

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

Volume 20 Number 31
Council Chambers, Pablo, MT

Held: January 23, 2020
Approved: January 30, 2020

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

OTHERS PRESENT: Jami Pluff, Policy Analyst; James Steele, Sr., Sergeant at Arms; and Jennifer Trahan, Council Office Manager/Recording Secretary.

The meeting was called to **order** at 9:03 a.m. Quorum established.

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

The **agenda** was presented for approval. No conflicts of interest were identified. Additions were made to the agenda.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (10 present).

Francis Pierre, Tribal Member, asked the councilmembers what they had against him and discussed ongoing issues/allegations that he has with Tribal Credit. Frank told council that he has made some payments on his loans and he believes Tribal Credit has tampered with his records and are now saying he owes money. Mr. Pierre would like this matter resolved. **Council** advised that they have no issue with Frank. The council had Rick Eneas look into this issue, and there was no evidence of Frank’s allegations. **Len TwoTeeth** looked into this matter and there is nothing else the council can do for Frank. **Carole Lankford** suggested having Rick Eneas, Pete White, Frank Pierre, and the Tribal Council sit down and go through all the documentation. This matter has been reviewed by five different people and nothing has changed. **Pete White**, Tribal Credit, explained how the loan software works and how payments are receipted. Tribal Credit has three separate sets of controls looking at all payments. Pete had asked Mr. Pierre to provide a copy of the receipts he says he has for the payments he claims he made. Without any evidence of payments made, there is nothing Tribal Credit can do. **Chairwoman Fyant** explained that a forensic audit was conducted on Frank’s loans. If he has any receipts for the payments he

claims were not credited to his account, then he needs to provide proof of those payments. **Council** requested that Mr. Pierre provide his request in writing. It was the **consensus** of council to meet with Mr. Pierre on Monday, January 27, 2020, at 10:00 a.m., to bring resolution to this matter.

Whisper Camel-Means, Natural Resources Department, requested permission to apply for a grant to the Saint Louis Zoo in the amount of \$10,000.00 without the IDC of \$1,655.00 taken out of it to host the Birds, Bears and Bees Festival. The event is to bring science, art and Native American culture together. The grant does not allow for IDC to be included. **Charmel Gillin** supported the grant but is opposed to waiving the IDC. **Carole Lankford** questioned whether this needs to be reviewed by Rick Eneas. **Anita Matt** commented that IDC waivers add up and she preferred waiting until Rick is present for discussion. **Martin Charlo** commented that the grant does not allow IDC, so it is not a waiver of the IDC. He would like this revisited this afternoon since the deadline to apply is nearing.

MOTION by Martin Charlo to support the grant without IDC. Seconded by Carole Lankford. Carried, 9 for; 1 opposed (Fred Matt).

Willie Keenan, Natural Resources Department, requested approval to submit initial application packages to project officers and/or via the www.grants.gov website by February 14, 2020. Funding opportunity notices for Fiscal Year 2020-2022 Environmental Grant. It includes Brownsfield response.

MOTION by Anita Matt to approve by resolution submission of fiscal year 2021 and 2022 Environmental Grant Applications to the US Environmental Protection Agency. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION NO. 20-057

RESOLUTION TO APPROVE THE SUBMISSION OF FISCAL YEAR 2021 AND 2022 ENVIRONMENTAL GRANT APPLICATIONS TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes considers protection of the environment on the Flathead Indian Reservation to be among its highest priorities; and

WHEREAS, the Natural Resources Department, Division of Environmental Protection is held with the responsibility of protection of the environment; and

WHEREAS, the Tribes are eligible to apply for Environmental Grants to the Environmental Protection Agency; **NOW, THEREFORE**,

BE IT RESOLVED that the Environmental Protection Agency be requested to make funds available for a following programs; Under the Performance Partnership Grant (PPG) is the General Assistance Program (GAP), Clean Air Act Section 105 program, Clean Water Act (CWA) Section 106 program, Nonpoint Source 319, and stand-alone Wetland Management Program, Clean Air Act Section 103, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Brownfields Tribal Response, Environmental Justice Collaborative Problem-Solving (EJCPS) Grant, and the Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) programs for the period September 1, 2020 through September 30, 2022 to continue development of environmental protection program capability on the Flathead Reservation as described in the attached proposals;

BE IT FURTHER RESOLVED THAT, the Tribal Council Chairwoman and her designated representative are authorized to negotiate and execute the contract documents and any amendments thereto.

Jody Perez, Salish Kootenai Housing Authority, requested approval of a resolution for SKHA to apply for the current 2019-2020 Indian Community Development Block Grant that includes Citizens participation. Citizen participation was required. A public comment period and a meeting at SKHA were held and there was no participation. The application will remain as it was originally presented. The grant would provide funding to do housing rehab on private homes; home ownership, such as down payment assistance and closing costs; public service, which will allow for community events in homesites; college scholarships; and pay expenses for the West Native American Basketball tournament in Denver. **Chairwoman Fyant** asked about homelessness. Jody explained that this grant does not include homelessness. She understood that she was to work with Lands on that issue and Mark found a building for a center. They are going to have a meeting about that. This is the annual grant SKHA applies for. A homeless shelter opened up in Polson, but it is not through Housing. Scooby's House offers housing for up to one year and is for men only.

MOTION by Carole Lankford to approve by resolution the 2019-2020 Indian Community Development Block Grant that includes Citizens participation language. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION NO. 20-058

RESOLUTION CERTIFYING CITIZEN PARTICIPATION REQUIRED FOR SUBMISSION OF A FISCAL YEAR 2019-2020 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION BEING SUBMITTED ON BEHALF OF THE TRIBES

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes (“Tribes”) is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

WHEREAS, pursuant to Resolution No. 20-032, the Tribes approved and authorized the Salish and Kootenai Housing Authority (“SKHA”) to apply for a fiscal year 2019-2020 Indian Community Development Block Grant (“ICDBG”) in support of housing rehabilitation and homeownership assistance activities on behalf of the Tribes; and

WHEREAS, the Tribes, by and through SKHA, have solicited the views and comments of the tribal community about using ICDBG funds for housing rehabilitation and homeownership assistance through public meetings and requests for written comments in compliance with 24 CFR 1003.604(a), and has considered the responses prior to the submission of the 2019-2020 ICDBG application;

NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that all requirements for Citizen Participation have been met according to 24 CFR, part 1003.604, for both 2019-2020 ICDBG projects.

Bing Matt asked SKHA to consider an exemption for elders on the water/sewer payments. There was another increase for those services and many elders are on a fixed income. He wondered if it could be set up so the elders do not have to pay this fee. **Jody Perez** informed council that there are 55 people that are aged 62 and older. The \$31.00 per month connection fee would amount to \$450 per month less revenue, and that could be sustained by SKHA. If council makes that request, she can present it to Bud and figure out how to make it work to remain at the \$31.00. The increase was due to the department not being self-sustaining and it had to be subsidized since the monthly rates did not cover the expenses. A treatment plant was installed in St. Ignatius and it was expensive. It continues to be an expense that the revenues generated are being used toward. SKHA also wanted to hire a meter reader. A billing-per-usage method is what SKHA wants to get to so people pay their fair share for over consumption. Money is needed for that position. **Carole Lankford** suggested taking this to the

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Housing Board since it is a board decision. When the water compact comes through, hopefully this will be resolved. We could figure out how much it costs SKHA to reduce those costs. If we do not cover it, then it is the other people that are not elders that are going to have to pay it. The tribal council needs to know what that cost is. Instead of increasing the elder stipend payment, we could possibly use that fund to help with these expenses until the water compact comes through. There are many people that have a hard time making it that are not elders. Jody reported that Housing pays for the homesites. It would be \$4.00 more for each connection. She is open to suggestions and she will take it to the board. Elders have a set rate. It is not a large number of elders, so it should not impact their resources that much.

