

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

Volume 20 Number 67
Zoom Meeting

Held: June 25, 2020
Approved: June 30, 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 9:07 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for June 23, 2020 were presented for approval. **Martin Charlo** announced that people can go to each location to get tested for coronavirus on Friday 10 a.m. to 12:00 p.m. **Ellie Bundy McLeod** informed council that there is confusion on Facebook about that form that needs to be filled out for the pandemic payment. **Jami Pluff** will follow up with Rob about the form. There are a lot more questions coming up.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for June 23, 2020, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval. **Charmel Gillin** would like the council to take formal action to take this year’s pow wow funding to address maintenance issues at the pow wow grounds. **Chairwoman Fyant** advised that it would be scheduled on next week’s agenda.

MOTION by Carole Lankford to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (10 present).

Carole Lankford would like council to review all information going out to the membership before the information goes out.

Bing Matt informed council that he was notified by Captain Fiddler that

Tribal Council Meeting Minutes
June 25, 2020

Madeline Finley passed away last night. Madeline was our eldest tribal member. Bing requested that Charmel to do this morning's prayer again out of respect for Madeline. **Charmel Gillin** said a prayer.

Laurencia Starblanket informed council that she has a friend that wants to put on our own black lives matters protest what would focus on Native lives matter and MMIW. She wants to organize a fun and peaceful protest where they would walk through Polson on July 4 and form a solidarity line. There will be a separate Trump parade sponsored by the Republican Women's organization that day that is a separate event, as well. They are asking all pow wow dancers to show up in their regalia and attendees to dress up in ribbon dresses and ribbon shirts. She was going to go to the city council of Polson for permission, but Vernon Finley advised them that they do not need city council approval. She asked if tribal council approval is enough or if they need city council approval. She wants support of council and law enforcement. **Louie Fiddler** reached out to Wade Nash regarding this request and he had no problem with the request and advised that no permit is required for this type of event. Wade said she may need to notify the Parks Council since the park may be rented out to another event that day. Law enforcement will be running a higher patrol that weekend. Louie asked Laurencia to stay in contact with him.

Tom McDonald and **Dan McClure**, Natural Resources Department; and **John Harrison**, Legal Department; met with council to discuss a request for nonmember reservation residents to be able to camp. Access is currently limited to day use only. It could be expanded to allow overnight camping if council modifies the resolution limiting access. John Harrison will draft the resolution modifying the limitation. **Anita Matt** wanted more information on road closures before taking action. **Dan McClure** sent the report to Jennifer for disbursement to the council members. To date, there has been 3,571 contacts made. 2,570 of those were allowed access due to having proper identification or permits. 993 people were denied, because they either had no permit or were from out of the area. McDonald Lake was a hot spot and 1,178 contacts were made there. There are 14 check stations. 221 contacts were made at Jocko Prairie. People are waiting until the road attendants are gone to gain access. The majority of local residents come back after they purchase a permit. A local resident was cited for criminal trespass yesterday for failure to comply. He did not have a tribal permit, and he would not get one because he said he has lived here for 30 years and has never purchased a permit. Tribal Game Wardens can sell permits to people that need one. 993 people were denied access because they either had no permit or were from out of the area. **Ellie Bundy McLeod** had a request that there be signs at each of the main tribal entrances indicating the reservation properties were off limits to off-reservation people. That would make it clear we are closed to nonresident nonmembers. Tom stated that one difficulty with having a complex restriction or regulation is expressing it on a highway sign when people are driving 70 miles an hour, so there cannot be much detail in them. Tom can

Tribal Council Meeting Minutes
June 25, 2020

explore that. The electronic reader boards on the highway would need to contain simple language. For the vendors, the staff spoke to store vendors on what the restrictions are. They have all the facts sheets at their stores. Sometimes their clerks forget about it or did not have it explained correctly. If the person buys something and realizes something the same day, they have a license that is not usable because of our restrictions, they can go back to the vendor and get a refund. The funds go directly into an account, so the people need to contact NRD to get a refund after 24 hours.

MOTION by Ellie Bundy McLeod to allow nonmember local residents with permits to camp on tribal lands. Seconded by Carole Lankford. Carried, 7 for; 1 opposed (Anita Matt); 2 abstentions (Shelly Fyant and Charmel Gillin)

Martin Charlo requested that Tom McDonald refresh the staff's knowledge that resident nonmembers are allowed access with a permit.

Anita Matt, for the record, "I am opposed because of the competition that I think with the shelter in place and everything that's gone on in the last couple months, there's very few camping spots for individuals. I also live along the river and you can't get on the river during normal times, and I think this year will be worse. So I oppose for the competition with our tribal members."

Martin Charlo asked about Blue Bay. **Tom McDonald** advised that day use is open. They are trying to staff up to meet the demands for the restrooms. To open the gate to the campground, they need office staff to be there because of nonmember resident restrictions. It is operated from the revenue generated on site. They are trying to find more money to fund those costs to operate it. There were extra costs associated with it this year. For the staff to do more work and the increase in water charges from the Salish Kootenai Housing Authority. The fee schedule was another issue. We have to pay more than we used to pay. They used to get \$11.00 an hour, but that needs to be increased to be competitive. Elders do not pay to camp or for electrical hookup, so the department will receive no revenue for that. The nonresidents paying for camping is where most of the money comes from, and that that revenue stream will not be there this year. The campground will not open up if NRD cannot get enough staff hired to man it. Chairwoman Fyant commented that the CARES Act funding for public safety should accommodate that, and she asked Tom to work with Jami on it. By not getting revenue from nonmembers this year will be a big hit on next year's budget because the department uses the prior year's revenue to fund the current year.

Martin Charlo informed everyone that Chuck Sanger is the contact person for email problems.

John Harrison will make the requested changes and send the revised resolution later today. **Martin Charlo** requested that he be cc'd on that email.

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

Patricia Courchane and **Shaunda Albert**, Department of Human Resources Development, requested approval to submit the Voc Rehab Service Project grant application to the Department of Education. Martin Charlo pointed out that the MOU is still incorrect and states that it is for the Rocky Boy Reservation. Patricia advised that it was corrected, so the council must not have received the updated documents in the packet.

MOTION by Charmel Gillin to approve the MOU between DHRD and DPHHS and by resolution submission of the Voc Rehab Service Project grant application to the Department of Education. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 1 abstention (Martin Charlo).

RESOLUTION 20-220

RESOLUTION APPROVING SUBMISSION OF A REHABILITATION SERVICE PROJECT APPLICATION TO THE REHABILITATION SERVICES ADMINISTRATION WHICH IS UNDER THE DEPARTMENT OF SPECIAL EDUCATION. THE VOCATIONAL REHABILITATION PROJECT IS ADMINISTERED UNDER CSKT AND MANAGED BY DHRD

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation is the duly recognized governing body of the Flathead Reservation; and

WHEREAS, American Indian people with disabilities in the United States suffer a large number of debilitating conditions more than the general population; and

WHEREAS, Generally American Indian people with disabilities on Reservations receive fewer vocational rehabilitation services than the general population and whereas the CSKT Tribes applied to administer and operate their own program/services; and

WHEREAS, the CSKT Tribal Council supports the Confederated Salish and Kootenai Tribes Department of Human Resource and Development (DHRD) application to the Department of Special Education in the pursuit of funds to provide local tribally relevant rehabilitation services to enrolled members of the CSKT Tribes; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the Rehabilitation Service Project Application to the Department of Special Education for the years of 2021—2026;

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the application for Rehabilitation Service Project Application to the Department of Special Education and authorizes the Tribal Chairwoman and her designated representative to negotiate and sign all documents and execute the contract on behalf of the Tribes.

Carole Lankford requested that DHRD provide a report on how many people are being served, where they placed people, where they are working at, and how much funding is going out to tribal members. **Shaunda Albert** reported that 60 people are being served. There have been many placements for clients in small businesses outside of the Tribes and within the tribal agencies; they provide education expenses for people and cost share that expense with the State Rehab; served 584 clients this last funding cycle in five years. The grant was written to continue service to 60 people this next five-year cycle. **Chairwoman Fyant** requested a copy of the report that they submit to the grant agency. Shaunda has 90 days to get final report done; she will submit it to Patricia, Tribal Council, and Contracts & Grants.

Patricia Courchane and **Kelly Parker**, Department of Human Resources Development, discussed the Dire Need Policy, application and resolution. Funding would be increased from \$300 to \$500 per individual. Off-reservation assistance would be at the discretion of the tribal council chair, vice-chair or majority of the council. **Chairwoman Fyant** commented that the council was trying to get away from it having to be a council decision; they wanted it in the policy. Patricia said the policy was written like that after they worked with Jami. Carole Lankford recommended approving it for dire circumstances. The reason off-reservation assistance was never allowed in the past is due to lack of funding. If we have adequate funding, it should not be a problem to help them. Patricia said the off-reservation resident numbers are very high. There are 3,000 to 4,000 off-reservation tribal members. Dire Need would have to have an increase in the budget to accommodate that. **Charmel Gillin** suggested that if council wants to have it restated for no council action required for the waiver. We would need to increase funding. This came about due to the impacts of the pandemic. We wanted to make more resources available to the membership no matter where they reside. It would require a strict adherence to the policy and taking that away from the tribal council actions from waivers is the best way we can allow the department to have the ability to make those decisions. **Kelly Parker** recommended implementing a waiver form to be used. Patricia has a waiver form for the Social Services Program, so they could use that form and requests from off-reservation residents may be waived at the discretion of the Director of

Tribal Council Meeting Minutes
June 25, 2020

Social Services and the Department Head, along with an explanation of why policy was waived. That would leave a good auditing trail. **Len TwoTeeth** does not want to have to decide which dire need is more important than other ones and approving some requests and denying others. Len suggested taking it under advertisement and wait until next week to address it again. **No action taken.** The matter will be discussed at next Monday's chairwoman's meeting. **Chairwoman Fyant** directed Patricia to bring the most updated financial report for this account.

Erin Semmens, Niki Graham, Paul Smith, Ashley, and Helen Ressett, University of Montana; **Jeanne Christopher,** Early Childhood Services; discussed a request to identify the CSKT in the draft methods paper to be submitted to the Journal of Psychology and support of the studies. A presentation will be made to the Salish Culture Committee. **No action taken.** Council took the request under advisement.

James Steele, Sr., Sergeant at Arms, discussed proposed signage for entry and exit doors. Council suggested some edits to the language on the signage. Changes included changing the statement to please don a mask to please wear a mask; indicate the east entrance; remove the language referencing the resolution number and ask people to follow the social distancing recommendations by the CDC; access to the council chambers be limited behind the Receptionist desk (removed name). The mask requirement and social distancing would be included. We should have hand sanitization stations that everyone should use. James said they are not working well and need to be upgraded. He wants to work directly with John to speed things up since Rick is on vacation. He wants to order two of the smaller signs for the doors to the council chambers. James has some suggestions on how to handle people entering the chambers. He wants controls put in place for security purposes. **Martin Charlo** suggested hiring people to do that so it would free up staff time. **Council** will discuss further.

MOTION by Martin Charlo to support purchasing the signs with the suggested changes. Seconded by Fred Matt. Carried, unanimous (10 present).

Troy Felsman, Allen Sloan and Pete White, S&K Gaming Board of Directors; **Bryon Miller,** S&K Gaming Chief Executive Officer; requested to meet with council in **executive session.** **Zachary Camel,** Central Accounting; **Shelly Cottet** and **Sheila Matt,** S&K Gaming; were present for discussion. **Daniel Decker,** Legal Department, joined the discussion.

Council reconvened into **regular session.**

Anita Matt had a request for permission from the USDA FSA State Office in Bozeman to provide a one-day drive-through service for producers for the

Coronavirus Food Assistance Program. The funding level is \$16 million for loss of marketing. They will be accepting applications until August. A parking lot would need to be figured out. They would provide the technicians, glove up, and hand out packets to the producers. They want permission for July 8. That is prior to the reopening so we could use the Tribal Lands parking lot. She wants consensus to organize the one-day drive-through outreach. It was the **consensus** of council to approve the request.

Council reviewed the resolution to open the campgrounds to nonmembers residing on the reservation with permits to access tribal lands. Fred Matt discussed allowing families to stay intact and asked about allowing nonresident family members to have access. John Harrison read the first modification that was made to the last resolution, and this modification is for nonmembers living on the reservation only. Resolution 20-107 allows nonmember children with permits to have access with parents.

MOTION by Ellie Bundy McLeod to approve the modification to the current resolution authorizing local residents access to tribal lands with proper permitting. Seconded by Fred Matt. Carried, 7 for; 1 opposed (Anita Matt); 2 abstentions (Shelly Fyant and Charmel Gillin).

RESOLUTION 20-221

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:

WHEREAS, on March 17, 2020, the Tribal Council proclaimed a State of Emergency to exist on the Flathead Reservation as a result of the threat of COVID-19; and

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout the United States and the State of Montana, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS, the preservation of public health, safety, Tribal property, wildlife and natural resources, and general welfare of the Tribes throughout the entire Reservation is among the highest priorities of the Tribes, the Tribal Council finds it necessary for all residents of the Reservation to adhere to public health directives from Tribal, Federal and State authorities; and

WHEREAS, on March 26, 2020 the Tribal Council enacted Tribal Resolution No. 20-090 directing social distancing and other measures be implemented to protect the public from the COVID-19 virus; and

WHEREAS, on March 31, 2020 the Tribal Council enacted Tribal Resolution No. 20-091 directing limitations on use of all Tribal lands, including those

campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation be implemented to protect the public from the COVID-19 virus,

WHEREAS, on May 26, 2020 the Tribal Council enacted Tribal Resolution No. 20-107 modifying the terms of Resolution 20-091,

WHEREAS, limitations and other measures placed on the use of Tribal lands pursuant to Tribal Resolution No. 20-091 (modified by Tribal Resolution 20-107) are to remain in place until revoked by the Tribal Council,

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby issues the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The terms of Tribal Resolution No. 20-091 (modified by Tribal Resolution 20-107) shall remain in effect with the following AMENDMENTS to those Orders: The limitations on the use of Tribal campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation are now further modified to allow the following:

Non-members of the Confederated Salish and Kootenai Tribes who currently reside on the Flathead Reservation shall have full access and use of Tribal lands including those campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation.

All restrictions on non-members who reside off the Flathead Reservation shall remain in place pursuant to Tribal Resolution 20-091.

Any non-member use of Tribal campgrounds and recreation lands permitted by the Council shall remain subject to any required permits or other applicable Tribal regulations.

Publication

This Order shall be published on the Tribes' official website and in the Char-Koosta News.

Limitations

This Order is effective immediately and shall remain in effect until revoked.

This Order shall be implemented consistent with applicable law and subject to the availability of appropriations.

This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Confederated Salish and Kootenai Tribes, its departments,

agencies, or entities, its officers, employees, or agents, or any other person, entity or government.

Zachary Camel, Jami Pluff and Rob McDonald, discussed the request for support form to the tribal members. There was new information on the FAQ but it is still not as tight as it needs to be. Rhonda Swaney told them that it is still a council decision how to do it. She had suggested that EDO do a one-page assessment describing the reservation and where we are at with homelessness and economic downturn. That would probably cover us. Zack got an email from Rick describing that the support form would be beneficial to the Tribes. We got that from the auditors too. Zack got an email that if we do not show an individual need that it would not be an appropriate use of the funds. Using the form has other benefits, such as updating our voter list, and accurate addresses. 2,000 tribal members do not receive a per capita due to holds, and they have not updated their addresses. They are waiting to hear back from Deb DuMontier about how to do them for foster care children. The group needs council direction on whether to use the form they developed. It has check boxes for a needs assessment. The form would be available online and at department desks. EDO could do a one-page reservation assessment, but that is a gray area and the payment could be deemed taxable income for tribal members, which would affect a lot of people on Medicaid or Social Security. **Daniel Decker**, Legal Department, agreed with Rhonda's suggestions. It would give the Tribes more coverage if we used the form, but it is a policy decision by tribal council how to move forward.

Carole Lankford left the meeting for the remainder of the day.

Anita Matt left the meeting for the remainder of the day to attend a funeral.

Council agreed to use the form and informed the membership that a form will be required by the July 30 deadline. August 14 checks will be issued.

MOTION by Fred Matt to adjourn the meeting.

Council **adjourned** at 12:50 p.m., and is scheduled to meet again on Tuesday, June 30, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary