

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

Volume 20 Number 57
Zoom Meeting

Held: May 19, 2020
Approved: May 21, 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 Len TwoTeeth.

The **Tribal Council Meeting Minutes** for May 12, 2020 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for May 12, 2020, with corrections. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Charmel Gillin).

The **agenda** was presented for approval. There was a walk-in request but it had not been vetted through the Division of Lands, so that issue was be rescheduled for Thursday’s meeting.

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

Council discussed their meeting schedule. There is a meeting with the Flathead Agency Acting Superintendent Waylon Denny tomorrow at 10:00 a.m. to discuss trespass issues.

Rick Eneas, Financial Management, requested approval of a one-year contract with REDW as the external auditor. When this contract expires, the audit service will be put out for bid. The contract was reviewed by Contracts & Grants.

MOTION by Ellie Bundy McLeod to approve a one-year contract with REDW. Seconded by Martin Charlo. Carried, unanimous (10 present).

Rick Eneas, Financial Management, requested approval of modification 6 to the fiscal year 2020 Indian Health Service Self-Governance Compact Budget. Fiscal year 2019 funding for final Contract Support Costs-Direct, and fiscal year 2020 funding for COVID-19 IHS Director’s Emergency Fund, Programs, Medical Equipment, and Maintenance & Improvement has been awarded and needs to be allocated to the budget.

MOTION by Charmel Gillin to approve by resolution modification 6 to the fiscal year 2020 Indian Health Service Self-Governance Compact Budget. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-103

RESOLUTION APPROVING MODIFICATION 6 TO THE FISCAL YEAR 2020 IHS SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, FY 2019 funding for final Contract Support Costs-Direct, and FY 2020 funding for COVID-19 IHS Director’s Emergency Fund, Programs, Medical Equipment, and Maintenance & Improvement has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

Programs, Functions, Services, and Activities	Budget Account	FY 2020 Current Budget	Increase/ (Decrease)	Revised FY 2020 Budget Authority
Maintenance and Improvement	11-502-4115	268,000	124,640	392,640
Tribal Health Department	11-502-4130	12,700,508	786,529	13,487,037
Total Increase/(Decrease)			911,169	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2020 IHS Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that the FY 2020 IHS Self-Governance Compact Budget is increased from \$31,578,060.87 to \$32,489,229.87; and

BE IT FURTHER RESOLVED that prior years’ unexpended funds, in addition to Third Party Revenues, are available to appropriate for budget expenditures

pending final obligation of FY 2020 funds.

Rick Eneas, Financial Management, requested approval of modification 9 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Earmarked fiscal year 2019 funding for Forestry Projects and earmarked fiscal year 2020 funding for Welfare Assistance (CARES Act) has been awarded and needs to be allocated to the budget.

MOTION by Len TwoTeeth to approve by resolution modification 9 to the fiscal year 2020 Bureau of Indian Affairs Self-Governance Compact Budget. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-104

RESOLUTION APPROVING MODIFICATION 9 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, earmarked FY 2019 funding for Forestry Projects and earmarked FY 2020 funding for Welfare Assistance (CARES Act) has been awarded and needs to be allocated to the budget; 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
Child Welfare Assistance	13-502-4703	450,000.00	87,721	537,721
FMIP	13-510-4539	762,474.79	74,918	837,392.79
Total			162,639	

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 \$46,378,836.49 to \$46,541,475.49; and

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

The **Unified Command Team** gave an update. **Jim Steele** reported on the three levels of messaging and the hands-on public health messaging. The incident commanders agreed about discussing mitigations and the people behavior related to the high-risk population. They chose not to use the numbers they used previously, and just used those folks in general terms and a list of what those conditions would be. There are congregate gatherings going on all over the place. There will be a graduation party in Arlee. There is no assurance that there will be any policing regarding social distancing, so we are at risk to spread infections. Hot Springs Homesteaders Days is still being planned, but his understanding is that the rodeo will either be canceled or not go as planned. Congregate gathering is becoming popular as reopening carries on. We do not have the numbers to support outrageous concerns, but the potential exists. That is how the team will move forward. The rodeo takes place on private land.

Rod Couture reported that as of yesterday the team met with Rick Eneas to go over the ordering for the departments and determine how best to disperse orders as they come in since the orders are sporadic. There are some items on back order. The main concern right now is to make sure all tribal departments have at least a month's supply, if possible. Rod received notice that the hand sanitizer will be delivered this week, so that will be distributed throughout the tribal departments, elders, and the Boys & Girls Club. **Steve McDonald** would like to put notice to the departments about a system for distributing hand sanitizer. Smaller containers will be needed.

Greg Gould informed council that for the public health situation, there was a cluster last week on Crow with four new positive cases in one day. They investigated that to determine what it was. It appeared to be a cluster. Someone traveled outside the area and then returned home infected and subsequently infected the whole house. They are seeing that mechanism every time. The analysis is accurate on the risk and where the exposure is. There have been developments regarding testing. The governor announced that they would test 60,000 Montanans per month. Testing is key for surveillance and understanding the current environment. There was an email about testing supplies that could be provided to the Tribes and the county. They will create a mass testing system and structure. They are looking at the potential of drive-through testing on the south, middle, and north points of the reservation. They engaged with the State on potential technical resources that are needed. Ft. Belknap did that and 1,100 people went through their testing site. More details are yet to come. **Chairwoman Fyant** announced that there is a meeting with the Department of Public Health & Human Services, National Guard and the Governor tomorrow to work out the scheduling for this. **Steve McDonald** advised that Tribal Forestry is preparing the hazmat building for delivery of the hand sanitizer since it is a volatile substance. They will figure out how to get that distributed. The new Incident Action Plan should be coming out tomorrow. **Rob McDonald** discussed messaging. He is hearing on the street level that the governor will terminate the

fourteen-day quarantine requirement for out-of-state travelers. Testing will be offered to front line workers. The UCC website is now complete and has a search function and comment section.

Fred Matt commented on the number of folks that go shopping in Missoula and Kalispell or out of the area for funerals, and he wanted to know what the protocol was for that. **Jim Steele** commented on the value of testing. Even though a person feels well, the statistics have indicated that 44% of the people carrying COVID-19 are asymptomatic and can spread the infection to those around them. With the testing going on, the individuals that are asymptomatic are now testing positive. It would be good to get tested, but they are struggling with getting anyone tested due to the lack of test availability. **Greg Gould** explained that so many components of this virus are asymptomatic, and that is why the fourteen-day quarantine period is so important. At any given point, we are two weeks behind. What happened in the community two weeks ago is what we are all dealing with today. Fred plans on traveling within the state and wanted to know if there are any protocols. Greg responded there is no specific doctrine for that. Personal actions and mitigations is what it comes down to, so covering, hand washing, and social distancing have a dramatic effect. **Steve McDonald** informed council of a tribal employee that wants to go out of state for a medical issue and needs clarification on whether that person would be required to take personal time off for the 14-day quarantine period upon returning to Montana. **Martin Charlo** explained that if the employee can provide verification to the COVID-19 committee that it was medically necessary, the committee would approve administrative leave for the time off work to self-quarantine. These are being evaluated on a case-by-case basis.

Len TwoTeeth informed council that he was messaged from the chairman of the Standing Arrow Pow Wow Committee that the pow wow is canceled.

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

Joe Durglo and **Jessi Cahoon**, Tribal Health Department, requested approval of a one-year temporary employment agreement with Mike Hertz to support Pharmacy operations as needed, due to the loss of a co-worker, the COVID-19 situation, and an employee going on maternity leave. The vacancy will be advertised during the term of this contract. **Chairwoman Fyant** expressed her condolences for the loss of their co-worker and she understands what a difficult time this is for the department.

MOTION by Fred Matt to approve a one-year temporary employment agreement with Mike Hertz to support Pharmacy operations as needed. Seconded by Bing Matt. Carried, unanimous (10 present).

Joe Durglo and **Jessi Cahoon**, Tribal Health Department, requested approval to

hire/transfer Joe Doney to the Lead Pharmacy Technician position (Polson Clinic) on a two-year contract.

MOTION by Charmel Gillin to approve the hire/transfer of Joe Doney on a two-year contract to fill the Lead Pharmacy Technician position at the Polson Clinic. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Joe Durglo and **Jessi Cahoon**, Tribal Health Department, requested approval to add a Lead Pharmacist – St. Ignatius position to the organizational chart. COVID-19 causes the administrative work to exceed the ability to also fill prescriptions up to the necessary standards.

MOTION by Charmel Gillin to approve the revised organizational chart to add a Lead Pharmacist – St. Ignatius position at the Tribal Health Department. Seconded by Anita Matt. Carried, unanimous (10 present).

John Harrison, Legal Department; **Dan McClure**, **Rich Janssen** and **Tom McDonald**, Natural Resources Department; discussed the land monitoring situation. A position description was developed, and a list of locations were identified. Council needs to determine whether to proceed with having check stations on the reservation. The check stations would be manned from 10:00 a.m. to 8:00 p.m. 4 crew leaders and 16 crew members would be hired. It may be difficult to fill the positions with emergency hire. The department has had difficulty filling AIS vacancies due to the drug testing. **Ellie Bundy McLeod** commented that a change of duty could be approved for current employees to fill the positions, if needed. Some of the roads on Jocko Road, North Valley Creek and the Lozeau Primitive Area were added to the location list. **Chairwoman Fyant** suggested having one at the wye by the McLeod/Whitworth place. **Anita Matt** commented that the Moiese Valley Road has a lot of traffic to the river and there is also camping and boat launches there. She also did not see a location near the National Bison Range on the list. **Dan McClure** told council that the officers patrol the Foust Slew and the Morigeau Camp on a daily basis. **John Harrison** was asked if the Tribes could close off these areas and if council action is needed. Council already has a resolution in place (20-091) until there is an action to reopen the areas, so that is good enough for that question. The tribal council has authority to manage tribal lands as they see fit. Regarding the other roads that are not solely tribal areas, they should work with other folks. NRD spoke to the sheriff and he seems amenable to this. As long as the Tribes are not blocking or gating public roads, it should be okay; managing tribal roads are up to the tribal council. Implementing it and managing it programmatically would be the outstanding issues that need to be addressed. It would be good to contact the vendors so we do not sell recreation permits and then have the individuals come here to recreate and be denied access. **Tom McDonald** commented that some of the people that already purchased permits want a refund if they are not allowed to use the permit. **Council** had some questions

about camping and split families. Some tribal members have nontribal member spouse/children. There have been questions about this posed to the tribal council since the resolution was enacted. **John Harrison** responded that modifications to Resolution 20-091 may be needed. That resolution limits activities on tribally managed lands to day-use only. **Charmel Gillin** wanted to spell it out, agree how it is implemented, and provide education to make the membership understand it so they will support it. She saw in the comments that the early and late hours need coverage, as well. She was at the Sand Dunes over the weekend and there were some out-of-staters setting up cones, probably to lead other people into where they were at. She also wanted the cost figured out since she thought the COVID-19 funding could not be used for this purpose. **Chairwoman Fyant** said the Tribes might be able to use Treasury funds for public safety, and Rick Eneas is following up on that. The question of nontribal member family needs to be clarified. **Fred Matt** agreed with Charmel Gillin's comments that camping access should be provided to the tribal member head of household or tribal member youth under the guardianship of nontribal members. Shelly asked John to provide the necessary documents to make the changes. John advised that the tribal council would just need to either revoke Resolution 20-091, modify it, or pass a new resolution. The team needs clear direction on what the council wants and then they can propose the best way to proceed. **Martin Charlo** commented that hunting and gathering is a necessity for our tribal members and it was allowed for subsistence. **Len TwoTeeth** advocated for tribal members that live out of state. Large families look forward to coming home and going camping. He suggested leaving discretionary language in the ordinance to give special attention to these tribal members that travel great distances to return home. He wants to allow them to utilize tribal lands. **Rhonda Swaney** clarified that the Legal staff wrote the resolution with the understanding of what council's wishes were at the time, so they just need to let the staff know how they want to move forward and the attorneys will prepare a new resolution. **Council** clarified what the process would be moving forward.

It was the **consensus** of council to change the resolution to allow tribal members to access tribal lands regardless of their residence.

It was the **consensus** of council to change the resolution to allow nontribal member family members (such as a child/spouse) to be allowed access to tribal lands if they are accompanied by the tribal member and have a valid permit.

It was the **consensus** of council that the hours of operation of the check stations would be from 10:00 a.m. to 8:00 p.m. (one ten-hour shift), to be reassessed as needed.

The next issue discussed was the need for 4 crew leaders and 16 crew members.

A position description is needed for the Gate Guard positions and it needs to get advertised as an emergency hire. There needs to be a written protocol for compliant/noncompliant users; require local ID (tribal or state identification) for people to gain access to the areas; develop a daily written report of access; PPE needs (masks, hand sanitizer, yellow vests, and safety barriers). Meals and water would not be provided to the crew since it is like any other job and the Tribes are not responsible for that. Signage for the check stations and a press release from Rob would also be needed. **Len TwoTeeth** requested that the number of crew members be increased to 32 so there would be two employees at each access point for safety reasons. Len commented that upon review of the Gate Attendants, did the council come to agreement on the rate of pay. Shelly explained that it was the same rate of pay as it was the South Fork Gate Guard positions. It is a classified position, not a council decision. Anita Matt advised that the positions were advertised yesterday at \$13.50 per hour. Len suggested it start at \$15 per hour. Council discussed the question if cell phones/radios would be provided to the gate guards. **Martin Charlo** would like to know where the funding is coming from before we double up on the number of workers. **Shelly Fyant** suggested making the action dependent upon funding. **Charmel Gillin** was concerned that this process is not structured to prevent exposure to coronavirus, and she would like that addressed to implement a self-quarantine measure and make it a requirement in the guidelines since people from the hot spot areas would be allowed to access tribal lands.

MOTION by Len TwoTeeth to proceed with the reservation access points plan, as discussed, to be dependent upon funding. Seconded by Fred Matt. Carried, unanimous (10 present).

Rhonda Swaney and **Mary Price**, Legal Department, requested approval of a letter to Governor Bullock and Trustee Council Members regarding the Stomptown Addition to Garrity Mountain Wildlife Management Area as presented to the Upper Clark Fork River Basin Remediation and Restoration Advisory Council. The letter commented that the acquisition and protection of 600 acres of wildlife habitat and 0.7 miles of Warm Springs Creek is a significant step towards protecting, restoring and replacing the natural resources injured by industrial mining and smelting operations within the basin. On April 29, the Advisory Council voted to pass it and forwarded it to the Trustees. The Trustees appreciated the Tribes' comments and they took action to vote in favor of the acquisition.

MOTION by Carole Lankford to approve the letter addressed to Governor Bullock and the Trustee Council Members. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Rhonda Swaney, Brian Upton and **Chelsea Colwyn**, Legal Department; **Stacey Sherwin** and **Nikki Graham**, Salish Kootenai College Institutional Review Board;

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gave an update on the Reservation Research Board process, due to changes to the federal regulations for Institutional Review Boards (IRB). There are many IRBs and most universities have their own. The change in the federal regulations would allow for research to occur on the Flathead Reservation without CSKT's knowledge. In January, the tribal council approved a temporary ordinance that requires any research done on the reservation to go through the Salish Kootenai College Institutional Review Board (SKC IRB). The Legal Department was asked to look into the pros and cons of CSKT having its own IRB or using the SKC IRB. The recommendation of the team was for the CSKT to have its own Research Review Board. Any research done on the reservation needs to be in the best interest of the Tribes, but the IRB does not ask that question. There should be a coordinated review by the Tribes for any proposed research to determine if there is a need to have that research conducted on the reservation. Any research proposal would need to be approved by the CSKT Research Review Board, and then it would go to the SKC IRB for approval to ensure that it meets the federal requirements. The interactions and coordination with the Cultural Preservation Board would be worked out by the group. The group holds monthly meetings and the tribal council was invited to participate. **Stacey Sherwin** explained that the SKC IRB does not approve any research proposals until the proposal meets the category requirements and is approved by the tribal council. There are issues sometimes regarding studies that will not get approved by the tribal council until the SKC IRB approves it, and the SKC IRB will not approve it until the tribal council approves it. **Chairwoman Fyant** was appreciative of that clarification since the tribal council thought it had to be approved by the SKC IRB prior to the tribal council approving it.

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

Council reconvened into **regular session**.

MOTION by Carole Lankford to join the amicus brief with the Native American Rights Fund for the Dakota Access Pipeline case. Seconded by Anita Matt. Carried, unanimous (10 present).

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

Council **recessed** the regular meeting at 1:00 p.m. to conduct a shareholder meeting.

Council **reconvened** into the regular meeting at 1:47 p.m.

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

Council wore their face masks and reminded the tribal membership to wear a mask and take safety precautions when they are out in public. **Charmel Gillin** went to Walgreen's and was able to pick up a mask. **Carole Lankford** announced that the Bread Basket has a bag of handmade masks to be given away to customers. **Shelly Fyant** went to Harvest Foods this morning. She only saw two people wearing masks, and none of the employees were wearing one.

Levi Anderson, Abby Harnett and **Ryan Mattson**, Western Montana Mental Health Center, discussed services offered in Lake County. They are grateful to be able to provide services to tribal members and they appreciate being a partner with CSKT. They discussed services they provide and future services that could be provided. The WMMHC was founded in 1974 as one of the first originally based mental health centers in Montana. The service area grew to seventeen counties. It includes comprehensive services to adults, services for people suffering from mental health and/or substance abuse disorders. WMMHC has a broad portfolio available, including inpatient and outpatient treatment, therapy, and school-based programs. Their mission is to build thriving communities through compassionate, whole-person, expert care. The overview of services provided in Lake County include the Lake House Crisis facility. That facility is closed due to the lack of resources caused by the COVID-19 crisis. They provide 24/7 mental health professional emergency crisis response services; outpatient therapy and case management; psychiatric medication management services; outpatient substance abuse services (ACT, MDD, MIP, and Prevention); telehealth service expansion, and jail diversion. The Lake House facility has six voluntary beds. **Carole Lankford** suggested that WMMHC meet with the Tribal Health Department's Mental Health program. **Chairwoman Fyant** will follow up with Clayton Matt to get that meeting scheduled. The future services goals include having a program for assertive community treatment; day treatment; secure beds at Lake House/Recovery Center; respite care; and formalize agreements. Shelly told them that a task force was created on homelessness, and the group submitted a report on their meetings. They put together a concept proposal that will be presented to the council. They talked about how homelessness and substance abuse/mental illness are intertwined. The group would like to hire a consultant to assist them. She will share the contact information with the Tribal Health staff so they can create a partnership with WMMHC. **Anita Matt** commented that the homelessness group talked about the difficulties with getting insurance and where people have to go to receive services.

Daniel Carlino, Public Service Commission Candidate, requested input from the Tribes on community issues with the utilities and talked about the four new fracking plants in Montana proposed by Northwest Energy. Daniel talked about his concerns to our water supplies and sacred lands if there are fracking plants. He is opposed to the fracking plants due to the environmental injustices. Daniel would like to be an ally to the Tribes on this issue. **Carole Lankford** suggested

forwarding this issue to the Legal Department. Daniel shared a copy of Northwestern Energy's 2019 Electricity Supply Resource Procurement Plan. If the Public Service Commission approves it and the public does not oppose it, the four new plants will proceed as planned. Daniel will email the tribal council a copy of the plan. The four gas plants will be built in Montana by 2025. It is important for the CSKT to get out the vote. **Chairwoman Fyant** advised that the council would have the Legal Department draft a resolution opposing this plan.

Vina Little Owl, Internal Auditor, discussed the risk assessment she developed due to COVID-19. She has a meeting with Charmel Gillin and Martin Charlo, and then she will finalize her work objectives to get them out in the field. **Charmel Gillin** would like to focus on the use and expenditures and the compliance of the CARES funds to make sure we have a smooth flow to closeout of those funds by the deadlines. Vina's proposed modifications to the audit plan will require council approval.

Charmel Gillin informed council of a meeting scheduled for tomorrow at 9:30 a.m. with the Communications Director, Sapphire Strategies, and departmental staff to begin developing a communication strategy to elevate awareness and education to the youth regarding COVID-19. She anticipates they will utilize elders in those teaching moments. They will help to bring forth some culture awareness, alongside the standard of teaching to protect ourselves and others with the prevention measures of the COVID-19 virus spread. Charmel hopes to engage the DHRD staff, and she will reach out to DHRD again since she did not get a response from the department.

Council met in executive session.

Council reconvened into **regular session.**

MOTION by Fred Matt to adjourn the meeting. Seconded by Bing Matt. Carried, unanimous (9 present – Shelly Fyant out of the room).

Council **adjourned** at 3:10 p.m., and is scheduled to meet on Thursday, May 21, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary