

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

Volume 20 Number 88
Zoom Meeting

Held: September 8, 2020
Approved: September 10, 2020

MEMBERS PRESENT: 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.

MEMBERS ABSENT: Shelly Fyant, Chairwoman (Giving Testimony for the Ballot Interference Act).

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 9:04 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for September 3, 2020 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for September 3, 2020, with corrections. Seconded by Charmel Gillin. Carried, 8 for; 1 abstention (Carole Lankford).

The **agenda** was presented for approval.

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

Debbie Courville, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Clayton Matt**, Tribal Services; and **Jami Pluff**, Policy Analyst; were present for discussion.

Council reconvened into **regular session**.

MOTION by Carole Lankford to approve a waiver of the driver’s license policy for Yancy McCrea to be the personal home caregiver. All applications and background check must be met. There will be no driving duties.

Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (Charmel Gillin).

***Charmel Gillin**, for the record, “I abstained because I would like more information about the liability with this type of policy waiver.”*

Tony Incashola, Jr., Ron Swaney, Bob McCrea, and Richard Fisher, Tribal Forestry, gave a fire update. They remain at a planning level 5 on the national level, a level 3 at the regional level, and the northwest went to a level 5. The Warm Springs and Courville Tribe got some big fires, burning over 30,000 acres on each reservation. The Crow Tribe also had a big fire. There were three new fires locally over the weekend. The Seepay fire was human-caused and is 250 acres in size. There was a fire on Light Road and a fire at The People’s Center. Although the weather is cooler today, we are at historical highs and it remains extremely dry. People were reminded that four-wheelers have been known to cause fires. CT Camel had sent out a public service announcement reminding everyone that open burning does not start until October 1 and there is potential for rapid fire growth. The weather will be back in the 90s by the weekend and the Division of Fire is asking people to please be careful. **Martin Charlo** thanked the fire crews and everyone who helped yesterday. **Carole Lankford** thanked the crews, fire departments and first responders for attending to the situation and providing assistance and thanked The People’s Center staff for their assistance.

Jean Matt, Mark Clary, Chelsea Kleinmeyer, Dale Nelson, Rob McDonald, and Lisa Shourds, Unified Command Team, gave an update. **Jean Matt** reported that the team continues to monitor what has been going on. There is a new Incident Action Plan on Schoology that is available for review. The UCC is involved with promoting mask wearing, public health recommendations, using the tools available to us, educating constituents as much as possible, and providing the website and phone number for more information. **Chelsea Kleinmeyer** reported that the state has 8,316 confirmed cases and 1,952 of those are active cases. There has been a total of 118 deaths so far. Lake County has 228 confirmed cases, with 26 of those being active. There is currently 1 hospitalization. Chelsea reminded everyone that flu season is upon us and it is time to get vaccinated. The Tribal Health Department will begin vaccinating high-risk individuals on September 14 and the general population on September 21. More information will be coming out about that. The Tribal Health Department Facebook page has more information. She reminded everyone of the mass flu clinic at Salish Kootenai College on September 30. **Dale Nelson** gave an update on logistics. He has 300 gallons of hand sanitizer and will be delivering some to the Charlo School. Dale is still working on the site plan for the flu drive-through clinic. If anyone has empty five-gallon containers for hand sanitizers, he will fill them back up if they give them to him. **Mark Clary** discussed yesterday’s incident and commented on the outstanding work by the area fire departments. They were shorthanded due the holiday weekend. Mark was impressed what we had from the Finley Point, Polson, Ronan, and Charlo

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Fire Departments. The power company responded quickly. The tribal leadership responded quickly too. **Jean Matt** commented that unified is people doing what they did to protect our things. It is difficult to deal with, but he wondered what it would look like if we did not have those emergency responders, Mission Valley Power, and the rural fire departments. It takes a unified group to accomplish that. They are all volunteers, and Jean appreciates what they pulled together there. He is very thankful for what we have here. Jean thanked them all for being there at a time when we needed them the most. **Mark Clary** commented that they worked as a team to get things done to manage that situation and there was great communication. There were people passed out on the ground due to exhaustion. **Martin Charlo** is still pushing the flu shot opportunity on September 30. Martin extended his thanks to Mark Clary. He knew Mark has been working for 22 straight hours. The crews did an awesome job. Some of Martin's family's artifacts in the museum were saved, and he was grateful for that. He extended his condolences to the family members. We need to work on mental health issues and this situation highlights that. **Mark Clary** commented that the museum was intact, but there was some smoke damage. The back of The People's Center was a complete loss where the fire started. The crews fought the fire but could not get to it because they kept running into walls and could not get through them to safely put people in that building. The front of the building was saved, so at least they were able to save some of it. **Jean Matt** told council that we have now been battling this invisible enemy called COVID-19 for six months and we do the best we can. The situational awareness issue is mental health. That is something else we need to look at that is susceptible right now. He asked if we have other buildings that are susceptible. This time will bring out more disturbing things, and we do not know what those are. We should look around to see what we have and retain what we can with the efforts we have. **Mark Clary** talked about fire suppression, fire sprinkler systems, and ways to hook up to things without putting people inside of buildings. Had there been sprinklers at The People's Center they could have gotten the fire out sooner. It could have possibly saved a person's life in that building if there were sprinklers. **Len TwoTeeth** commented on the weekend tragedy and extended his condolences to the family members. There were a lot of artifacts that were in the building. The membership is waiting for a plan for what is going to happen next and where do we go from here. Len wants to have that discussion soon in an open forum so the membership can hear it. He feels fortunate we have such outstanding staff that worked at The People's Center that made the center what it is. To see their response and reaction to the incident burdens the hearts of everyone. Len wants to invite staff into council and lay out a plan on where to go from here. **Anita Matt** advised that some meetings will be forthcoming. **Martin Charlo** thanked Carole Lankford for being there all weekend.

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

Bob Vosen, Jacquelyn Smith, Miki Lloyd, and John Schmidt, Montana

Department of Transportation; **Dan Lozar**, Natural Resources Department; and **Daniel Decker**, Legal Department; gave an update on highway projects. There was discussion on the Ronan - North project that was going to be let in February 2021. There was a design issue that came up at the intersection of Round Butte Road north that connects into the Spring Creek – Minesinger project regarding the ground water tunnel. The bike/pedestrian tunnel needs further work to come to a viable option, so it was recommended that they hold off on the project until 2022. The Ronan Urban project is 30 % designed and is not in the five-year plan. It will take a while before MDT is ready to let that project. The Ronan – North and Post Creek projects are the priorities. **Len TwoTeeth** commented that it is disheartening for him to hear that the Ronan Urban project was removed from the five-year plan. We were told it was halted due to a funding issue but the Kalispell bypass that was not discussed in the five-year plan got funded and constructed while Highway 93 got put to the side. **Bob Vosen** explained that the Kalispell bypass was taken off the plan but then the community worked hard to put forth an application for a build grant and secured \$12.5 million from that build grant so they were able to construct the next phase of the bypass with a relatively modest investment of MDT federal funds. It was a good investment for MDT to spend \$3 million to construct a \$15 million project. The city of Kalispell was a partner agency and came up with the funding for that bypass. Post Creek and Ronan – North projects are on the five-year plan. MDT separated out the Ronan-North project so they could continue to construct the road. They also added some wildlife fencing on the Highway 93 corridor on the reservation. **Anita Matt** would like to have the Culture Committees involved in the upcoming meetings regarding projects. **Miki Lloyd** discussed the upcoming Perma Curves project. MDT had the opportunity to meet with both Culture Committees this spring to introduce the project. They met with them to get some feedback on acceptable alternatives for the project. MDT wants to make that road is safer while acknowledging there are some culturally sensitive areas. They do not want to proceed with that project without feedback from the Culture Committees on what the acceptable alternatives would be. **Len TwoTeeth** discussed safety concerns at the Old Highway 93 crossing. There have been discussions about it in the past, but they never came to a solution to address it. Drivers not being able to see the incoming traffic from the north will continue to cause accidents. The other problem is the lack of a turning bay going to the Salish Kootenai Housing Authority. Employees are in the passing lane when they turn off to go to work. He will continue to bring it up with MDT. These design flaws are serious safety concerns for our people. **Martin Charlo** advised that there is a meeting tomorrow about the Pablo crossing at old Highway 93. He invited Len to be part of the committee and attend that meeting. Jacquelyn will review the design options at tomorrow's meeting. Dan Lozar has not seen a copy of the advanced alternatives that will be discussed. Jacquelyn will provide a copy of it. **Charmel Gillin** commented that in the mid-90s she worked with the Salish Pend d'Oreille Culture Committee and heard directly from the elders a lot of their concerns about the highway improvements being discussed back

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then. The term going through her mind today regarding the Highway 93 design and negotiation is "diminishing returns". She is being encouraged right now to remind everyone there is a bigger picture. She is glad to hear the acting Chairwoman suggest getting the elders involved in each of these meetings about the highway project. We can see what is happening on the main thoroughfare of our reservation. Our elders have never been of the heart to allow the development to be more important than the people, the generations to come, and what we have to preserve here. We are a people who tried to keep our lands intact and our people in a place where we can thrive on our reservation. Safety is very important, but we need to minimize the impacts along the way so we do not lose the chance of continuing to hold our lands. We look at these problem areas now at Post Creek and Lakes' Corner with the aquifer and wetland areas, and those are the evidence of what we are trying to protect for our people and wildlife. We have gone down this road so long it is difficult to know when to stop. We have people coming here and buying up all the lands, and it's nearly impossible to navigate the traffic on the highway that goes through our reservation, even in the improved areas. We have lost people's lives over and over in these areas. This is what the elders were arguing for and trying to protect: the lives of our people and wildlife, and the reservation. We can't get back the things we are giving in the improvement negotiations on this highway. If the elders and cultural leaders were here at this meeting today, they would have wanted to say some of these things. **Anita Matt** wants the Culture Committees and Preservation Department invited to the next meeting. She commented on the safety concerns at the Charlo turnoff by Connie's Café. When vehicles are turning, the southbound cars cannot be seen. **Martin Charlo** wants us to remember what our elders taught us about protecting our lands. It is critical to have the Culture Committees involved in these discussions. **Len TwoTeeth** discussed the pedestrian/bike path connecting Elmo and Big Arm. He has been trying to get it done since he has been on council and it is always a funding issue. Len will continue to advocate for this to get done. **Bob Vosen** suggested that holding quarterly meetings will be beneficial.

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

Rhonda Swaney and **Dan Decker**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Rhonda Swaney, Legal Department, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Rhonda Swaney, Legal Department, requested approval of an amendment to Tari Shaw's contract.

MOTION by Len TwoTeeth to approve by resolution an amendment to Tari Shaw's contract. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 20-164

RESOLUTION TO AMEND CLAIMS EXAMINATION SPECIALIST CONTRACT WITH TARI SHAW

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Nation wish to extend the Claims Examination Specialist Contract term with Tari Shaw until March 31, 2021 to perform work and tasks assigned to her under the supervision and direction of the Managing Attorney of the Tribal Legal Department and Attorney Staff as appropriate; and

WHEREAS, it is the intent of all the contracting parties that Tari Shaw shall continue working under her approved contract with the Tribes according to the terms and conditions stated therein through March 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Tribal Council approved said modification to agreement and authorizes its execution by the Chairwoman and the Secretary.

Craig Couture and **Louis Fiddler**, Law & Order; and **Rick Eneas**, Financial Management; met with council in **executive session**.

Council reconvened into **regular session**.

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

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for 3 Timber Bridge inspections this fall. The bridges are located by the Ninepipe Reservoir, secondary Highway 28 over a stock path, and secondary Highway 212 over Mission Creek. The Indian Preference fee for these projects is \$310.77.

MOTION by Len TwoTeeth to approve the project specific agreement with the Montana Department of Transportation for 3 Timber Bridge inspections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Rob McDonald, Communications, requested approval of contracts with GA Lake, KPAX Digital, and Big Storm, LLC for the Who's At Stake campaign.

MOTION by Ellie Bundy McLeod to approve a contract with Big Storm, LLC. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

MOTION by Martin Charlo to approve a contract with Scripps Media, LLC d/b/a KPAX Digital. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

MOTION by Bing Matt to approve a contract with GA Lake Outdoor Advertising. Seconded by Mike Dolson. Carried, unanimous (9 present).

Carole Lankford asked when there would be advertisements about Get Out The Vote and suggested running a calendar of key dates. **Rob McDonald** thanked Carole for her support of an important issue and advised that announcements were coming. A calendar of key dates ran in last week's Char-Koosta News and more is to come.

Council **recessed** the regular meeting at 1:17 p.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 2:28 p.m.

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

Renee Joachim, Personnel Department; **Rhonda Swaney** and **John Carter**, Legal Department; and **Jami Pluff**, Policy Analyst; discussed the proposed pandemic addendum to Ordinance 69-C regarding telework agreements. Council had concerns about the number of Tribal Health employees teleworking and Renee did a report on the breakdown of those. There is a total of 83 employees at Tribal Health that are teleworking from home. Many of those employees are only teleworking when their schedule allows when they do not provide direct services. 21 of those employees are working from home 2 days per week, 4 are working from home 1 day per week, 10 are working from home 3 days per week, and 1 employee is working from home 4.5 days per week. There are a couple of employees that work from home every other week and they are available if they need to go to work in the office. There are 2 employees on a variable schedule depending on the workload in the office. **Rhonda Swaney** commented that the COVID-19 situation and telework are fluid. It is mostly non-medical providers that are able to telework. The Legal Department has 11 employees teleworking. Only 3 of those are teleworking every day and the rest of them come in part time or as needed. She made a distinction from telework and telemedicine. Telemedicine has confidentiality and records requirements and she does not know if they are meeting the current laws. COVID-19 was an emergency situation and many providers provided telemedicine treatment. She suggested that the council determine whether telework is something they would

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want to recognize or promote if there was no COVID-19. Council was pushed into cutting down the numbers due to the number of employees with a telework agreement. They may want to look at the positions they would promote teleworking. **Carole Lankford** suggested that the tribal council have a meeting amongst themselves to discuss issues regarding teleworking. **Martin Charlo** said it sounds as though a lot of these telework agreements could have been an adjustment of schedule instead of a telework agreement. The supervisors know their employees. The intent of this got lost. It was not meant for everyone; it was meant for the people that could. The ones with issues with childcare or school could have made arrangements for their work schedule. **Ellie Bundy McLeod** would like the council to have a conversation tomorrow to determine whether we are looking at this as COVID relief or are they interested in doing it full time. **Len TwoTeeth** wants to have a discussion and then take a vote on it. **Charmel Gillin** thought it would be important to have full council present for the discussion. **No action taken.** Council tabled the discussion until tomorrow.

John Carter, Legal Department, discussed the grievance process. Some grievances are denied upfront and go no further or get filed in Tribal Court. It would be less expensive to have the grant/denial authority stay with the Personnel department head and if it is denied, the grievant can do whatever they want to do. If the grievance is deemed valid, then the department head would turn it over to a hearings officer. **Martin Charlo** does not want to have Renee sign off on the personnel action form, and then be the reviewer of the grievance. Somebody else should sign off on those or do the review. John asked who within the program would be the appropriate person to approve or deny a grievance, or should it always go to an outside hearings officer in that case. **Martin Charlo** thought it seems like a conflict for Renee to sign off on a termination personnel action form and then be the reviewer of the grievance. **Carole Lankford** wants council to think about having a three-person board to review grievances instead of having Renee do that. **Charmel Gillin** agreed that having an objective individual would be good. That might be the answer in the case that a grievance is filed against Renee. **John Carter** informed council that there used to be a grievance board, but there were problems with that. This proposal would be for a board to just review it to approve or deny the grievance. If the grievance is granted, then it would be turned over to the hearings officer. **Rhonda Swaney** suggested the board not be comprised of all department heads so there would be fair representation with management, mid-management or no management. The ordinance lays out the grievance procedure. The board would only determine whether the grievance was filed timely and if the issue is grievable. It would make it objective by having a committee do the review. Rhonda suggested that it be a rotating responsibility so one certain board is not selected to do it for years and years. **Carole Lankford** liked the idea of having different level employees serve on the committee. They would need to have knowledge of the personnel policy and could be tested before being allowed to serve on the board. **Ellie Bundy McLeod** thought it may be beneficial to have a six-member board

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and have three of them meet on a grievance. **Renee Joachim** told council that prior to changing the grievance policy, there was a grievance committee. She had five people, and then each party got to dismiss one of them. **Council** agreed to look at establishing a three-member board for this. **John Carter** will draft the amendment to the grievance policy.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Carole Lankford to enter into a buy/sell for the properties being considered, with the changes recommended, and negotiate at the proposed starting rate mentioned. Seconded by Martin Charlo. Carried, 7 for; 1 abstention (Fred Matt).

MOTION by Martin Charlo to adjourn the meeting.

Council **adjourned** at 3:09 p.m., and is scheduled to meet again on Thursday, September 10, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary