

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

Volume 20 Number 76
Zoom Meeting

Held: July 28, 2020
Approved: July 30, 2020

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

MEMBERS ABSENT: Fred Matt.

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

The meeting was called to **order** at 9:02 a.m. Quorum established.

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for July 23, 2020 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for July 23, 2020, with corrections. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (9 present).

Council met in **executive session**.

Council reconvened into **regular session**.

Jean Matt, Rob McDonald, Dale Nelson, Chelsea Kleinmeyer, and Lisa Shourds, Unified Command Team, gave an update. **Jean Matt** reported that Lake County and CSKT are getting calls on enforcement. The 911 phone lines are being pushed to capacity with people calling in people for not wearing a mask. There are no mandates that allow us to provide a fine to people not wearing a mask. The governor is looking to push for stronger mandates for masking. The

Tribal Council Meeting Minutes
July 28, 2020

team strongly recommends wearing a mask, but there is no enforcement ability. It is important for everyone to understand they are protecting their families and themselves by wearing a mask. The team continues to monitor the situation. **Chelsea Kleinmeyer** reported that as of yesterday, Montana has 3,381 total cases and 47 deaths. Lake County has a total of 152 cases, with 47 active cases. There is a COVID-19 hotline available and the number is 849-5798. That phone number is staffed Monday through Friday from 8:00 a.m. to 4:30 p.m. and gets people in touch with a Tribal Health nurse. The email address is covid19@cskthealth.org. **Rob McDonald** can update the website, but he has incomplete information. Rob will update what he can. **Dale Nelson** has masks and hand sanitizer, and he delivered supplies to law enforcement and forest rangers. Dale will look at other tribal facilities that have those needs. **Jean Matt** commented that as the schools look at reopening, the team is making sure they have sufficient PPE available. The general public has asked where to get masks and the team has published information on the outlets that provide PPE. There needs to be cohesiveness among all the agencies. **Rob McDonald** commented that the mask campaign is still under some development with the county and COVID team. There have been public thank-yous about seeing tribal employees and tribal members embracing the mask mandate. **Chairwoman Fyant** encouraged everyone to physically distance, shelter in place, wear a mask, and wash hands. COVID-19 is an invisible enemy and we need to be diligent in our actions to keep it at bay. The Tribal Council has a department head meeting tomorrow to discuss tribal departments and the revised reopening plans. **Martin Charlo** commented that we need to stop pushing fear and start pushing education. We have been afraid for so long that we created this culture of fear. This is scary and it is hard on people, but we have to do the best for ourselves. People need to stay home, wash their hands, and wear masks. Chelsea reported that the Migrant Council supplies the migrant workers with masks. Pallets of hand sanitizer were provided. They can contact Dale if they need supplies. Chelsea said that St. Luke's is going to do antibody testing for migrant workers.

Tony Incashola, Jr., Tribal Forestry; and **Ron Swaney**, Fire Control; gave a fire update. The Magpie Drainage rock fire started Sunday evening in very rocky and steep terrain. The division has an indirect strategy and spoke to local residents to discuss their plan. The fire is 350 acres in size. Tony Harwood is writing a fire report. Jim Steele will be brought on as a safety officer. Northern Rockies helped yesterday with a helicopter. The division should be able to get some aviation support. Devlon LaFromboise is the fire investigator and he found some indications that it was a lightning-caused fire. The 6000 Road and the Magpie 5000 Road will be closed. The Clear Creek fire is 95% contained and all other fires are 100% contained and in patrol status. The Indian Preference Policy is being followed.

Tony Incashola, Jr., Tribal Forestry; and **Ron Swaney**, Fire Control; requested approval to modify the existing contract with James Steele, Jocko Valley

Consulting, LLC, to expand the scope of work to multiple aspects of providing wildland fire services.

MOTION by Carole Lankford to modify the existing contract with James Steele, Jocko Valley Consulting, LLC, to expand the scope of work to multiple aspects of providing wildland fire services. Seconded by Bing Matt. Carried, unanimous (9 present).

Dan McClure, Natural Resources Department, gave an update on the Road Attendants. There are 24 Road Attendants that have been in place for 54 days now. 12,000 contacts were made in two months. 9,600 people were granted access to tribal lands. 2,400 people have been denied access due to being from out of the area, no recreation permit, or no valid identification. McDonald Lake is the number one location on the reservation and had 2,500 visitors. Both workers assigned to one area have resigned their positions, and Dan is getting those shifts covered. **Anita Matt** asked if Pheasant and West Road are being monitored. People have torn up the area and there are at least twenty vehicles there. It has been nonstop traffic along the river there. Dan advised that he had directed the Game Wardens to heavily monitor that area. It has been a struggle to get people hired to cover that area. **Len TwoTeeth** asked if porta potties could be provided to some of these locations, specifically for the female workers. Dan had discussed this with vendors, and the vendors do not want to leave their porta potties unattended and have them get damaged or destroyed, so they are reluctant to do that. Len asked if the Lozeau Primitive Area is being manned. Dan had someone who wanted to work at that location, but that individual did not get through the screening. Dan has been unable to find anyone who wants to monitor that area because people do not have gas money to drive that far to work. **Bing Matt** reported that nobody monitored the Pistol Creek area over the weekend and the cabins at the South Fork had a lot of activity. Dan responded that the South Fork gate attendant had a family medical emergency and was off work for a couple of days. There was also a passing last week and some of the Road Attendants took off work to attend the service. The Road Attendants have been working for 54 days, and some of the workers are taking sick days so there are days where there is nobody available to man the areas. It was difficult to keep them all working last week. Len acknowledged the water protectors that are manning the inspection sites. The weather has been extreme, and they are doing a good job. It is important work they are doing, and it is important that they know he appreciates them. Public relations in Plains has been a challenge, and Len thanked them for doing their jobs. **Bing Matt** asked if there would be any additional people hired to replace the employees that quit. Dan commented that is the plan. Dan does not want to lose ground on this effort. He does not know how long this program will continue to be in effect. The workers asked if there is an end in sight and how long this job will last. **Chairwoman Fyant** responded that the Tribal Council has not had a discussion about that yet, and the Tribal Council needs some feedback from Dan on that. Shelly got word from

the community that we need to continue this until hunting season. The Road Attendants provide a needed service as far as the number of people we denied access to on our tribal lands. Those Road Attendants are less expensive than a Game Warden. **Charmel Gillin** commented that we have the COVID fund to lend support for public safety and law enforcement is one we support. Law & Order is a priority for CSKT use of the COVID fund. Beyond the COVID fund uses, she hopes the Tribes will endeavor to add funding to the TRO budget for annual increased resources.

Ruth Swaney, Financial Management, requested approval of modification 12 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Fiscal year 2020 funding under the CARES Act has been awarded for Aid to Tribal Government to address COVID-19 prevention, preparedness, and response; and temporary employees will be hired to provide assistance to the DHRD Elderly Program to address COVID-19. **Anita Matt** asked about office space. That issue will be discussed at tomorrow's department head meeting.

MOTION by Anita Matt to approve by resolution modification 12 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Len TwoTeeth. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-134

RESOLUTION APPROVING MODIFICATION 12 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, FY 2020 funding under the CARES Act has been awarded for Aid to Tribal Government to address COVID-19 prevention, preparedness, and response; and

WHEREAS, temporary employees will be hired to provide assistance to the DHRD Elderly Program to address COVID-19; 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 COVID Assistance	13-502-4722	0	72,000	72,000.00
Total			72,000	

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 \$48,965,992.49 to \$49,037,992.49; and

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

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

Clayton Matt, Tribal Services/Tribal Health Department; and **Melissa Grandchamp**, Tribal Health Department; requested approval to hire Mary Ann Running Crane on a two-year contract to fill the Medical Assistant position. The vacancy was advertised and there was one tribal member applicant, but that applicant showed disinterest in the position.

MOTION by Carole Lankford to approve the hire of Mary Ann Running Crane on a two-year contract to fill the Medical Assistant position. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Charmel Gillin out of the room).

Clayton Matt, Tribal Services/Tribal Health Department; and **Melissa Grandchamp**, Tribal Health Department; requested approval to hire Sunny Whiteman on a two-year contract to fill the Clinic Nurse position. The vacancy was advertised and there were no tribal members on the interview roster.

MOTION by Len TwoTeeth to approve the hire of Sunny Whiteman on a two-year contract to fill the Clinic Nurse position. Seconded by Carole Lankford. Carried, unanimous (9 present).

Martin Charlo asked if Tribal Health is still having foot care clinics for diabetics. **Chelsea Kleinmeyer** responded that her staff is reaching out to the individuals that attend those clinics. Those services are being provided on an appointment-only basis at this time.

Clayton Matt, Tribal Services/Tribal Health Department; and **Chelsea Kleinmeyer**, Tribal Health Department; requested approval to renew a two-year employee contract with Ashley Glass. The position was not advertised. The position oversees the Tribal Health Improvement Program, oversees the teams, how they are carrying out the business, focusing on what we are doing in the community in regards to community outreach, and oversees other grants in the department with budgets and reporting.

MOTION by Bing Matt to approve the two-year employee contract with Ashley Glass. Seconded by Carole Lankford. Carried, 8 for; 1 opposed (Shelly Fyant).

Chairwoman Fyant commented there has not been any Tribal Health Committee meetings for quite some time, and she would like a report on the Tribal Health Improvement Program. Clayton Matt had sent a note to Shelly proposing that the medical team be invited to the next chairwoman's meeting to provide an update and overview of the COVID-19 processes they have been following, and he asked if the THIP update should be included in that meeting. **Chairwoman Fyant** will check the agenda and get back to Clayton.

Constance Morigeau and **Anna Curley**, Department of Human Resources Development, requested approval to hire Ronald Pearce on an employment agreement as a Home Care Provider to be a caregiver for his wife Judith.

MOTION by Martin Charlo to authorize the hire of Ronald Pearce on an employment agreement as a Home Care Provider for his wife. Seconded by Anita Matt. Carried, unanimous (9 present).

Constance Morigeau and **Anna Curley**, Department of Human Resources Development, requested approval to hire Tashalie Nomee on an employment agreement as a Home Care Provider. **No action taken.** Council requested a copy of the contract prior to considering the request.

Michelle Mitchell, Tribal Education Department, requested approval of a resolution to apply for a grant through the U.S. Department of Education. The Tribal Education Department will partner with reservation school districts. There will be a mobile teaching team. **Mike Dolson** requested edits to the resolution.

MOTION by Anita Matt to approve by resolution submission of the grant application to the U.S. Department of Education, with the stated corrections to the resolution. Seconded by Len TwoTeeth. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-135

RESOLUTION AUTHORIZING THE TRIBAL EDUCATION DEPARTMENT TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF EDUCATION

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

WHEREAS, the U.S. Department of Education has issued a Notice Inviting Applications (NIA) for Fiscal Year (FY) 2020 for the Demonstration program- Accessing Choices in Education (ACE); and

WHEREAS, the Tribal Education Department is the authorized Tribal Education Agency of the Confederated Salish and Kootenai Tribes; and

WHEREAS, the Tribal Education Department, on behalf of the Confederated Salish and Kootenai Tribes, desires to promote and improve tribal language and culture instruction in local education agencies; and

WHEREAS, the Tribal Education Department, on behalf of the Confederated Salish and Kootenai Tribes, is eligible for consideration under the terms of the Accessing Choices in Education grant program;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Education Department is authorized to pursue funding from the U.S. Department of Education for the demonstration project-Accessing Choices in Education; 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.

Martin Charlo reminded the membership that July 30, 2020 is the deadline to apply for the economic stimulus funds. Forms are available at the tribal offices, online, and in the Char-Koosta News.

Rhonda Swaney, Mary Price and **Stu Levit**, Legal Department, gave an update on the Smurfit site. The Tribes submitted a letter to the Missoula County Commissioners regarding a boundary line readjustment and public hearing. That public hearing was held and the readjusted boundary line was granted. The purpose for readjustment is the new private landowner applied to the Montana Department of Environmental Quality for a gravel mine permit. Stu is tracking the permit. The Environmental Protection Agency issued a status letter to the applicant that states the EPA sees no incompatibility with the ongoing remedial investigation. It was recommended that as part of our involvement with that site that the CSKT not take any action objecting to the permit. Staff thinks it is unlikely it would influence the DEQ's decision. There are plenty of private landowners that can engage the DEQ with their concerns about the gravel operation. Our goals for the site have been to ensure that any contaminates migrating from the site are cleaned up and do not enter the Clark Fork River and the floodplain area is restored. This particular issue does not play to either of those. Legal recommended that they continue to interact with EPA and track the issue going forward, but not take any formal action with the Department of

Environmental Quality on this permit. **Council** agreed to the recommendation.

Stu Levit, Legal Department, discussed a letter that the Tribal Council received from the three federal agencies in charge of the CRSO on the environmental impact statement process on the bi-op litigation. As part of the litigation, the court directed the federal government to complete an environmental impact statement to assess impacts to the river on a global scale. It was condensed to a four-year project. CSKT is a cooperating agency to ensure activities down below do not affect our interests on the river. CSKT is working with the Kootenai Tribe of Idaho and the State of Montana on this. The Montana operations of water was largely preserved.

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

Council reconvened into **regular session**.

MOTION by Mike Dolson to continue participating as an amicus in the *Neighbors vs. United States* litigation. Seconded by Martin Charlo. Carried, unanimous (8 present – Charmel Gillin out of the room).

MOTION by Ellie Bundy McLeod to participate as amicus in the *State vs. Cooley* United States Supreme Court cert process. Seconded by Anita Matt. Carried, unanimous (8 present – Charmel Gillin out of the room).

Council met in **executive session**. **Clayton Matt**, Tribal Services, was present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting. Seconded by Anita Matt. Carried, unanimous (8 present – Charmel Gillin out of the room).

Council **adjourned** at 12:23 p.m., and is scheduled to meet again on Thursday, July 30, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary