

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

Volume 20 Number 59
Zoom Meeting

Held: May 26, 2020
Approved: May 28, 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 (Personal Time Off).

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 Martin Charlo.

The **Tribal Council Meeting Minutes** for May 21, 2020 were presented for approval. **Anita Matt** gave an update on the homelessness issue. There is a meeting after the council meeting today and the group will get scheduled on next Monday’s chairwoman’s meeting agenda.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 21, 2020, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **agenda** was presented for approval.

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

Dale Nelson, Steve McDonald, James Steele, Greg Gould, and Jean Matt, Unified Command Team, gave an update. **James Steele** reported that mass testing will be the biggest issue happening right now. With people going back to work, there is talk about the team members spending more time at their regular jobs. They need to discuss how long this team will be functioning, what it looks like if the team is pared down, and when they will disassemble. They will also discuss whether the team will take a break and be reinstated in the fall. **Greg Gould** reported that the mass testing process has been fast and furious. The

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mass testing plan was finalized last week. The County Health and private health practitioners (the two hospitals) were engaged and are on board. The resource order (tests, testing kits, and logistical kits) was made to the state last week, and the state is working on it. The target dates and locations for the four mass testing events were determined. The schedule is June 10 in Arlee, June 11 at Salish Kootenai College, June 12 in Polson, and June 13 in Elmo. Those are the four initial steps that will be taken. James requested approval to use the pow wow grounds in Arlee and Elmo as a testing site. The SKC site is secured and they are underway to get approval for the Polson site. 2,500 test kits were ordered. After this primary event, the team anticipates smaller events in more locations to be determined by public health needs. The team is working with Lesa Evers from the Governor's Office and the DES. The testing will be available for anyone who wants to get tested. The test will determine whether people currently have the COVID-19 disease.

It was the **consensus** of council to authorize use of the Arlee and Standing Arrow Pow Wow grounds as testing sites.

Charmel Gillin asked if the Incident Command Team has provided clear and general guidance on reopening. She has the understanding one of our entities will do a temperature check for people entering the premises and if they test 104 degrees or higher, they will be denied entry. **Mark Clary** responded that Lake County's threshold for entry to the courthouse was 100.4 degrees. **Chairwoman Fyant** commented that the Tribes wanted to be consistent with whatever guidelines are used, and that is why they wanted it in the plans. **Rick Eneas** commented that as it relates to the Tribes reopening, Property & Supply has thermometers for the entrances to all tribal buildings and will keep documentation of the temperatures taken. The temperature threshold is 100.4 degrees. They are preparing to have restricted access to each building with temperature monitors. That is in line with the CDC guidelines. **Martin Charlo** asked if care packages could be given away at the test sites. **Greg Gould** told him that they are looking at a giveaway to those folks testing, such as hand sanitizers and cloth masks.

Rod Couture is trying to track down the hand sanitizer that was supposed to be delivered last Friday; hopefully, it will show up this week. He has worked with Kermit on the department orders so they can disperse supplies to the departments to ensure that every department at least gets a portion of what they need. No-touch thermometers were ordered and those are hard to come by. He has worked with the Boys & Girls Club. The Boys & Girls Club have been providing meals for the past 40 days and the last meal delivery will be on June 15. The Boys & Girls Club will be active with students. They plan on using the high school since the club is still under construction. They will stop the meal delivery program since the schools will be out for the summer and they will have students at the club. Aric Cooksley and Chairwoman Fyant had a call, and Aric

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will provide an update to the tribal council on Thursday. They are resuming regular programming and the schools should continue their summer programs as usual. The club has 24 locations they deliver meals to. **Rick Eneas** gave a finance update. Most of what is being talked about is not actually something that has a financial implication. The sanitizer is provided for through FEMA and the food is being covered through other programs. The UCC is tracking the costs incurred to date, which are signage related, salaries, and websites. They are looking at their relationship with FEMA. The costs have not amounted to much, so they may be covered through other funding sources rather than FEMA. They remain in a holding pattern right now.

Rob McDonald has been transitioning the website information to testing site plans. There is a new message posted on the website with Chairwoman Fyant and Bill Barron. It appears the safety messages were successful. The testing dates are June 10 in Arlee (pow wow grounds), June 11 at the Salish Kootenai College campus (Joe McDonald Theater parking lot), June 12 in Polson (site to be determined), and June 13 in Elmo (pow wow grounds). The proposed times will be from 10:00 a.m. to 6:00 p.m. **Martin Charlo** commented that we have people stationed in the recreation areas for closure. He wondered if the group would advise about having the same check points at building entrances if we reopen. That would eliminate the staff being reassigned from positions in the buildings. We will need people to do that. He asked if the UCC had any recommendations or advice on that. **Steve McDonald** told him that could be a discussion point at today's meeting. **Chairwoman Fyant** advised that the tribal council would be reviewing the reopening plans on an individual basis on Wednesday and Friday, so they could discuss it at that time. Council agreed to revisit the shelter in place order at the end of May, and they requested updated department plans. The updated department reopening plans are due today.

Jean Matt reported we are getting to the point of getting some testing done. He appreciates everyone's attention to these matters, and he looks forward to the testing to take place. **Mark Clary** informed council that there were some fatalities this weekend on Little Bitterroot Road and Fulkerson Corner. Traffic is picking up, the lake is filling up, and people are coming here. We need to continue sending out the message. He saw that Charlo held their graduation ceremony and it looked as though everyone followed the social distancing protocols. **James Steele** reported that the news through the holiday weekend was that 18 states had increasing infection rates and hospitalizations as they reopened businesses. All the conditions are becoming aligned where our population density will increase. With the tourism and the folks living here without a change of address card, those folks are still hanging around. That increases our risk of infections. He mentioned mass testing is going to be a very complex iteration we are involved in. The UCC handles that as an incident within an incident. Information will continue to be posted on the website (UCC-JIC.com). The tests will go the state lab. The mass testing events are given a

secondary priority at the state level. If the lab receives tests ordered by physicians for symptomatic patients, they get tested first. It could take up to five to seven days to get the test results.

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

Chairwoman Fyant informed council that Dale Nelson had a resolution for flood emergency in the council packet. **Martin Charlo** clarified that the UCC has a discussion set for Friday. It sounded as though Dale did not need approval and he provided it for informational purposes only since we are already in a state of emergency.

Tony Incashola, Jr. and **Joe Vanderburg**, Tribal Forestry, requested approval to advertise two timber sale permits for the Eva Paul Del 2012 Logging Unit being advertised for small loggers. One sale contains 12 acres and the other sale contains 17 acres. There will be equipment limitations on both sales. The bid opening is scheduled for June 15.

MOTION by Len TwoTeeth to advertise the two small timber sales in the Eva Paul Del 2012 Logging Unit. Seconded by Anita Matt. Carried, unanimous (9 present).

Tony Incashola, Jr. and **Shawn DeFrance**, Tribal Forestry, requested approval to advertise the Eva Paul Del Logging Unit Timber Sale, containing 13,703 tons.

MOTION by Len TwoTeeth to approve by resolution the Eva Paul Del Logging Unit Timber Sale. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-105

RESOLUTION APPROVING SALE OF TIMBER ON THE EVA PAUL DEL LOGGING UNIT

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

WHEREAS, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Eva Paul Del Logging Unit:

<u>Sale Information</u>			
<u>Sale</u>	<u>Volume</u>	<u>Advertised Bid Rate</u>	<u>TSI</u>
Eva Paul Del L U	13,703 TONS	\$15.00/TON -DF & O	\$3.00/TON
		\$10.00/TON- PP	\$3.00/TON

WHEREAS, the sale will provide for the salvaging of mature, overmature and diseased trees; and

WHEREAS, the minimum acceptable bid rate for sawlogs on the Eva Paul Del Logging Unit is \$10.00 per Ton for Ponderosa Pine and \$15.00/Ton for Douglas-fir and Other Species; and

WHEREAS, an additional amount will be collected to cover Timber Stand Improvement on this unit;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

BE IT FURTHER RESOLVED that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

Tony Incashola, Jr. and **Shawn DeFrance**, Tribal Forestry, requested approval to advertise the Hot Springs Cable Logging Unit Timber Sale, containing 7,261 tons. June 15 is the bid opening date.

MOTION by Len TwoTeeth to approve by resolution the advertisement of the Hot Springs Cable Logging Unit Timber Sale. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-106

RESOLUTION APPROVING SALE OF TIMBER ON THE HOT SPRINGS CABLE LOGGING UNIT

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

WHEREAS, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Hot Springs Cable Logging Unit:

<u>Sale Information</u>			
		Advertised	
<u>Sale</u>	<u>Volume</u>	<u>Bid Rate</u>	<u>TSI</u>
Hot Springs Cable LU	7,261 TONS	\$8.00/TON -DF & O	\$3.00/TON

\$5.00/TON- PP

\$3.00/TON

WHEREAS, the sale will provide for the salvaging of mature, overmature and diseased trees; and

WHEREAS, the minimum acceptable bid rate for sawlogs on the Hot Springs Cable Logging Unit is \$5.00 per Ton for Ponderosa Pine and \$8.00/Ton for Douglas-fir and Other Species; and

WHEREAS, an additional amount will be collected to cover Timber Stand Improvement on this unit;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

BE IT FURTHER RESOLVED that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

Tony Incashola, Jr., Tribal Forestry, gave an update on projects. Sunny Slope is getting set up for small loggers. It has gone through the CatEx process through Portland. The sale package will be set up soon and he will return to council to seek approval to advertise it. The other project Forestry is working on is Boulder Blowdown project. They are looking at a proposal that was sent to the Portland IDC team. The project will go through the NEPA process shortly.

James Taylor, Tribal Prosecutors Office, requested approval to modify the temporary employment agreement with Emily Bolan, Legal Contract, to extend the term to August 28, 2020. There are sufficient funds in the budget to cover the additional costs.

MOTION by Ellie Bundy McLeod to approve the temporary employment agreement extension to August 28, 2020 for Emily Bolan. Seconded by Bing Matt. Carried, unanimous (9 present).

Carole Lankford reminded the membership to vote in the election on June 2 and the mail-in ballots are due. She reminded everyone to vote. **Martin Charlo** reminded everyone to fill out the census. The census is very important to our communities and it can be done online. **Chairwoman Fyant** informed the membership that the CSKT and other Montana tribes filed a lawsuit with the Native American Rights Fund. This last week, the judge issued a temporary

restraining order so people can collect more than five ballots. Previous legislators passed a bill to limit the number of ballots people could collect and turn in for folks. So that is lifted now. The oral arguments are scheduled for Friday, May 29.

Charmel Gillin is in the process of getting an email out to the council and the Natural Resources Department staff that illustrates some of the things that are evident out there in the recreation areas that are problematic. Charmel will continue to work on that email. The people camping in our recreation areas need to clean up after themselves and make way for the people that come behind them where there are no sanitary conditions. Charmel wants to get that message out, and she will share some photos with council.

Cory Knutson, Lake County Commissioner Candidate, met with the tribal council for a meet and greet. He provided information on his background and experience. **Carole Lankford** mentioned the importance for him to take time to get to know the tribal council, and to ask the council if he hears something. She heard there is a candidate that does not reside in the district. Cory said that all candidates must reside in the district they run in. **Anita Matt** thanked Cory for reaching out to the Tribes. She asked what made him run for as a commissioner. Cory stated that he has always wanted to run and now the timing is right for him to do so. **Len TwoTeeth** asked his position on the Bison Range. Cory supports the Tribes managing the Bison Range. **Chairwoman Fyant** reminded everyone to turn in their mail-in ballot by June 2.

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

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to approve the resolution amending the recreation land use allowing tribal members to camp, as well as nonmember spouses and children. Seconded by Martin Charlo. Carried, 8 for; 0 opposed; 1 abstention (Charmel Gillin).

***Charmel Gillin**, for the record, "I did not have enough time to review the language of the resolution."*

RESOLUTION 20-107

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; and

WHEREAS, limitations and other measures placed on the use of Tribal lands pursuant to Tribal Resolution No. 20-091 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:

- I. The terms of Tribal Resolution No. 20-091 shall remain in effect with the following amendments to that Order: The limitations on the use of Tribal campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation are now modified to allow the following:

1. All enrolled members of the Confederated Salish and Kootenai Tribes shall have access and use of Tribal lands including those campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation regardless of the members' place of residence.

2. Non-member spouses and non-member first generation descendant offspring of a member of the Confederated Salish and Kootenai Tribes shall also have the use of Tribal lands including those campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation when accompanying their member spouse or parent, 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.

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

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

Council conducted an EKI shareholder meeting at 1:33 p.m.

Council **reconvened** into the regular meeting at 2:00 p.m.

Council discussed a request for a letter of support for the Lake County Community Development Corporation's SBA PRIME 2020-21 grant application.

MOTION by Ellie Bundy McLeod to approve the letter of support for the Lake County Community Development Corporation's SBA PRIME 2020-21 grant application. Seconded by Anita Matt. Carried, unanimous (9 present).

Len TwoTeeth informed council of a tribal member who lost her nonmember child over the weekend and is requesting nonmember burial assistance to be paid directly to the Foster Funeral Home.

It was the **consensus** of council to provide nonmember burial assistance to be paid directly to Foster Funeral Home.

Council has a work session beginning at 9:00 a.m. tomorrow to review the department reopening plans. **Ellie Bundy McLeod** will get the packet sent to council this evening and send out the zoom invite. Ellie will reach out to the departments that have not submitted their reopening plans yet.

Martin Charlo informed the membership on Facebook Live that the shelter in place order is still in effect. Anyone who traveled out of state over the weekend are under the same conditions of the shelter in place as far as the 14-day quarantine. He is working with Rob to get that information out. The supervisors need to work with employees to either work from home or take that time off. Under certain circumstances, the employee can make a request to the COVID committee, but those are considered on a case-by-case basis. The shelter in place order is in place indefinitely at this point.

Len TwoTeeth requested that council add the CARES Act funding to next Thursday's agenda for discussion. Council had discussed prioritizing projects on how to spend this money. Len does not recall a press release being issued to the membership acknowledging that the Tribes received this money. He wants to discuss a potential payout to the membership. **Chairwoman Fyant** spoke to Rick Eneas about that and next week the tribal council will get an update on those. Council can look at the requirements around that. As of now, the council has committees in place that are developing plans on how that money will be spent. Len commented that it is the tribal council's final decision how that money will be spent.

Charmel Gillin asked if it would be appropriate to share the Black Bear Ranch activities report that the council just received; it may be good information for the public to know. **Chairwoman Fyant** asked that the report be sent to Jennifer so it can be scheduled on Thursday's council agenda.

MOTION by Charmel Gillin to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Council **adjourned** at 2:12 p.m., and is scheduled to meet again on Thursday, May 28, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary