

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

Volume 20 Number 56
Zoom Meeting

Held: May 12, 2020
Approved: May 19, 2020

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

MEMBERS ABSENT: Fred Matt (Personal Time Off).

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

The meeting was called to **order** at 9:04 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for May 7, 2020 were presented for approval. **Bing Matt** changed his vote to opposed on the moose hunting request that was presented by Dale Becker. Bing thought there would be more information brought in on this issue. There are people out there that do hunt these animals. Bing was confronted about closing hunting of the cow and calf to tribal members. That is why he wanted to oppose the action. Bing changing his vote did not change the outcome of the action taken. **Carole Lankford** suggested setting a protocol regarding council members changing their vote on actions already taken. **Chairwoman Fyant** stated that it has been allowed in the past as long as it did not change the outcome. Shelly asked for a show of hands from the council members who were in agreement to allow Bing to change his vote. **Council** was in agreement to allow the vote change.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for May 7, 2020, with corrections. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Ellie Bundy McLeod).

The **agenda** was presented for approval. **Chairwoman Fyant** asked about the small loggers/woodcutters committee that needs to be formally established and who the tribal members are. Bing and Mike went over the proposal that was being worked on. Bing just got through it last night, and the committee wanted \$550,000 to start this committee through Economic Development Office. He thought with the stimulus going on, maybe that is a way to get this committee

off the ground. They have been working on this for four years. It would be a benefit if this were implemented. Shelly clarified that that was for the forestry enterprise, and the update she was referring to was for the small loggers/woodcutters committee. Dan DePoe, Francis Cahoon and Leonard Michel volunteered to serve on the committee, and she will forward their contact information to Bing. The small loggers/woodcutters committee update was removed from today's agenda.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **Unified Command Team** gave an update. **Jean Matt** reported that the team responded to the Two Eagle River School graduation plan for May 23 and provided a recommendation to Rodney Bird following the shelter in place order that remains in effect until further notice. **Chairwoman Fyant** advised that TERS is working on an alternative plan to hold a virtual graduation ceremony. **Greg Gould** informed council that a business traveler from out of state was in Lake County, and he found out that his spouse tested positive for coronavirus. He was then tested and had self-isolated until the results came back, and he tested positive. His employer coordinated transportation for his return home. Public Health intervened through the contact tracing process that is in place, which mitigated the risk. There is a threat to us from people coming here from out of state. The person had five direct contacts while here, and those people were all notified and are quarantining. **Mark Clary** reported that the group is focusing on getting the right message out to everyone so they are all on the same page. The more everyone complies with social distancing, the better off we will all be. **Mike Dolson** questioned the risk of people going off the reservation to recreate and bringing back the virus. Greg responded that there is always a threat; it depends on where people would travel to and the behavior and action of who is there. **Steve McDonald** reported that things are going along well. The team will meet again on Thursday to start the next operational period. He hopes everyone looks at the Incident Action Plan, which has very good information in it. **Rod Couture** is starting to get some PPE orders and getting the items distributed where needed. They are doing patrol and helping with meal delivery when necessary. **Martin Charlo** asked Rod Couture to follow up on a request for PPE at the Ronan Senior Center. Rod will follow up today and deliver the items needed. **Rob McDonald** had understood that the Incident Action Plan was an in-house document and not intended for public information, so there is no mechanism for the public to access it. There have been discussions about hanging banners across Highway 93. There is statewide and nationwide information on the UCC website. The public can access the website at www.ucc-jic.com.

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

Dan McClure discussed the proposal he had submitted to have check stations at the tribal land access points. Last weekend was busy for the three fieldworkers. The workers had made contact with 595 people recreating on tribal lands from Friday through Sunday. The boat check station inspected 125 boats. The Fish & Game officers did some foot patrol at Schwarz Lake on Sunday and made 70 contacts. Buffalo Bridge was very busy over the weekend, and an individual from Missoula was cited for camping at Buffalo Bridge. 32 people were checked and some had to be removed for being from out of the area. The department usually does not have that many contacts per month during the summer months. People are ignoring the shelter in place order. The checkpoint workers would check the people and see if they are allowed to enter the area to recreate on tribal lands. If there was any issue, the worker would contact Fish & Game to respond. The officers made contact with 40 individuals at Twin Lakes on Sunday. Bing Matt heard there were some people four-wheeling in the Evaro area. Fish & Game patrols as many areas as possible, but they have been really busy responding to issues. Dan submitted a list of areas to have a checkpoint. Len TwoTeeth wants a check station in the Lozeau Primitive Area and Hubbard Dam. They would be monitoring and enforcing the Flathead resident day-use only access. **No action taken.** Council took the request under advisement and assigned a committee to work through the issues discussed. Charmel Gillin and Ellie Bundy McLeod will work with Dan and get council something as soon as possible. **Rich Janssen** will report back to council on Thursday.

Erika Weber, Tribal Health Department, requested approval to hire Tamberly Wagner to fill the Primary Care Behavioral Health Specialist position. The vacancy was advertised and Tamera was the selected candidate. **Melanie Piedalue**, Personnel Department, informed council that she worked with THD regarding the nontribal member hire form, and that information is included in the council packet. Melanie signs off on the form so the tribal council is aware that it went through the Personnel process.

MOTION by Anita Matt to approve the hire of Tamberly Wagner on a contract to fill the Primary Care Behavioral Health Specialist position. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Erika Weber and **Clayton Matt**, Tribal Health Department, requested approval to hire Annie Lowe on a three-year contract to fill the Mental Health Therapist position to work out of the Polson, Elmo and SKC clinics. The vacancy was advertised and Annie was the selected candidate.

MOTION by Len TwoTeeth to approve the hire of Annie Lowe on a three-year contract to fill the Mental Health Therapist position for the Polson, Elmo and SKC clinics. Seconded by Martin Charlo. Carried, unanimous (9 present).

Erika Weber and **Clayton Matt**, Tribal Health Department, requested approval to hire Maria DuMontier on a three-year contract to fill the Mental Health Therapist position. The vacancy was advertised and Maria was the selected candidate.

MOTION by Charmel Gillin to approve the hire of Maria DuMontier on a three-year contract to fill the Mental Health Therapist position. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Ellie Bundy McLeod).

Chelsea Kleinmeyer and **Clayton Matt**, Tribal Health Department, requested approval to purchase capital equipment consisting of a respirator fit test machine by TSI and 95 qualifier.

MOTION by Ellie Bundy McLeod to authorize the purchase of capital equipment consisting of a respirator fit test machine by TSI and 95 qualifier. Seconded by Martin Charlo. Carried, unanimous (9 present).

Dan Lozar, Natural Resources Department, requested approval of the 31A Canal and Jocko projects in 2020 for \$200,000 and \$1.018 million for the Taber Feeder Diversion Dam from BIA funding.

MOTION by Anita Matt to approve the 31A Canal and Jocko projects in 2020 for \$200,000 and \$1.018 million for the Taber Feeder Diversion Dam from BIA funding. Seconded by Martin Charlo. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; and **Tom Wolf**, Montana Fish, Wildlife & Parks Aquatic Invasive Species Unit; requested approval of a collection permit to collect AIS samples on Flathead Lake.

MOTION by Ellie Bundy McLeod to approve a collection permit to collect AIS samples on Flathead Lake. Seconded by Mike Dolson. Carried, unanimous (9 present).

Kelly Parker, Department of Human Resources Development, requested permission to submit a grant application to the Rehab Services Administration for American Indian Rehabilitation Program for the five-year grant period for the Tribal Voc-Rehab Program. May 26 is the deadline to submit the application, but that closing date might get extended.

MOTION by Martin Charlo to approve submission of the application to the Rehab Services Administration for American Indian Rehabilitation Program for the five-year grant period for the Tribal Voc-Rehab Program. Seconded by Anita Matt. Carried, unanimous (9 present).

Kelly Parker, Department of Human Resources Development, requested approval to hire Cody VanNess on a one-year contract as a Personal Home Caregiver for a family member.

MOTION by Martin Charlo to approve the hire of Cody VanNess on a one-year contract as a Personal Home Caregiver for a family member. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Kelly Parker, Department of Human Resources Development, requested approval to hire Casey Sorrell on a one-year employment agreement to fill the Tribal Voc-Rehab Counselor position. The vacancy was advertised two or three times and Casey was the only applicant.

MOTION by Ellie Bundy McLeod to approve the hire of Casey Sorrell on a one-year employment agreement to fill the Tribal Voc-Rehab Counselor position. Seconded by Bing Matt. Carried, 8 for; 1 abstention (Martin Charlo – due to family relation).

Kelly Parker and **Patricia Courchane**, Department of Human Resources Development, requested approval of an employment agreement with Kristina Griffin to fill the Child Protection Specialist Trainee position. Kristina would be promoted once she obtains her degree and would receive a pay increase. It would be a three-year education and employment contract. **Len TwoTeeth** questioned doing education/employment contracts with nontribal members. Patricia advised that DHRD has done two other education/employment contracts with nontribal members and has one right now with a nontribal member who is working towards her master's degree. **Martin Charlo** commented that there was no information provided about this being an educational contract. The document states that it is an employment agreement. Patricia explained that it is an on-the-job trainee position and Kristina would be promoted into the Child Protection Services Specialist position once she obtains her degree. Martin raised concern about Kristina not qualifying for the position that is stated in the contract because she has no degree. It was clarified that she would remain in the trainee job until she obtained the qualifications for the specialist position. **Chairwoman Fyant** advised that it would need to be rewritten since she does not possess the qualifications stated in the employment agreement as it's written. Kelly told council that this would be a new contract since Kristina's current contract expired already.

MOTION by Len TwoTeeth to approve an employment agreement with Kristina Griffin to fill the Child Protection Specialist Trainee position. **MOTION WITHDRAWN. No action taken. Council** directed that the request be resubmitted as a trainee position with the trainee position description attached. **Martin Charlo** told DHRD that they should not make promises to employees for something that requires action by the policymaker (tribal council).

Charmel Gillin asked why the position was not advertised to provide tribal members an opportunity to apply. Patricia explained that Dana had asked to keep Kristina in the position without advertising it because she is a good employee and Dana would like to keep Kristina in that position. It is expensive and time-consuming to hire and train new workers.

It was the **consensus** of council to direct DHRD to bring back the request with the stated changes.

Mark Couture, Tribal Lands Department, requested approval to advertise the 2020 fireworks bid packet with the COVID-19 plan added. **No action taken.** Council requested the issue paper be submitted to council and then they will revisit it.

Mark Couture, Tribal Lands Department, had the trespass protocol discussion scheduled for today with the Bureau of Indian Affairs Superintendent. The BIA is not signing off on tribal lands trespass issues. The discussion will take place when Waylon Denny can be present.

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

Mark Couture and **Tara Irvine**, Tribal Lands Department, returned to council to seek approval to advertise the 2020 fireworks bid packet, and require a COVID-19 plan to be submitted, to be advertised May 14 through May 28. Charmel Gillin questioned the sites not being advertised and people given direct permits. Tara responded that the site by KwaTaqNuk Resort (1914-B) has never been advertised because it is an allotment. The other spot is located at Blue Bay. That site was advertised about ten years ago and only one person would bid on it.

MOTION by Martin Charlo to approve the advertisement of the 2020 fireworks bid packet. Seconded by Bing Matt. Carried, 7 for; 2 opposed (Shelly Fyant and Charmel Gillin).

***Chairwoman Fyant**, for the record, "I felt it was an incomplete packet, that we weren't advertising all of the spots just based on the previous year's response. We still need to advertise everything every year."*

Tara Irvine informed council that the Tribal Lands Department could add the Allotment 1914-B and Blue Bay sites to the advertisement.

Waylon Denny, Bureau of Indian Affairs Superintendent; and **Mark Couture**, Tribal Lands Department; discussed trespass issues. The Tribal Lands Department had some trespasses in November 2019 and the Regional Director said to submit everything to them, but then they have not signed anything. The

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Lands Department is trying to find out what the holdup is. The Regional Director encouraged the Tribal Lands Department to go through Tribal Court for trespasses on homesites and agricultural leases before involving the Superintendent and Regional Director. **Mr. Denny** will be in the office tomorrow morning if Mark would be interested in having a face-to-face meeting regarding the details of these cases. **Charmel Gillin** reported that there are some allotments of individual trust lands that need to be considered and she sent those to Mark. Trespass issues can occur when heirs cannot be located during a probate. **Carole Lankford** commented that the bigger issue is there would be a huge cost to the Tribal Lands Department to take these cases to Tribal Court. **Len TwoTeeth** thought the Tribes had the right to write their own trespass ordinance; if that's the case, a committee needs to be formed to begin looking at that. **Anita Matt** commented that unless the Code of Federal Regulations changed, the Superintendent and Regional Office are responsible for protecting our assets. Mark responded that in November the Regional Director wanted to review trespasses and that is why they go through the Portland Regional Office. **Mark Couture** and **Waylon Denny** will have a meeting and report back to the tribal council on what the plan is moving forward. Daniel Decker will be invited to that meeting.

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

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

Council **recessed** the regular meeting at 1:01 p.m. to conduct a shareholder meeting.

Council **reconvened** into the regular meeting at 1:54 p.m.

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

Rhonda Swaney and **Stu Levit**, Legal Department, presented for consideration a joint letter addressed to the government of Canada from CSKT and the Kootenai Tribe of Idaho and a resolution approving the submission of the joint letter requesting that the Impact Assessment Agency of Canada complete an environmental assessment under the Canadian Impact Assessment Act, for Teck Mining Company's proposed "Fording River Operations Castle Project.

MOTION by Martin Charlo to approve by resolution the submission of the joint letter requesting that the Impact Assessment Agency of Canada complete an environmental assessment under the Canadian Impact Assessment Act, for Teck Mining Company's proposed "Fording River Operations Castle Project. Seconded by Charmel Gillin. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 20-102

RESOLUTION TO APPROVE AND SUBMIT JOINT LETTER WITH THE KOOTENAI TRIBE OF IDAHO TO THE GOVERNMENT OF CANADA REQUESTING THAT THE IMPACT ASSESSMENT AGENCY OF CANADA COMPLETE AN ENVIRONMENTAL ASSESSMENT UNDER THE CANADIAN IMPACT ASSESSMENT ACT, FOR TECK MINING COMPANY'S PROPOSED "FORDING RIVER OPERATIONS CASTLE PROJECT"

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES ("TRIBES"):

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

WHEREAS, the Tribal Council is further entrusted with the authority to manage governmental and intergovernmental affairs;

WHEREAS, coal mining activities in British Columbia contaminate and degrade water quality of waters entering the US and in turn degrade natural resources, including CSKT's Treaty resources; and

WHEREAS, the Teck, Inc., has proposed to expand its Fording River (of the Elk Watershed) operations; and

WHEREAS, British Columbia is the primary entity for environmental review and permitting - however, Canadian Federal Review of the environmental impacts should significantly improve the review processes.

THEREFORE, BE IT RESOLVED that the Tribal Council send a joint letter with the Kootenai Tribe of Idaho to the government of Canada requesting that the Impact Assessment Agency of Canada pursue and complete a comprehensive environmental assessment under the Canadian Impact Assessment Act, for Teck Mining Company's proposed "Fording River Operations Castle Project."

Rhonda Swaney, Brian Upton, Ryan Rusche, and John Harrison, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Chairwoman Fyant presented for approval a resolution supporting Shane Morigeau as State Auditor.

MOTION by Martin Charlo to approve the resolution, with changes, to endorse Shane Morigeau for the State Auditor position. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 20-103

A RESOLUTION ENDORSING SHANE A. MORIGEAU FOR STATE AUDITOR

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, 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; and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes; and

WHEREAS, the Montana State Auditor's Office, Commissioner of Securities and Insurance, regulates insurance and securities in Montana and is a criminal justice agency that protects Montana's consumers by ensuring fairness, transparency and access for Montanans in two of Montana's largest industries - securities and insurance; and

WHEREAS, the Montana State Auditor assists in resolving insurance complaints and provides legal and investigative services for consumers regarding insurance and securities fraud;

WHEREAS, the Montana State Auditor registers securities and provides investor support and protections in Montana. The Montana State Auditor works to promote uniformity in the state market, provides a framework that encourages capital investment in Montana, and provides financial literacy education on securities; and

WHEREAS, the Montana State Auditor is one of five Montana State Land Board members that manage over 5.2 million acres of state trust lands;

WHEREAS, the health of Indian people is contingent upon quality healthcare that is both affordable and accessible; and

WHEREAS, the life expectancy of Indian people in the United States is, on average, 5.5 years less than that of non-Indians and is between 19-20 years less than non-Indians in Montana;

WHEREAS, the health, safety, and welfare of Indian people is promoted through the regulation of the securities industry, investor investment protection, proper fraud investigations, and financial literacy education;

WHEREAS, Shane Antoine Morigeau is a member of the Confederated Salish and Kootenai Tribes and grew up on the Flathead Indian Reservation in Montana; and

WHEREAS, Shane Antoine Morigeau is a licensed attorney of over nine years; and

WHEREAS, Shane Antoine Morigeau is a Representative in the Montana House of Representatives who has served as a member of the Montana Indian Caucus and minority leadership for two terms; and

WHEREAS, Shane Antoine Morigeau carried and/or passed numerous pieces of legislation that strengthen and protect Indian communities, including, but not limited to, investment loans for tribal governments, the Montana Promise Act, Indigenous People's Day, child consent laws, and protections for victims of childhood sex abuse;

WHEREAS, Shane Antoine Morigeau is seeking the office of Montana State Auditor to protect Montanans and improve the health and welfare of all Montanans, including Indian people;

WHEREAS, Shane Antoine Morigeau understands the importance of managing and protecting public lands and resources for all Montanans to enjoy in perpetuity;

WHEREAS, the Confederated Salish and Kootenai Tribes recognize the importance of supporting Indian political candidates that value, understand, and include the health and welfare of our people; and

NOW THEREFORE BE IT RESOLVED, the Confederated Salish and Kootenai Tribes endorses Shane Antoine Morigeau for Montana State Auditor and the Confederated Salish and Kootenai Tribes authorizes the execution of this Resolution by the Chairwoman and the Tribal Secretary.

Chairwoman Fyant discussed hiring a recruiter to assist in finding a qualified candidate pool for the Tribal Health Department Director position.

MOTION by Ellie Bundy McLeod to proceed with a recruiter to assist in finding a qualified candidate pool for the Tribal Health Department Director

position. Seconded by Anita Matt. Carried, 7 for; 2 opposed (Carole Lankford and Bing Matt).

***Carole Lankford**, for the record, “I would like us to exhaust all possibilities to seek out a tribal member first rather than going to the outside. I appreciate Bing being a new council member wanting to take that avenue also.”*

***Chairwoman Fyant**, for the record, “This is a different recruiting method than traditional advertising. This does not deter tribal members from applying.”*

Melanie Piedalue, Personnel Department, commented that this is outside the Personnel Ordinance and hiring practice, and she wanted to know if the Personnel Department would be getting this done or if the tribal council would. **Charmel Gillin** clarified that the ordinance says the tribal council has the prerogative to hire department head positions in any way they choose; there is not a crafted or outlined procedure for hiring department head and director positions. Melanie said she just wanted to know if she is doing it or if someone else is. **Chairwoman Fyant** told her that there are some suggestions where to go to locate a specific recruiter and they would discuss it later.

Rick Eneas, Financial Management; and **Jami Pluff**, Policy Analyst; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Martin Charlo to adjourn the meeting.

Council **adjourned** at 3:48 p.m., and is scheduled to meet again on Thursday, May 14, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary