

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

Volume 21 Number 4
Council Chambers, Pablo, MT

Held: October 13, 2020
Approved: October 15, 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; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Fred Matt.

The **Tribal Council Meeting Minutes** for October 8, 2020 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 8, 2020, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Dan DePoe and **Art Caye**, Tribal Members, discussed a firewood issue. Dan wanted the council to get engaged so they can have a discussion. Dan has been dealing with Tribal Forestry for a while now and they have improved their customer service. We push on them all the time so it looks like we are against them but it’s not them, it’s the policy. Joe Vanderburg went out of his way to assist Dan. The whole environment in there is different now. The discussion continued in **executive session**.

Council reconvened into **regular session**.

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

Len TwoTeeth asked who is administering the Starlite Motel now that we own it and who do people contact if they need a place to stay. **Martin Charlo** advised that the motel is being rehabbed right now before anyone can be placed there. The Tribal Defenders Office will do the referrals for any requests that come in. The rehab will be finished by the December 30, 2020 deadline.

Jean Matt, Dale Nelson, Rob McDonald, and Lisa Shourds, Unified Command Team, gave an update. **Jean Matt** informed council that he had sent Chairwoman Fyant and Martin Charlo an update on contact tracing training classes that are coming up through the State. There are always a lot of contact tracing questions. It continues to evolve with the amount of work Public Health has. When the Tribes declared a state of emergency in March, the following week we had our first COVID case. Now Lake County has a total of 399 cases, and 88 of those are active cases. What we are doing now opens up the opportunity for community spread, and that is what we continue to see. Montana has a total of 19,125 cases and 7,432 of those are active. Flathead County has 1,070 active cases and Missoula County has 623 active cases. We need to wear masks, social distance, and wash our hands. Two Missoula establishments were cited for not wearing a mask. That is not enough enforcement. It is rumored that the Kalispell Regional Medical facilities COVID unit is full. There were 11 active tribal cases reported on Saturday. Because of the HIPAA laws we do not know where those cases are. We are challenged with battling this invisible opponent. Things are beginning to shut down again. It is unknown whether shutting down again is even an option, and Jean does not know the best course of action by the Unified Command Team. Although we can require tribal employees to social distance and wear a mask, we do not get to say what employees do when they go home. We need to implement public health measures, such as social distancing, wearing masks, washing hands, and staying inside in order to keep the numbers down. It may be time to revisit mass care and how we do that, and how are we going to move forward. We do not have the facilities needed to face this. Jean appreciates the Tribal Council addressing the Starlite Motel. **Chairwoman Fyant** commented that the council talked about the ever-changing updated recommendations based on the virus mutating and new information about masks and vaccines and asked Chelsea Kleinmeyer and Dr. Corum to work with Rob McDonald to put out a video. We know this is ever changing. When the Tribal Council decided to come back to work in August, they are looking at encouraging tribal employees to telework as much as possible. It is not that we are changing our minds; we are trying to be flexible to go with the newest information possible. **Anita Matt** saw Yellowstone County implemented their restaurants going back down to fifty percent. If things do not change, we will go back once more. That will be difficult for the stores and restaurants to go back after they were shut down before. That might happen if the numbers keep increasing. The other thing that is brewing is we only have two hospitals and they are both full. South Dakota is using some of Montana's beds. There

Tribal Council Meeting Minutes
October 13, 2020

are buildings and other places people are walking into without following protocols. We can only control our tribal buildings, but it is something everyone needs to be enforcing. We need the county to start working with us before this gets out of control.

Chairwoman Fyant left the meeting to provide testimony for the Water Policy Interim Committee.

Martin Charlo commented that all things we talked about are factors here. We can improve on getting the local towns to help us demand masks. Now it is becoming a political issue. The counties that are spiking affect us. We can only blame ourselves at this point since most of the tourists are gone now. We need to look out for ourselves. The spread in tribal communities is scary and is a risk to our elders. He reminded everyone to wear a mask, social distance, wash their hands, and stay home. Jean commented that all the local schools are challenged with how to provide education to our children in a safe manner. We have Thanksgiving coming up where families will travel again. **Charmel Gillin** advised that as the Tribal Council had their chair's meeting yesterday, they discussed our pandemic policy. There are many employees waiting for us to take a look at that. That is important for us as a tribal organization, but because of the pandemic fatigue, we are all still dealing with how we spend our time in the evenings, weekends, and traveling. Based on the capacity levels and facilities being maxed out, she wondered what that means for ventilator usage and availability. We can begin talking to the county and the Providence providers about alternate mass care locations. We can utilize the Starlite Motel or other places for isolation, but she wondered if they could be set up for a different kind of care location. This is something we talked about early on in the pandemic. Mobile units have been set up when needed. Jean responded that summer came upon us and the hotels were not interested in working with us. The challenges are different than the spring time. We are going to have to sit down and rope the county back in and the folks that are our neighbors and partners, because we cannot do this alone. We have no control over what people do in the evening, and he hopes it is something we can help educate them more. **Dale Nelson** gave an update on logistics. They are sitting okay but not in real good shape. Most of the tribal facilities and area schools got their PPE requirements fulfilled. Salish Kootenai College put in another order for supplies and hopefully that order will come in soon. Dale is working on those small mini drive-ups for the flu shot and is reviewing the site planning for those five different spots. **Jean Matt** commented that other factors play into our elder care due to the cold and flu season. The assistance of Public Health to explain where the rules are today would be helpful. They seem to change regularly based on the numbers. The Unified Command Teams works the best they can to educate the constituents with the tools available. This affects all of us and we need to be truly unified. **Martin Charlo** commented that we need to be pushing the flu shot. That would hopefully help lessen the numbers of people in our clinics coming in with the flu.

Len TwoTeeth asked how our contact tracing operation is going and asked if it needs to be revamped and needs some funding to get more people on board so we can be contacting those people. Jean thinks it will need to be addressed with more support. He will find out how many nurses are accomplishing that. They had beefed up their staff but the numbers have increased, so it is a good idea to revisit it. Len wants Jean to bring in an operational plan for council consideration so they can look at funding sources from the CARES Act funding that could be utilized. Jean is concerned about contact tracing. Exposure is happening while people are waiting for their COVID test results. The Unified Command Team will develop a plan and present back to the Tribal Council for discussion next week. **Rob McDonald** will continue to look for solutions to the communication challenges. **Charmel Gillin** commented that there was a tribal consultation with the state of Montana Department of Public Health and Human Services, and Chelsea Kleinmeyer, Dr. Corum, and Tammy Matt were on that call. What we understood based on that consultation was that the Department of Public Health and Human Services and Billings Area Office, Indian Health Service are preparing their plans for administration, distribution and implementation of the anticipated vaccinations. Our tribe will have representatives there to plan the distribution implementation of those. It is important on our reservation. They expect an allocation of another type of rapid response test kit, and that would be helpful for expediting the time for successful isolation and controlling the spread. Charmel hopes we will have more access to rapid response testing soon.

Tony Incashola, Jr. and **Steve McDonald**, Tribal Forestry; **Dan DePoe** and **Art Caye**, Tribal Members; and **Daniel Decker**, Legal Department; requested to meet with council in **executive session** to discuss a firewood issue.

Council reconvened into **regular session**.

It was the **consensus** of council to recognize that Dan DePoe's machinery fits the exception in the definition of "skidding equipment" only using winch or cable remaining on the established road and can continue to work with it until we are otherwise advised by Legal.

Tabitha Espinoza, Natural Resources Department; and **Jordan Thompson**, Legal Department; discussed wetlands mitigation negotiations between the CSKT and the Montana Department of Transportation. MDT purchased the Cynthia Wood property with the intention of using it for wetland mitigation credits to account for upcoming Highway 93 redesign work. The land is located in grizzly bear habitat and is adjacent to lands already managed by the Tribal Fisheries & Wildlife programs. The discussion continued in **executive session**. **Dale Becker**, **Tom McDonald**, **Jace Smith**, **Chauncey Means**, and **Dan Lozar** were present for discussion.

Council reconvened into **regular session**.

Tom McDonald and **Dale Becker**, Natural Resources Department, requested approval to seek a 30-day public comment period on the proposed 44-D regulation changes for tribal members and non-tribal members for final council approval for the 2021-2022 regulation year. The regulations will go to the Fish & Wildlife Reservation Board next week. The closure of Millie's Woods would be in effect to the end of January, which takes care of the pheasant season. If the council approves the proposal it goes into effect on March 1. Dale requested approval of temporary regulations for this year to kick that in to jump start it this fall.

MOTION by Charmel Gillin to extend the hunting closure of Millie's Woods through January 30, per the department's request as a safety measure. Seconded by Fred Matt. Carried, unanimous (9 present – Chairwoman Fyant out of the room providing testimony for the Water Policy Interim Committee).

Tom McDonald requested approval to make a formal regulation to close Millie's Woods and get public comment on it. That would make it a permanent closure.

MOTION by Fred Matt to approve the formal regulation to close Millie's Woods to make it a permanent closure. Seconded by Bing Matt. Carried, unanimous (9 present – Chairwoman Fyant out of the room providing testimony for the Water Policy Interim Committee).

Tom McDonald requested that the 44-D regulations be put out for a 30-day public comment period.

MOTION by Carole Lankford to seek a 30-day public comment period on the proposed 44-D regulation changes. Seconded by Fred Matt. Carried, unanimous (9 present – Chairwoman Fyant out of the room providing testimony for the Water Policy Interim Committee).

Dan Lozar and **Jace Smith**, Natural Resources Department, requested acceptance of the Bureau of Indian Affairs Construction and WIIN Act funds to construct Tabor Feeder Canal and Tabor Feeder Canal Diversion Dam.

MOTION by Fred Matt to approve receipt of the Tabor Feeder Canal funds and the Tabor Feeder Canal Diversion funds from the Bureau of Indian Affairs for their respective planning, design, and construction. Seconded by Martin Charlo. Carried, unanimous (9 present – Chairwoman Fyant out of the room providing testimony for the Water Policy Interim Committee).

Chauncey Means, Natural Resources Department, requested approval of a two-year contract with Energy Laboratories, Inc. in the amount of \$18,984.00 to

analyze water quality samples for water quality sites and restoration projects on the reservation. This service was advertised and Energy Laboratories was the only bidder.

MOTION by Martin Charlo to approve a two-year contract with Energy Laboratories, Inc. for the stipulated amount to analyze water quality samples for water quality sites and restoration projects on the reservation. Seconded by Fred Matt. Carried, unanimous (9 present – Chairwoman Fyant out of the room providing testimony for the Water Policy Interim Committee).

Melanie Piedalue, Personnel Department, requested to meet with council in **executive session** to discuss a personnel matter.

Fred Matt left the meeting for the remainder of the day.

Council reconvened into **regular session**.

MOTION by Martin Charlo to take Personnel's information and reappoint David Morigeau for the Associate Judge position for a four-year term. Seconded by Ellie Bundy McLeod. Carried, 7 for; 1 opposed Len TwoTeeth); 1 not voting (Shelly Fyant out of the room providing testimony for the Water Policy Interim Committee).

Dan Decker and **Brian Upton**, Legal Department, informed council of an offer and inquiry we had for prospective litigation. The Sonosky Law Firm is doing work for us with the opioid litigation. They sent an inquiry asking if we are interested in litigation against E-cigarettes and other manufacturers. Congress issued a report earlier this year with some evidence that the manufacturers targeted Native American and Alaska tribes' youth to sell them and there are folks litigating that already.

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

Brian Upton reported that the Tribes could possibly be reimbursed for the costs incurred as a result of this to see if we are interested in it. Brian will come back with recommendations for this proposed litigation.

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

Council reconvened into **regular session**.

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

Chairwoman Fyant returned to the meeting.

Jody Perez, Robin Thorne, Janet Camel, Ann Miller, Katie Miller, Velda Shelby, and **Susette Billedeaux,** Homeless Committee; **Robin Thorne,** RT Hawk Housing Alliance; **Zoe LeBeau** and **Katie Symons,** BeauxSimone Consulting; and **Karl Henshaw,** Jackola Engineer and Architecture; gave an update on the homeless project and the work being done at the Starlite Motel. The service provider contracts will be finalized and presented for council consideration. **Charmel Gillin** asked if there is a plan for security of that asset. Robin is finalizing the agreement for general property management and is speaking to the Salish Kootenai Housing Authority about what role they might play. Jody advised that John was taking over the water, sewer and power. The insurance is already done. Jody has possession of the keys. She asked the SKHA staff to find out if the site manager and other person were still there, and they confirmed one person and his children are still there. Jody does not mind continuing to be the gatekeeper until the program is ready to take it over. The rehab should be done by December 30, but Jody is not sure if the furniture will be here by then. Jody got the keys to the Boys & Girls Club to use for storage of mattresses. The consultants said we will need storage for the future, as well. **Janet Camel** asked about cleaning the smoke shop property to be used for storage. That building has been vacant for a long time and there may be some funding that could be used to clean it. **Chairwoman Fyant** commented that it is prime commercial property and she would not suggest using it on a long-term basis.

Robin Thorne discussed the Maggie Ashley and Kicking Horse Job Corps Center site for modular homes. 4 contracts have been signed and 4 had down payments made, so there is a total of 8 homes. \$1.1 million was the cost of those. **Janet Camel** submitted the purchase orders for those. She is waiting for the contract agreements for the second group of 4. Salish Kootenai Housing Authority will work on the memorandum of agreement for management of the homes at Maggie Ashley. Janet is waiting for the memorandum of agreement to get the lots set up so they will be ready for hook up when they arrive. A memorandum of agreement is needed for those maintenance costs. **Len TwoTeeth** asked about how people get into those homes. Jody explained that they will be rent to own homes at Maggie Ashley. The tenants need to pay rent and prepare to be homeowners. The Salish Kootenai Housing Authority low-income tenants would be the first priority so they could prepare to be homeowners and then their rental units would become available to someone on the waiting list. The rent they pay goes into the program and will be used to cover the costs of maintenance and garbage. The Salish Kootenai Housing Authority does not have a complete number of the homeless. In 2019, the Salish Kootenai Housing Authority had 300 applications received and 100 of those did not even get on the waiting list due to not qualifying or submitting incomplete applications. The Tribal Defenders Office has 60 clients that are homeless or are incarcerated and cannot leave prison until they have a place to live, so that would fit the criteria for

supportive housing. The Department of Human Resources Development has a list. The Tribal Education Department submitted some numbers. There were 346 K-12 students that were reported in the 2019-2020 school year. **Patricia Buffalo** commented that people can be homeless and still be eligible for Medicaid. The Tribal Health Department could compile those numbers. The patient registration form could include that information so data can be collected. **Robin Thorne** advised that the program narrative will include all of the data provided by the CSKT departments. The discussion continued in **executive session**. **Rick Eneas**, Financial Management, joined the discussion.

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

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

Senator Steve Daines met with council in **executive session**. **Ryan Rusche**, **Dan Decker** and **Brian Upton**, Legal Department; and **Ron Catlett** were present for discussion.

Council reconvened into **regular session**.

MOTION by Mike Dolson to adjourn the meeting.

Council **adjourned** at 4:05 p.m., and is scheduled to meet again on Thursday, October 15, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary