

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

Volume 20 Number 77
Zoom Meeting

Held: July 30, 2020
Approved: August 4, 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; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:01 a.m. Quorum established.

The meeting was opened with a **prayer** by Charmel Gillin.

The **Tribal Council Meeting Minutes** for July 28, 2020 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for July 28, 2020, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Chairwoman Fyant reported that the Division of Fire regularly updates its Facebook page. The Division of Fire has asked people to stay out of the area because they have work vehicles going through the area and a lot of activity. **Council** reviewed the Magpie Rock Fire Facebook page.

Tony Incashola, Jr. and **Ron Swaney**, Division of Fire, requested approval of a resolution amending the contract with James Steele, Jocko Valley Consulting, LLC.

MOTION by Bing Matt to approve by resolution the amendment to the contract with James Steele, Jocko Valley Consulting, LLC. Seconded by Ellie

Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-136

A RESOLUTION TO ENTER INTO AN INDIAN SELF-DETERMINATION CONTRACT BETWEEN THE BUREAU OF INDIAN AFFAIRS AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD INDIAN RESERVATION

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

WHEREAS, the Tribes have contracted with Jocko Valley Consulting LLC, for firefighting services and have amended the Statement of Work;

WHEREAS, the Tribes are requesting to amend the Compensation to reflect the amended Statement of Work for firefighting services;

WHEREAS, the Tribes request to amend the Compensation language for firefighting services with Jocko Valley Consulting LLC.

Ron Swaney, Division of Fire, gave an update on the Magpie fire. The fire pushed out of the 5050 Road to the north. They took action to secure that side of the fire. They planned on burning out that area today, but the fire burned about 5 miles along Highway 200 and tied off the entire north side of the fire. All tribal member contractors are working. **Anita Matt** wanted an update on the Ferry Basin side. Ron reported that yesterday they got another lightning caused fire on the ridge line of Ferry Basin, which was 4 acres in size. They just happened to have aviation available that used their focus on that fire. It was staffed with initial helicopter attack. It is in patrol status now. **Fred Matt** asked if the lookout was staffed. Ron advised that the lookout has not been staffed for a decade. There are lookout sites at Jocko, Pistol Creek, Ferry Basin, and Bazoo. The lightning is now tracked on the monitors. Ron was not sure we really need the lookouts anymore. He is confident in the way they approach it. There are also budget constraints and he would rather rely on technology and use the funding for attack vehicles. In 2018, the Safety Officer from the Northwest Regional Office visited all the lookouts and was not willing to approve maintenance for the Pistol Creek and Jocko lookouts due to the age of the lookouts and recommended that they be condemned. Some maintenance work was done on the Ferry Basin and Bazoo lookouts. They are Bureau of Indian Affairs structures and are on the BIA inventory list.

Ron Swaney, Division of Fire, gave an update on the Horseshoe fire located west of Polson. An unattended campfire is the likely cause of the fire. Several spot fires occurred across the river from that fire.

Patricia Courchane, Department of Human Resources Development, requested approval to hire Tashalei Nomee on a one-year contract as a Home Care Provider.

MOTION by Len TwoTeeth to approve the hire of Tashalei Nomee on a one-year contract as a Home Care Provider. Seconded by Mike Dolson. Carried, unanimous (9 present – Fred Matt out of the room).

Mark Couture, Tribal Lands Department, discussed the request for a revocable permit/business lease from Jean Marx, JJ's Dawgs. It is on a revocable permit right now and the business is requesting a business lease. The revocable permit needs to get approved for one year at \$350 per month until the five-year business lease is figured out. Jean has not had any issues with that site.

MOTION by Anita Matt to approve a one-year revocable permit for JJ's Dawgs. Seconded by Martin Charlo. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, requested approval of a revocable permit for HaeOK Newman, Oak's Korean Kitchen, to operate a food takeout stand on tribal tract T-4481 in Polson. They are working on a five-year business Lease. When the paperwork is done it will change to a business lease. Right now it's a revocable permit at \$350 per month for one year.

MOTION by Martin Charlo to approve a one-year revocable permit with Oak's Korean Kitchen. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Carole Lankford suggested that when the Land Ordinance is revised there be a scale and process for Lands to follow so these kinds of issues do not come to the council. It should be a staff decision, not a tribal council decision. Chairwoman Fyant advised that the council would take it into consideration when the Lands Ordinance is reviewed. Council will be working on it in August. Mark reported that he continues working with the Legal Department to revise the ordinance so it can be presented to Tribal Council.

Mark Couture, Tribal Lands Department, requested approval of a three-year contract with Alfred Bigby for the Range Specialist position. His three-year contract is going to expire. **Charmel Gillin** asked when it would be advertised to become available for tribal members to apply. Mark said it was advertised in 2015 and there was one qualified tribal member that turned it down. Lands has tried to advertise a similar position with the same criteria and had no success getting a qualified tribal member applicant with the needed education and expertise.

MOTION by Len TwoTeeth to approve a three-year contract with

Tribal Council Meeting Minutes
July 30, 2020

Alfred Bigby for the Range Specialist position. Seconded by Anita Matt. Carried, 7 for; 3 opposed (Charmel Gillin, Shelly Fyant, and Martin Charlo).

***Shelly Fyant**, for the record, “The reason for my opposition is because it wasn’t advertised and there might be a tribal member that’s qualified at this time.”*

***Martin Charlo**, for the record, “I’m also opposed for the lack of advertisement.”*

Mark Couture advised that next time he will get it advertised in a timely manner.

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

Rick Eneas, Financial Management, requested approval of a letter to the congressional delegation requesting a two-year extension to spend the COVID funding. **Len TwoTeeth** suggested asking Rocky Mountain Tribal Leaders Council to draft a similar letter. Len informed council that the Rocky Mountain Tribal Leaders Council reached out to him and informed him that there are 3,000 masks that have been allocated to CSKT.

MOTION by Martin Charlo to approve the letter, with changes, to the congressional delegation requesting a two-year extension to spend the COVID funding. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Jody Perez, Salish Kootenai Housing Authority, requested approval to apply for a Department of Energy -Energy Technology Deployment on Tribal Lands 2020 Grant to install solar panels in the office building and shop.

MOTION by Anita Matt to approve by resolution submission of the Department of Energy -Energy Technology Deployment on Tribal Lands 2020 Grant to install solar panels in the office building and shop. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting

RESOLUTION 20-137

RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT AN APPLICATION FOR THE DEPARTMENT OF ENERGY OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS ENERGY TECHNOLOGY DEPLOYMENT ON TRIBAL LANDS – 2020 Number: DE-FOA-0002317, FOA Type: 0003, CFDA Number: 81.087 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 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, the Confederated Salish and Kootenai Tribes have designated the Salish and Kootenai Housing Authority as its Tribally-Designated Housing Entity, with the authority to administer and participate in housing programs for the benefit of the Confederated Salish and Kootenai Tribes and its members, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

WHEREAS, the Confederated Salish and Kootenai Tribes desire to have an application for the Energy Technology Deployment on Tribal Lands-2020 be prepared and submitted on behalf of the Tribes in support of installing solar panels on the Salish and Kootenai Housing Authority Business building and the Salish and Kootenai Housing Authority Operations Shop ; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes an Energy Technology Deployment on Tribal Lands-2020 application for installing solar panels on the Salish and Kootenai Housing Authority Business Building and the Salish and Kootenai Housing Authority Operations Shop. It is also affirmed that the Business building and the Operations shop are both located on land owned by the Confederates Salish and Kootenai Tribes but leased by the Salish and Kootenai Housing Authority; and

BE IT FURTHER RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to administer and manage said Energy Technology Deployment on Tribal Lands-2020 Grant. The Salish and Kootenai Housing Authority delegates and authorizes the Business Contact to be the Housing Resource Manager, Katie Miller. In addition, the Salish and Kootenai Housing Authority also delegates and authorizes the Technical Contact to be, Procurement Control Specialist, Nolan Michel; and

BE IT FURTHER RESOLVED, that the Salish and Kootenai Housing Authority commits the total amount of cost share of the project. The complete cost of the project is \$119,580. \$50,000 of the cost share is a grant from the Bonneville

Tribal Council Meeting Minutes
July 30, 2020

Environmental Foundation and \$10,000 from the Salish and Kootenai Housing Authority.

Nolan Michel, Salish Kootenai Housing Authority, would like to have partnerships. There are 4 internships written into the grant to be filled with tribal members who are interested in renewable energy. Nolan attended a webinar yesterday.

Velda Shelby, Economic Development Office, requested approval to enter into a contract with Submittables to develop an online tribal business grant application and manage the awards process. **Jordan Thompson**, Legal Department, reviewed the contract. The governing law will be Montana state law and any action will be instituted in either Federal Court or the Montana District Court. **Sigrid Sheie**, Submittables, asked if there was a different governing law that needs to govern this contract. **Charmel Gillin** commented that she believes CSKT Tribal Court is a court of competent jurisdiction. Jordan will meet with Sigrid offline to discuss further.

MOTION by Martin Charlo to enter into a contract with Submittables, with the edits the Legal Department suggested as far as applicable law. Seconded by Anita Matt. Carried, 7 for; 1 opposed (Len TwoTeeth); 2 abstentions (Charmel Gillin and Bing Matt).

Brian Upton, Legal Department; **Whitney Leonard** and **Lloyd Miller**, Sonosky Chambers Law Firm; requested to meet with council in **executive session** to discuss a legal matter.

Council reconvened into **regular session**.

Council **recessed** the regular meeting at 11:00 a.m. to hold an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 12:18 p.m.

MOTION by Martin Charlo to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Council **adjourned** at 12:20 p.m., and is scheduled to meet again on Tuesday, August 4, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary