put it in the hands of our youth and devise a way to relay that. That came from musicians who have lots of followers. We used social networking avenues such as TikTok. We had a lively response and Associated Press coverage that went across the country. They had made some music videos. It honored our elders and was well done. **Chairwoman Fyant** reported that the CSKT may have them promote our Get Out The Vote and the 2020 Census efforts if we get the budget figured out. Shelly mentioned one of our ten priorities set early on with the CARES Act money was food security. The Tribal Council established a Food Sovereignty Committee in January and got a report from that committee. Shelly had mentioned Josh's name as part of that. Josh told her that he has a new Food Policy Board to provide policy recommendations and he will ask them to reach out to the Food Sovereignty Committee. **Martin Charlo** showed a video of the youth campaign. Foreshadow, Vvng Vin, the Pete Sisters, Chief Cliff Singers, and KiidTruth made a collaborative music video called United We Native. They also made individual videos too. **Len TwoTeeth** thanked the Missoula County Commissioners for acknowledging the history of our relatives by reaching out and acknowledging these specific places that were important to our relatives. We are working on these types of projects together, and that is great to see us do that. Len looks forward to working with them in the future on similar projects.

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

**Ellie Bundy McLeod** joined the meeting.

**Martin Charlo** informed the Facebook audience that the Two Eagle River School graduation ceremony was recorded and is available on the Tribal Council Facebook page.

**Rob McDonald**, Communications, gave an update on the Get Out The Vote. He will advertise the GOTV Coordinator position. We pay a part-time salary for that and coordinate activities. It will be out next week in the Char-Koosta News for two weeks. There was discussion about hiring emergency hire employees to do outreach by telephone. They will be targeting the individuals that are not registered to vote. Patrick Yawakie is doing drive-through activities. Rob encouraged the tribal leaders and folks to feel empowered to put out their own videos encouraging everyone to vote. **Chairwoman Fyant** reached out to the Sanders County Clerk & Records Office to see if they are doing a mail-in ballot. Our wish for mail-in ballots was relayed to them. They voted this morning and it was 3-2 in favor. There will be staff members one day a week at each community in Sanders County so people can drop off ballots and register to vote. **Carole Lankford** would like to see about doing videos for the GOTV effort. Rob thought the videos were very useful and successful in engaging the youth. The GOTV budget is \$5,000 and covers personnel, materials, and travel costs. It is a matter of economics on how we would pay for another video. Michelle Mitchell was researching funding sources. A portion of the Communication budget could be used for this effort. **Chairwoman Fyant** talked to Rick Eneas about possibly increasing the GOTV budget to engage those artists to do videos. **Martin Charlo** would like to increase the budget for the GOTV for this election and the Tribal Council election.

**MOTION** by Martin Charlo to increase the GOTV budget, pending Rob's request when he comes up with the exact amounts for the two additional coordinators and cost of the videos. Seconded by Fred Matt. Carried, unanimous (10 present).

**Dr. Garry Pitts**, Tribal Health Department, requested approval to purchase capital equipment from Midmark Corporation consisting of new sterilization equipment to meet accreditation requirements and enhanced COVID sterilization protocols for a cost of \$20,919.60.

**MOTION** by Martin Charlo to approve the purchase of capital equipment from Midmark Corporation consisting of new sterilization equipment to meet accreditation requirements and enhanced COVID sterilization protocols in the amount of \$20,919.60. Seconded by Carole Lankford. Carried, unanimous (10 present).

**Joe Durglo** and **Carla Tanner**, Tribal Health Department, requested approval of a revised organizational chart to change the title of the AP-AR Bookkeeping Specialist to AP-AR Bookkeeping Specialist Payroll Supervisor.

**MOTION** by Bing Matt to approve the revised organizational chart to change the title of the AP-AR Bookkeeping Specialist to AP-AR Bookkeeping Specialist Payroll Supervisor. Seconded by Fred Matt. Carried, 8 for; 2 abstentions (Charmel Gillin and Martin Charlo).

**Patricia Courchane** and **Dana Morales**, Department of Human Resources Development, requested approval to hire Celstina Bonilla on a one-year contract to fill the Foster Care Worker position. The vacancy was advertised and there were no tribal member applicants.

**MOTION** by Len TwoTeeth to approve the hire of Celstina Bonilla on a one-year contract to fill the Foster Care Worker position. Seconded by Anita Matt. Carried, unanimous (10 present).

**Patricia Courchane** and **Dana Morales**, Department of Human Resources Development, requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

**Patricia Courchane**, **Constance Morigeau** and **Anna Curley**, Department of Human Resources Development, requested approval to hire Pauline Dupuis on a one-year contract to be a personal home care giver to Forrest Dupuis from 8/31/2020 to 8/31/2021. **Charmel Gillin** pointed out inconsistent language regarding the termination clause being 5 days in one place and two weeks in another place.

**MOTION** by Charmel Gillin to authorize the hire of Pauline Dupuis on a one-year contract to be a personal home care giver to Forrest Dupuis from 8/31/2020 to 8/31/2021, pending the correction on the termination clause to be five days. Seconded by Carole Lankford. Carried, unanimous (10 present).

**Patricia Courchane**, **Constance Morigeau** and **Anna Curley**, Department of Human Resources Development, requested to meet with council in **executive session** to discuss a departmental issue.

Council reconvened into **regular session**.

**Carole Lankford** left the meeting to attend the Homeless meeting.

**Renee Camel** and **Chuck Sanger**, Information Technologies, requested approval of a contract with Intellichoice Inc. for eFORCE software to be used by CSKT Law Enforcement. This software allows the ability to issue electronic citations for law enforcement. The cost is \$198,690.58 and will be funded by the CARES Act funding. It has a five-year warranty. The contract was reviewed by the Legal Department.

**MOTION** by Martin Charlo to approve the contract with Intellichoice Inc. in the amount of \$198,690.58 for the eFORCE software to be used by CSKT Law Enforcement. Seconded by Anita Matt. Carried, unanimous (9 present – Carole Lankford out of the room attending a homeless meeting).

**Mark Couture**, Tribal Lands Department, requested to meet with council in **executive session** to discuss a land issue.

Council reconvened into **regular session**.

**MOTION** by Anita Matt to approve the resolution, with the changes that were discussed. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 1 not voting (Carole Lankford out of the room attending a homeless meeting).

#### **RESOLUTION 20-145**

#### **RESOLUTION FOR THE PURCHASE OF DISTRESSED HUD SECTION 184 GUARANTEED PROPERTIES**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes is a federally recognized Tribe;

**WHEREAS**, the Confederated Salish and Kootenai Tribes are authorized to purchase from the U.S. Department of Housing and Urban Development (HUD) distressed HUD Section 184-guaranteed properties and/or property interests for which: 1) the borrowers have defaulted on the loans; 2) the lenders have assigned the loans to HUD pursuant to HUD Section 184 program procedures; 3) HUD secured a judicial foreclosure of the property and/or property interest; and 4) HUD purchased the property and/or property interest at a court-ordered sale.

**NOW, THEREFORE, BE IT RESOLVED**, that the Confederated Salish and Kootenai Tribes will purchase the distressed HUD Section 184 guaranteed properties from HUD.

**BE IT FURTHER RESOLVED** that the Tribal Council designates the Tribal Lands Department to provide such information as may be required and to execute on behalf of the Tribes all documents necessary to accomplish the purchase of the distressed HUD Section 184 guaranteed properties.

**Mark Couture**, Tribal Lands Department, requested approval to advertise the 2020 Agriculture Fall Bid.

**MOTION** by Len TwoTeeth to approve the advertisement of the 2020 Agriculture Fall Bid. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present – Carole Lankford out of the room attending homeless meeting).

**Lynn Ducharme**, Natural Resources Department, requested approval of a resolution authorizing the purchase of resident fish property from Terry Lynn Cable that will be acquired with Bonneville Power Administration funding.

**MOTION** by Anita Matt to approve by resolution the purchase of the Fort Connah property, to be acquired with Bonneville Power Administration funding. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 1 not voting (Carole Lankford out of the room attending a homeless meeting).

#### **RESOLUTION 20-146**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND AS RESIDENT FISH MITIGATION HABITAT**

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

**WHEREAS**, the Tribal Council is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

**WHEREAS**, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein;

**WHEREAS**, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402);

**WHEREAS**, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration (“BPA”), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation (“2019-2022 Resident Fish MOU”), dated September 27, 2018 to provide for BPA to fund, and the Tribes to implement, the permanent protection

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and mitigation of resident fish habitat to help fulfill BPA's duties under the Northwest Power Act, and specifically to partially mitigate the direct construction and inundation impacts of Hungry Horse Dam;

**WHEREAS**, the Tribes, pursuant to the terms of the 2019-2022 Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

**WHEREAS**, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

**WHEREAS**, a parcel of land referred to as the "Cable (Fort Connah) Parcel" (described below) qualifies for acquisition with BPA funds pursuant to the 2019-2022 Resident Fish MOU;

**WHEREAS**, Terry Lynn Cable, owns land and appurtenant natural resources containing resident fish habitat in and around Post Creek as real property more particularly described as:

A tract of land located in the NW1/4NW1/4 of Section 18, Township 19 North, Range 19 West, P.M.M., Lake County, Montana, further shown and described as being Tract A on Certificate of Survey NO. 7372 FT, Records of Lake County, Montana.

**WHEREAS**, Terry Lynn Cable has offered to sell all of her right, title, and interest in the above-described real property to the Tribes;

**WHEREAS**, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

**WHEREAS**, BPA has agreed to provide funding for purchase of the above-described real property;

**THEREFORE, BE IT RESOLVED**, that the above-described real property be purchased from Terry Lynn Cable and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the 2019-2022 Resident Fish MOU for payment of land acquisition and closing costs;

**BE IT FURTHER RESOLVED**, that the Tribal Lands Department is authorized to submit to the Bureau of Indian Affairs an application for the Interior Secretary to take title to the above-described real property in the name of the United States

in trust for the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968, Public Law 90-402 (82 Stat. 356); and

**BE IT FINALLY RESOLVED**, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

**Lynn Ducharme**, Natural Resources Department, requested approval of a resolution authorizing the purchase of the Crow Creek property, to be acquired with Bonneville Power Administration funding.

**MOTION** by Len TwoTeeth to approve by resolution the purchase of the Crow Creek property, to be acquired with Bonneville Power Administration funding. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 1 not voting (Carole Lankford out of the room attending a homeless meeting).

#### **RESOLUTION 20-147**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND AS RESIDENT FISH MITIGATION HABITAT**

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

**WHEREAS**, the Tribal Council is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

**WHEREAS**, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein;

**WHEREAS**, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402);

**WHEREAS**, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration (“BPA”), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation (“2019-2022 Resident Fish MOU”), dated September 27, 2018 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat to help fulfill BPA’s duties under the Northwest Power Act, and specifically to partially mitigate the direct construction and inundation impacts of Hungry Horse Dam;

**WHEREAS**, the Tribes, pursuant to the terms of the 2019-2022 Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

**WHEREAS**, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

**WHEREAS**, a parcel of land referred to as the “Grantree (Crow Creek) Parcel” (described below) qualifies for acquisition with BPA funds pursuant to the 2019-2022 Resident Fish MOU;

**WHEREAS**, Grantree Estates, LLC, owns land and appurtenant natural resources containing resident fish habitat in and around Crow Creek as real property more particularly described as:

Parcel 1:

A portion of the W½ of Section 15, Township 20 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as being Tract 1 on Certificate of Survey NO. 5780, on file in the Office of the Clerk and Recorder of Lake County, Montana.

Parcel 2:

A portion of the W½ of Section 15, Township 20 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as being Tract 2 on Certificate of Survey NO. 5780, on file in the Office of the Clerk and Recorder of Lake County, Montana.

**WHEREAS**, Grantree Estates, LLC has offered to sell all of its right, title, and interest in the above-described real property to the Tribes;

**WHEREAS**, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

**WHEREAS**, BPA has agreed to provide funding for purchase of the above-described real property;

**THEREFORE, BE IT RESOLVED**, that the above-described real property be purchased from Grantree Estates, LLC and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the 2019-2022 Resident Fish MOU for payment of land acquisition and closing costs;

**BE IT FURTHER RESOLVED**, that the Tribal Lands Department is authorized to submit to the Bureau of Indian Affairs an application for the Interior Secretary to take title to the above-described real property in the name of the United States

in trust for the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968, Public Law 90-402 (82 Stat. 356); and

**BE IT FINALLY RESOLVED**, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

**Lynn Ducharme**, Natural Resources Department, requested approval of a resolution authorizing the purchase of the Pearlshell property that will be acquired with Bonneville Power Administration funding.

**MOTION** by Bing Matt to approve by resolution the purchase of the Pearlshell property, to be acquired with Bonneville Power Administration funding. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 1 not voting (Carole Lankford out of the room attending a homeless meeting).

### **RESOLUTION 20-148**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND AS RESIDENT FISH MITIGATION HABITAT**

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

**WHEREAS**, the Tribal Council is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

**WHEREAS**, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein;

**WHEREAS**, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402);

**WHEREAS**, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration (“BPA”), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation (“2019-2022 Resident Fish MOU”), dated September 27, 2018 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat to help fulfill BPA’s duties under the Northwest Power Act, and specifically to partially mitigate the direct construction and inundation impacts of Hungry Horse Dam;

**WHEREAS**, the Tribes, pursuant to the terms of the 2019-2022 Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

**WHEREAS**, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

**WHEREAS**, a parcel of land referred to as the “Morton (Pearlshell) Parcel” (described below) qualifies for acquisition with BPA funds pursuant to the 2019-2022 Resident Fish MOU;

**WHEREAS**, Brenda Morton, owns land and appurtenant natural resources containing resident fish habitat in and around the Jocko River as real property more particularly described as:

A portion of the SW1/4NE1/4 of Section 27, Township 17 North, Range 20 West, P.M.M., further shown and described as Parcel 2 on Certificate of Survey NO. 7335FT, records of Lake County, Montana. Together with a forty foot (40') wide access and utility easement as shown and described as Easement A on Certificate of Survey NO. 7335FT, Records of Lake County, Montana.

**WHEREAS**, Brenda Morton has offered to sell all of her right, title, and interest in the above-described real property to the Tribes;

**WHEREAS**, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

**WHEREAS**, BPA has agreed to provide funding for purchase of the above-described real property;

**THEREFORE, BE IT RESOLVED**, that the above-described real property be purchased from Brenda Morton and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the 2019-2022 Resident Fish MOU for payment of land acquisition and closing costs;

**BE IT FURTHER RESOLVED**, that the Tribal Lands Department is authorized to submit to the Bureau of Indian Affairs an application for the Interior Secretary to take title to the above-described real property in the name of the United States in trust for the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968, Public Law 90-402 (82 Stat. 356); and

**BE IT FINALLY RESOLVED**, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

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**Chelsea Colwyn**, Legal Department, gave an update on new proposed regulations for oil and gas development on Forest Service lands to be released later this summer. The Tribes had not been contacted for consultation, so they sent a letter to the Regional Forest Service asking them to talk about the regulations and why they did not reach out to consult with us. There was a meeting last week and they let us know they had intended to reach out for consultation, but that did not happen due to a change in personnel. They were unaware of it until they received our letter and they sent their apologies. The Regional staff never saw the new regulations coming out on the national levels. They told us they thought they would be released by late September or early October and there would be a 120-day public comment period. There will be a webinar in September on the proposed regulations. There will be a consultation package coming from the Washington office prior to the release of the proposed regulations. The CSKT will receive a consultation package in the mail. The Regional foresters are willing to talk to us about the regulations after they all get the chance to review them.

**Chelsea Colwyn**, Legal Department, gave an update on the working group that is working on the Reservation Research Review Board. They are developing an interim process to be in place before the board is in place. Chelsea hopes to give a presentation next week. The group needs to think about how it works with the Salish Kootenai College Internal Review Board.

**Shelly Fyant** discussed the former railroad property in Arlee where there used to be a railroad station. That station is now abandoned. Shelly asked if there was something in their right of way or easement that says the property would revert back to the Tribes once it was abandoned. An individual saw something similar happening in Polson where the tract was abandoned and now people are occupying it. Shelly does not know if it is leased out or what. **Chelsea Colwyn** knows it has been an issue in lots of places where railroads are being abandoned and there is uncertainty about who the land reverts to. The railroad laws seem to vary. Chelsea will look into it and report back to council.

**Stu Levit**, Legal Department, gave an update from last week's discussion about consulting with the federal agencies on the Columbia River operations. The record of decision should be coming out soon. Stu will send a briefing and talking points to the Tribal Council.

**Dan Decker**, Legal Department, presented a request to allow Steve Lozar to travel to Helena to attend the new Historical Center groundbreaking event and provide the prayer for the new facility. Steve is a member of the Historical Society Board. **Charmel Gillin** asked about the travel policy. **Chairwoman Fyant** advised there is no employee work-related travel allowed. **Martin Charlo** commented that is why the COVID Committee was put in place to handle travel requests during the COVID shutdown so they would not go to council.

**Chairwoman Fyant** advised that there is no longer a COVID Committee, because we went back to the pre-COVID policy, which is no employee work-related travel.

**MOTION** by Anita Matt to approve a travel request for Steve Lozar to travel to Helena to attend the Historical Center groundbreaking to provide the opening prayer of the new facility. Seconded by Mike Dolson. Carried, 5 for (Anita Matt, Mike Dolson, Fred Matt, Len TwoTeeth, and Bing Matt); 3 opposed (Shelly Fyant, Ellie Bundy McLeod and Martin Charlo); 1 abstention (Charmel Gillin); 1 not voting (Carole Lankford out of the room attending a homeless meeting).

*Ellie Bundy McLeod, for the record "I opposed to be consistent with the no travel policy."*

**Dan Decker, Brian Upton, Ryan Rusche, Stu Levit, Chelsea Colwyn, Mary Price, John Harrison, and Michael Wheeler**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

**Carole Lankford** returned to the meeting.

**Council** met in **executive session**. **Dan Decker**, Legal Department, was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Charmel Gillin to adjourn the meeting.

Council **adjourned** at 3:36 p.m., and is scheduled to meet again on Thursday, August 27, 2020, at 9:00 a.m.

### **CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Ellie Bundy McLeod  
Tribal Secretary