Charmel Gillin brought up the homelessness task and asked if Jody's explanation was what council's understanding was. She thought SKHA had to do research, and then come back with information after cross-communication with other departments so the tribal council could make a determination what the priority is going to be. That is what she thought council asked Housing to do. Jody responded that is what was done initially. The report showed how much the Department of Human Resources Development contributed financially. SKHA reported on the Transitional Living Center. Then we started seeing how it applies to who is not eligible and why. That just started this year. Jody does not have the statistics Charmel wants. Jason had told Jody that Suzette might have some information about a homelessness study that was done. **Bing Matt** wanted to make it clear that his request is to waive the payment requirement for water/sewer services for all elders, which amounts to \$20,000.00 per year. Jody commented that the overall increase was going to be \$60,000, so if we waived elders it would be a \$40,000 increase, which is not enough money for a meter reader. SKHA would have to find another way. The board approved the new position and there is already someone in line to be hired as the operator in training, so Housing would have to change direction. She can take it to the board and come back with options. **Chairwoman Fyant** commented that we went through the public hearing process and this is something after the fact, so it could be something that we deal with next fiscal year. SKHA has the lowest rates. **Katie McClure** reported that there are eight units available. Some of the units have been offered multiple times and people turned them down. **Michelle Mitchell**, Tribal Education Department, informed council that all schools mark and identify homeless students, and she can get council the data that was collected. **Martin Charlo** asked if they have included the Tribal Defenders Office; it could be valuable to include them because they do a lot of work with homelessness. Just because there are vacant units does not mean there is a lack of homelessness on the reservation. **Carole Lankford** requested that the board meeting minutes be sent to the council, which is a requirement. Jody will compile the stats and provide them to the council, and she will start sending the board minutes to tribal council.

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

Michelle Mitchell, Tribal Education Department, requested permission to apply for the Pot Latch grant in the amount of \$10,000 to revitalize the summer camps at Blue Bay. There will be a backup plan for the camp if Blue Bay does not work out.

MOTION by Ellie Bundy McLeod to approve by resolution the Pot Latch grant in the amount of \$10,000 for summer projects. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION NO. 20-059

RESOLUTION AUTHORIZING THE EDUCATION DEPARTMENT TO APPLY FOR FUNDING FROM THE POTLATCH FUND – HEALTHY PATHWAYS FOR NATIVE YOUTH

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

WHEREAS, The Potlatch Fund has published a request for proposals for Healthy Pathways for Native Youth to provide summertime projects in Native youth as our current and future leaders; and

WHEREAS, The Tribal Education Department is an eligible entity under this program area by virtue of the ongoing supporting initiatives that address the strengthening of resiliency, cultural identity and awareness, increase positive engagement in their community and promote healthy choices and lifestyles; and

WHEREAS, the Tribal Education Department believes that our Native youth in our communities have a wealth of knowledge to address their own issues given adequate resources; and

NOW THEREFORE, BE IT RESOLVED, that the Potlatch Fund, be requested to make available a grant, pursuant to the terms of the request for proposal, to The Tribal Education Department; and

BE IT FURTHER RESOLVED that the Chairwoman of the Tribal Council or her delegated representative is authorized to execute the transactional documents necessary to administer the grant on behalf of the Confederated Salish and Kootenai Tribes.

Michelle Mitchell, Tribal Education Department, requested permission to apply to the Headwaters Foundation for both a GO! Grant as well as a sponsorship to

purchase a refrigerator with food, hygiene supplies, and natural lice kits to supply the local schools.

MOTION by Len TwoTeeth to approve by resolution to apply for funding from the Headwaters Foundation for both a GO! Grant and up to \$5,000 sponsorship. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION NO. 20-060

RESOLUTION AUTHORIZING THE EDUCATION DEPARTMENT TO APPLY FOR FUNDING FROM THE HEADWATERS FOUNDATION – GO! GRANTS

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

WHEREAS, The Headwaters Foundation has an ongoing need for proposals. GO! Grants offer a once-a-year grant up to \$5,000 for general operating support; and

WHEREAS, The Tribal Education Department is an eligible entity under this program area by virtue of the ongoing supporting initiatives that address the strengthening of resiliency, cultural identity and awareness, increase positive engagement in their community and promote healthy choices and lifestyles; and

WHEREAS, the Tribal Education Department believes that we will have the highest impact by utilizing an on-site support model and thus have began creating a program support tribal youth and families in their schools; and

NOW THEREFORE, BE IT RESOLVED, that the Headwaters Foundation, be requested to make available a grant, pursuant to the terms of the request for proposal, to The Tribal Education Department; and

BE IT FURTHER RESOLVED that the Chairwoman of the Tribal Council or her delegated representative is authorized to execute the transactional documents necessary to administer the grant on behalf of the Confederated Salish and Kootenai Tribes.

This sponsorship would include beaded feathers to all the tribal member graduates at the graduation ceremony.

MOTION by Ellie Bundy McLeod to approve by resolution to apply to the Headwaters Foundation for both a GO! Grant and up to \$2,500 sponsorship. Seconded by Michael Dolson. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION NO. 20-061

RESOLUTION AUTHORIZING THE EDUCATION DEPARTMENT TO APPLY FOR FUNDING FROM THE HEADWATERS FOUNDATION – SPONSORSHIP

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

WHEREAS, The Headwaters Foundation has an ongoing priority for sponsorships, in which up to \$2,500 sponsorships to support nonprofit activities and events throughout western Montana that directly serve children and families

WHEREAS, The Tribal Education Department is an eligible entity under this program area by virtue of the ongoing supporting initiatives that address the strengthening of resiliency, cultural identity and awareness, increase positive engagement in their community and promote healthy choices and lifestyles; and

WHEREAS, the Tribal Education Department, has prepared an application for funding under the above program to support our annual CSKT Tribal Education Graduation Celebration in partnership with Salish Kootenai College during their Graduation Pow Wow weekend, ; and

NOW THEREFORE, BE IT RESOLVED, that the Headwaters Foundation, be requested to make available a sponsorship, pursuant to the terms of the request for proposal, to The Tribal Education Department; and

BE IT FURTHER RESOLVED that the Chairwoman of the Tribal Council or her delegated representative is authorized to execute the transactional documents necessary to administer the grant on behalf of the Confederated Salish and Kootenai Tribes.

Trisha White and **Marlene Lafromboise**, Victim Assistance Program, requested approval to submit an application to the U.S Department of Justice OVW Fiscal Year 2020 Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program Solicitation.

MOTION by Fred Matt to approve by resolution submission of an application to the U.S Department of Justice OVW Fiscal Year 2020 Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program Solicitation. Seconded by Len TwoTeeth. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION NO. 20-062

TRIBAL COUNCIL RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO U.S. DEPARTMENT OF JUSTICE OVW FISCAL YEAR 2020

RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING PROGRAM SOLICITATION

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

WHEREAS, the Confederated Salish and Kootenai Tribes (CSKT) has proactively addressed domestic violence, sexual assault, and stalking on the Flathead Reservation through the creation and support of the CSKT Victim Assistance Program in 1995.

WHEREAS, the Victim Assistance Program provides wrap-around services to victims of partner and family violence, sexual assault and stalking, and that continued funding of the program will enhance offender accountability and victim safety.

WHEREAS, promoting a multi-disciplinary approach to improving the criminal justice systems' response to violence against women on the Reservation is important to the health and welfare of the reservation community; **NOW, THEREFORE**,

BE IT RESOLVED, the Tribal Council supports the submittal of the CSKT Victim Assistance Program's grant application for the OVW Fiscal Year 2020 Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program Solicitation Funds by the submission date of January 27, 2020.

BE IT FURTHER RESOLVED, that the Confederated Salish and Kootenai Tribes support the grant application to provide funding for continuation of services for victims of partner and family-member violence, sexual assault and stalking by the Victim Assistance Program.

Carole Lankford left the meeting to attend a Casey Family meeting until 1 p.m.

Rick Eneas, Office of Financial Management, gave an update on the IDC rate for the Confederated Salish and Kootenai Tribes. Rick received a note from Whisper Camel-Means about her request. IDC is for indirect cost. It is a rate that is applied to our grants, and is a rate that is built and based upon the costs for us to administer services. There is a detailed formula that goes into the calculation of IDC. It is based on the requirements in place through FAR. It takes our IDC pool and says these are the services costs incurred to administer programs. This is a mechanism for us to recover those costs. It is things such as Information Technologies, Facilities Maintenance, Personnel, etc. We take our total costs for those things, divide them by the total cost of non-IDC things and take a ratio of that. That gets reviewed and approved by our oversight agency every year and they approve our rate. This year's rate is 16.5 percent. Because it is a cost

recovery function, that means we already incurred those costs. When we waive or cap IDC, that means the costs do not go away so our general fund covers the shortfall. **Chairwoman Fyant** told Rick that \$1,655.00 is the estimated cost of the IDC on that grant. She thought we made up the money on other tribal dollars. Rick explained that we do not have a mechanism to charge greater than the 16.5 percent. We cover that cost from our general fund. Rick commented on a question by Whisper whether we want to continue to apply for grants that do not include IDC. That is a difficult question to answer. If it were an important issue, we would want to apply for the grants even if we have to cover the IDC from the general fund, but he does encourage everyone to keep IDC in mind when applying for grants and include IDC if possible. When a grant does not include IDC, that means there will be something else that the general fund will not have funding for.

Rick Eneas, Ruth Swaney and **John Whitworth**, Office of Financial Management, presented the fourth quarter fiscal year 2019 Financial Report of Revenue and Expenses.

Rick Eneas and **Amerra Webster-Yaqui**, Office of Financial Management, gave an update on climate/sustainability policy formulation, serving as the Climate Change Policy Fellow through the Lead for American Fellowship and gave a brief orientation for the council.

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

Carole Lankford returned to the meeting.

Mitzi Racine-Hearns, Byron Larson, Kalu Onwuchekwa, Sonya BigLeggins, Lauren Big Hair, Helen Tesfai, and **Tina Has The Eagle**, Rocky Mountain Tribal Leaders Council's Good Health and Wellness in Indian Country, requested approval of a letter supporting the Rocky Mountain Tribal Leaders Council's Good Health and Wellness in Indian Country program (GHWIC) 1NU58DP006732-01-00 in its efforts in obtaining timely, accurate data on commercial and traditional tobacco use in our community. The tobacco survey was facilitated amongst all tribes in 2018-2019. The survey provided the baseline data needed. This assisted in providing knowledge about each community's traditional and commercial tobacco use, attitudes and beliefs, quit efforts, cessation, cessation resources, secondhand smoke exposure, third hand smoke exposure, smoke free policies, and enforcement of smoke free policies. This information has and will be used to identify needs as well as assisting in the development of outreach and education activities, in order to reduce cancer and heart disease which are both strongly associated with smoking commercial tobacco. The survey is voluntary, and participants can choose to stop participation at any time without negative consequence. A summary of findings

has been shared and will continue to be shared with tribal organizations and the Rocky Mountain Tribal Leaders Council Board members.

MOTION by Len TwoTeeth to approve the letter of support for the Tobacco Survey. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Carole Lankford).

Troy Felsman, Allen Sloan and Pete White, S&K Gaming Board of Directors; and **Bryon Miller**, S&K Gaming Chief Executive Officer; requested to meet with council in **executive session** to discuss the Sunny Shores Property. **Mark Couture, Tara Irvine and George Ducharme**, Tribal Lands Department; and **Daniel Decker**, Legal Department; were present for discussion.

Council reconvened into **regular session**.

Carole Lankford left the meeting for the remainder of the day to participate in Drug Court in Polson.

Len TwoTeeth left the meeting for the remainder of the day.

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

Chairwoman Fyant presented a request for Patricia Winneberger. Her mother Margaret is an enrolled tribal member, and Patricia is a descendant. Patricia's son is requesting the \$600 nonmember burial assistance. It was the **consensus** of council to approve burial assistance. **Council** will discuss the deficit in the burial fund, as well as the Burial Policy regarding the \$600 nonmember assistance and additional paper product requests.

Vina Little Owl, Internal Auditor, gave an update on the Internal Auditor functions and the Annual Audit Plan for council orientation/presentation.

MOTION by Martin Charlo to adjourn the meeting. Seconded by Bing Matt. Carried, unanimous (8 present).

Council **adjourned** at 4:02 p.m., and is scheduled to meet again on Tuesday, January 28, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary