

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

Volume 20 Number 93
Zoom Meeting

Held: September 24, 2020
Approved: September 29, 2020

MEMBERS PRESENT: Shelly Fyant, Chairwoman; Anita Matt, Vice-Chairwoman; Martin Charlo, Treasurer; Carole Lankford; Fred Matt; Charmel Gillin; Mike Dolson; and Len TwoTeeth.

MEMBERS ABSENT: Ellie Bundy McLeod, Secretary (Personal Time Off); and James “Bing” Matt (Personal Time Off).

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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for September 22, 2020 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for September 22, 2020, with corrections. Seconded by Charmel Gillin. Carried, unanimous (7 present).

The **agenda** was presented for approval.

MOTION by Charmel Gillin to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (7 present).

Fred Matt joined the meeting.

Darcy Maiers requested permission for his nonmember daughter to accompany and assist him while hunting. He got a bull permit for Ferry Basin. **Charmel Gillin** asked if a similar request from last week had been addressed. **Len TwoTeeth** clarified that it was a tribal member requesting his nonmember wife to accompany him while hunting. The difference between the two requests is that the regulations specify for elders and handicapped. **Jennifer Trahan**

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clarified that Leroy wanted his nonmember wife to hunt with him in addition to assisting him during the hunt.

MOTION by Len TwoTeeth to allow Darcy Maier's nonmember daughter to accompany him during the hunt. Seconded by Mike Dolson. Carried, unanimous (8 present).

Jeannine Padilla brought up an issue. A while back the Char-Koosta News had a blurb in it by the National Congress of American Indians on what they support and what their function was. After that section, it had a hashtag that said black lives matter. She asked if council knows who Black Lives Matter is. There is an organization and then there is an issue of black lives matter. They are an organization that incites by race, so you hear the race card being played where subtlety it is irritating people and divides people. She went on the website to see what they are about. They are not for nuclear family. They are not for mother/father marriage; they do not promote that. As far as she can remember, our Tribe has believed family is important and to have the best percentage of success in the family you have a mother and father and marriage where the risk is high for success. It has always been that way, as far as she can remember. Jeannine wondered if that was submitted by a federal agency doing that. That is unsettling if they are to represent tribes with who we are supporting. There is a party representing those values. She is not going to be what party, such as republican or democrat, but if there is such a hatred for a party that contradicts our values, then that is a real problem. We are at a point in this country where we are at a turning point where we stand for what we say; not for a party. We had Mr. Barr come out here about trafficking our young women who are missing. If we do not stand for the values and contradict with our young women being trafficked, it's like a cancel. She does not see the success if we do not stand behind what we say on the continuance of our young people being victimized. It sends mixed messages to the value of our people. There are two different issues on the ballot right now. We have always told our people to vote democratic, even at the cost of it contradicting what our values are. It is the subtlety of it, and it is like it is infiltrated. It's all politics and she asked where are our values. Jeannine asked if the Tribes have a direct relationship with the president. We are a sovereign nation and we have an opportunity for that relationship with the president. She wanted to know why the Tribes feel they have the liberty to have a sitting with the president. We should be at the table. We are government to government. It seems like we are being pulled in and being torn apart with Black Lives Matter. It is being taken advantage of. In our Char-Koosta News we had the New York Times publish how honest and good they were, and she wondered what's that all about, especially when they find out they did something wrong they're a headliner and they correct some misstatement they did before and nobody will know. The media is exploiting things. Jeannine stopped watching mainstream media, but there's a bunch of rhetoric going on and then you believe it. She prays we find what's right for our people, so we don't contradict what

we're trying to do with women missing and the environment. We have been great with the water compact, but we need to focus on the value of our people in this nation. There is an opportunity for us to have a great relationship at the president level. **Martin Charlo** asked where Jeannine got her information specifically about Black Lives Matter. Jeannine said they have a site on YouTube. Tribes are a group for people, but that organization takes away individuality. Martin cautioned everyone to research what they are looking at and reading due to the amount of misinformation out there, and to not disparage, represent a few people's messages and opinions on an entire movement that is very important. Even with us being minorities it is important for us to stand with them. **Chairwoman Fyant** looked at blacklivesmatter.com. Black Lives Matter was founded in 2013 in response to the acquittal of Trayvon Martin's murderer. It is a global organization in the United States, United Kingdom and Canada, whose mission is to eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes. By combatting and counter acts of violence, creating space for Black imagination and innovation, and centering Black joy, they are winning immediate improvements in their lives. Black Lives Matter is an essential target for misinformation. Jeannine told Shelly that is a different site than what she was looking at. **Charmel Gillin** commented that it is an important issue and shouldn't turn into a debate. We are an elected body here. The importance of her message, or the key to her message, in her viewpoint, is that we, as elected governing members of this sovereign nation, represent our membership and we represent a variety of thoughts and interests and concerns and needs, and we can't assume that everyone fits into that perfect mold because we don't. That was some of the concern she expressed about how we, as a governing body, address those specific endorsements when we have a variety of interests in our constituency and a variety of viewpoints. That is one thing governing bodies need to be careful of. That is what she hears when Jeannine expresses her understanding. Charmel does not believe that it is her position to debate that with her. Jeannine has done her diligence and set her mind according to the information she derived. Charmel's family discussed this, and her son was expressing empathy for the movement. They talked about values, and tribal values specifically, and that's important that we keep in mind some of that value is respecting other people's opinions and allowing them to voice their opinions without debating that and accepting that we have the right to our opinion. As a governing body, there isn't a template we can use, but we attempted to have some training a couple years ago when Myrna Adams was seated here. Myrna wanted to help council and give them cultural awareness training. That was a good way to try to reset and be reminded what the value system is about from our indigenous viewpoint. The Salish, Pend d'Oreille and Kootenai are good people, so we should express our care and love for one another no matter what our viewpoints are. Charmel appreciates Jeannine having the endurance within herself in her family and the way she will teach. That is the message Charmel shared with her son, to be the best parents we can be, and try to teach and model

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to our kids and grandkids the values that's most important. That is the best movement we can carry out.

John Neiss, Facilities Maintenance, requested approval of a contract with Bruce's Heating & Cooling, LLC to upgrade the heating and air in the downstairs of the old complex building. The DHRD Child Support Enforcement Office moved to that location to accommodate social distancing requirements and upgrades are needed. Two contractors looked at it, but only one submitted a bid.

MOTION by Martin Charlo to approve the bid with Bruce's Heating & Cooling, LLC. Seconded by Anita Matt. Carried, unanimous (8 present).

John Neiss informed council that the issue regarding the Arlee Community Center was figured out last night. **Chairwoman Fyant** thanked John for following up on that.

Carole Lankford left the meeting to attend a funeral.

Rick Eneas, Financial Management, requested approval of a contract renewal with Linda Putney for audit support and accounting staff training; and a contract with Raven Consulting for 1099 preparation and the IDC proposal. Raven Consulting is an Indian preference firm. Vern Clairmont and his two sons started the company last year and provides similar services to what Linda Putney provides; however, Linda has in-depth experience with CSKT and CPA designation. Rick did not think it was in our best interest to move all the work to the Indian Preference provider this year and Vern understood that. **Chairwoman Fyant** informed Rick that the council had a lengthy discussion on Tuesday about Indian Preference, RFPs, responsive bidders, and the procurement policy to be fair and equitable. That information was not attached to Rick's request. Rick explained that he was not aware of the new policy, but he could provide that backup information to the tribal council. In this instance regarding Indian Preference, Raven Consulting is the only Indian Preference company that provides this kind of service, so he is using the only Indian Preference provider. On the RFP side, this is not something we put out for bid; it is similar to an audit and is hard to make the transition from one service provider to another. The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION by Charmel Gillin to approve the contract renewal with Linda Putney by noncompetitive procurement. Seconded by Anita Matt. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

MOTION by Len TwoTeeth to approve a contract with Raven Consulting. Seconded by Mike Dolson. Carried, 6 for; 1 abstention (Anita Matt); 1 not voting (Carole Lankford out of the room attending a funeral).

Rick Eneas commented that with the contract process changes, it would good engagement for the Internal Auditor and be more effective than trying to piece them on a case-by-case basis.

Chairwoman Fyant informed Mark Couture that the Lands Department is still using an old agenda request form with previous staff member's name on them. **Jennifer Trahan** will send Mark the updated agenda request form.

Mark Couture, Tribal Lands Department, presented a request from Donna Marks for a ten-year improvement lease extension on Lease 5766. She will be purchasing a new pivot on the tribal tract, and the ownership will be transferred to the Tribes when the lease expires. There are Equip contracts for extended leases, and the ownership of those improvements go to the Tribes at the end of the lease. Ms. Marks is agreeable to convert the ownership if the extension is approved. The lease extension will allow her to recoup the money she is investing in it. There is a 70/30 split on Equip contracts. The USDA pays 70% and the lessee pays 30% of the costs. A new center pivot will cost between \$80,000 and \$120,000, depending on how many sections there are, so it is a significant investment. The Tribal Lands Department recommended approving the request.

MOTION by Anita Matt to accept the recommendation of the Lands Department and approve a ten-year lease extension on Lease 5766. Seconded by Charmel Gillin. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

Mark Couture, Tribal Lands Department, presented a request from Duane Tryon for a ten-year extension on Lease 4307. He has an Equip contract through Herb Webb. The lessee signed over the paperwork stating after the ten-year extension the center pivot will be turned over to the Tribes.

MOTION by Anita Matt to go with the recommendation of the Lands Department and extend a ten-year contract for Lease 4307. Seconded by Charmel Gillin. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

Mark Couture and **Holly Hitchcock**, Tribal Lands Department, presented a request from Harold and Susan Diesen for a right of way easement over a portion of Cat Bay Road located on tribal land for a period of 25 years at the fair market value of \$4,800.00 for the 25-year term. Earlier this year, another fee landowner in that area got approval under the same terms. Holly is working with the other landowners to come in and two more will come in when their stuff is ready.

MOTION by Len TwoTeeth to approve a 25-year easement to Harold and Susan Diesen for the road right of way. Seconded by Charmel Gillin. Carried, 5 for; 2 opposed (Martin Charlo and Shelly Fyant); 1 not voting (Carole Lankford out of the room attending a funeral).

Holly Hitchcock informed council that the first person that came in was purchasing fee property. That person covered the cost and a cost share was done with her. The other landowners are going to be coming in too. **Len TwoTeeth** commented that it is a huge precedent being set due to the history of the road. The county informs the fee landowners they don't need to apply for an easement on that road so it is good to see they know they are crossing tribal lands and going through the proper process legally. The majority of those lakeshore owners do not have access and it would be huge if we decided to make an issue of it.

Mark Couture and **Holly Hitchcock**, Tribal Lands Department, presented a request from Lori Lundeen for an easement in the Big Arm Townsite. The request was reviewed by the Land Committee and the council wanted to deny the proposal. Then Lori came back and said she would submit a different proposal offering more parking, etc. As of this time she has not provided it yet. Holly requested that the council take formal action on record for the file. If she reapplies later, then the Lands Department will treat it as a new application and new request.

MOTION by Anita Mat to deny the request from Lori Lundeen for an easement along portions of 7th and E Street in the Big Arm Townsite. Seconded by Martin Charlo. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

Mark Couture and **Roberta Decker**, Tribal Lands Department, presented a request from Don Bell, Donna Corum, Constance Burgess, and Beverly Roundy for a letter of disinterest to take two acres out of trust to sell on the open market. They have a nonmember buyer for this property. They own 2/3 interest and the other 1/3 interest is already in fee status. The property has highway access.

MOTION by Charmel Gillin to show disinterest in two thirds undivided ownership in Tract 4265. Seconded by Anita Matt. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

Mark Couture and **Roberta Decker**, Tribal Lands Department, presented a request from Diana Grant for a letter of disinterest for a portion of Flathead Tract 2106, creating 2106-A, with 5 acres to gift deed in fee to her non-enrolled son.

MOTION by Anita Matt to approve a letter of disinterest for Dianna Grant to gift deed in fee a portion of Flathead Tract 2106. Seconded by Mike Dolson. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

Mark Couture and **Roberta Decker**, Tribal Lands Department, presented a request from James and Wendy Halvorson for a letter of disinterest in Allotment 2015, located on Morigeau Gulch. There is no easement and it is butted up against fee and tribal lands. **Anita Matt** wants the easements looked into, wants this to go to the Land Committee, and look at management of the ranch, and then maybe the council can revisit the budget. Anita wants to look into purchasing this land.

MOTION by Charmel Gillin to table it until the Land Committee meeting on Monday. Seconded by Anita Matt. Carried, unanimous (7 present – Carole Lankford out of the room attending a funeral).

Anita Matt announced that they are having a second round of the Coronavirus Food Assistance Program. They started sign-up on Monday for producers and ranchers. Applications can be picked up at the Farm Service Agency in Ronan. They have them out in the lobby there. The sign-up began on the 21st. If they have questions, they can call 676-2811. **Mark Couture**, Tribal Lands Department, advised that the fourth quarter report for MSU Extension will be coming out and he will try to get a flyer in there. Anita will send the information to Rob to get an announcement out.

Len TwoTeeth announced the passing of former Lands Department employee Dan Jackson. Dan was the weed coordinator director for a number of years. He was also a veteran. Len wanted to acknowledge him today. Dan did a great service for the Tribes in his job capacity. Dan was like family to us. He was the one that kept the humor amongst us and kept us smiling, and he always managed to remind us to stay focused on the simpler and finest things in life. We will miss Dan.

Charmel Gillin told Mark she has been asked to inquire on the property that Marge Blixt is residing in. She asked Mark to provide the council with the background information on that property, the lease, home, and improvements. The council needs fresh information on that. Marge is having difficulty with the structure of the home. **Mark Couture** will provide a complete update at the Land Committee meeting. **Chairwoman Fyant** confirmed the Land Committee meeting for next Monday at 1:00 p.m.

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

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Council **recessed** the regular meeting at 10:45 a.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 11:20 a.m.

Council met in **executive session** to conduct interviews for the Lay Associate Justice for the Appellate Court vacancies. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

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

Carole Lankford returned to the meeting.

Council met in **executive session** to conduct interviews for the Salish Kootenai College Board of Directors and Mission Valley Power Utility Board vacancies. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

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

Michelle Mitchell, Tribal Education Department; **Cristin TwoTeeth**; **Judy Gobert**; and **Loga Fixico**; discussed the education pods for home schooling.

Carole Lankford left the meeting for the remainder of the day to attend Drug Court.

Cristin TwoTeeth gave an overview of her plan for home-schooling program. **Judy Gobert** and **Loga Fixico** gave an overview of their home-schooling program called Mossy Rez School. **Chairwoman Fyant** hopes these schools can do a presentation at a future quarterly council meeting. **Anita Matt** likes the idea of life skills, along with the other skills. **Charmel Gillin** asked about the schedule for hours. Council approved an employment contract for Loga to be Judy's personal home caregiver and she wondered if that would be a conflict. Judy advised that the personal caregiver contract was placed on hold so they can work at this school.

MOTION by Martin Charlo to approve a contract with Cristin TwoTeeth for education pods. Seconded by Anita Matt. Carried, 5 for; 2 abstentions (Len TwoTeeth and Fred Matt).

MOTION by Martin Charlo to approve a contract with Mossy Rez School. Seconded by Anita Matt. Carried, unanimous (7 present).

Michelle Mitchell, Tribal Education Department, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to approve the contract with Jazra Michel. Seconded by Martin Charlo. Carried, unanimous (7 present).

MOTION by Mike Dolson to accept the results of the ballot and appoint Billie Caye and Felecia Paul to the Salish Kootenai College Board of Directors for a four-year term. Seconded by Len TwoTeeth. Carried, 6 for; 1 abstention (Fred Matt).

MOTION by Mike Dolson to accept the results of the ballot and appoint Gene Sorrell to serve on the Mission Valley Power Utility Board for the term ending November 1, 2023. Seconded by Martin Charlo. Carried, unanimous (7 present).

Martin Charlo discussed the request for the tribal flag to be used in the Yellowstone series that was filmed at Gray Wolf Peak Casino. **Council** had no objection.

John Carter, Legal Department; and **Renee Joachim**, Personnel Department; discussed proposed revisions to the Grievance Policy in Ordinance 69-C. It was the **consensus** of council to designate the determination of whether it is a grievable or not grievable issue to be determined by the Lead Personnel Specialist position. John will make the discussed edits to the policy and present back to council. **Len TwoTeeth** thought it would be a fair process if we just adopted the federal EEO policy. To go with an outside third party would be the best option. John told council there are about 7 or 8 pages within the document that have discreet edits that were previously approved and discussed. He will note those pages when he sends the document to council. John will meet with council again on October 6.

Robin Thorne, Jody Perez, Tracie Couture, Janet Camel, and Patricia Courchane, Homeless Committee, gave an update. The Maggie Ashley II Trailer Park has eleven lots in a portion of the trailer park that SKHA owns free and clear without ties to federal funding (the nonmember side). Manufactured homes could be placed there and used for temporary housing, quarantining, or homeownership opportunities for low rent tenants. It would reduce overcrowding. Jody needs approval to pursue this option. The contract for the purchase of the homes would not fit into the generic contract used, so how to move forward with purchasing would need to be determined. A memorandum of understanding with the Salish Kootenai Housing Authority to manage these

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would be needed. There would be fees for management to be determined. The program income would take care of itself. The council wants CSKT members to have priority and be served first since it is our CARES funding being used. The current priority for SKHA is tribal members, members of other tribes, and then families with CSKT minors in the home. The procurement policy would be followed. **Janet Camel** gave an update on the Kicking Horse Job Corps Center mapping. The high-water table interfered and did not work. The pipes and sewer cap are sticking out. They hand-drew some lines to work off of to get the mapping done there. They will get the lagoon dredged and are pushing Jackola to try to let us know the cost to get the pads ready for modular homes out there. Rick had said we can proceed with the planning work, so these expenses are okay. Alpine Geo Technical Firm will look at the groundwater next week. Janet will keep council updated.

Janet Camel gave an update on the Starlite Motel. Charmel McClure-Sternick found an expedited appraiser and the appraisal will be done next week. The engineering and architectural work will be done. The owner gave the engineer permission to punch a hole in the ceiling; they are looking for mold. The onsite work will begin today or tomorrow. Rick told them it is okay for them to start working before the sale is completed and it can be covered with CARES funding. A memorandum of understanding will be done with the Missoula Housing Authority for those four units we are purchasing. It will be presented to council as soon as it is done and reviewed by the Legal Department.

Martin Charlo commented that he spoke to Rick about establishing the 28 Main Street property next to the Starlite Motel. It might be worthy having Robin do a write-up on that and bring to council as an option for community space and kitchenettes. Martin sent everyone that information. He thinks it might be worth considering with justification how we can tie it to the CARES fund. Janet wants a consensus of council to move forward with the 28 Main Street property. Charmel McClure Sternick sent out a detailed email this week about that property. Martin talked about using the smoke shop for a meeting space. He wants the space checked into and due diligence done because he thinks it would be worth reconsidering the 28 Main Street property. **Chairwoman Fyant** told him that the consultants were going to come back to us with a plan or a justification and verification that it was allowable within the COVID funding. **Robin Thorne** informed council that they stopped working on the 28 Main Street property because the last time they met with the council they had concerns about purchasing that property with the CARES Act funding. It was the same thing with the other property that was discussed. They were told not to move forward, so they did not do any further work on those two sites. **Len TwoTeeth** would like to hold off on any decisions until we get justification whether it is an allowable cost with the CARES funding.

Anita Matt asked about the CPAP grants. **Janet Camel** heard from Northern Cheyenne and that is a question for the tribal council. Economic Development Office launched the small business grants today for funding up to \$30,000 (\$20,000 for operating and \$10,000 for adaptation costs). The CPAP grant was for \$100,000 if the council goes forward with the EDO budget to put towards agricultural grants. Anita was talking about making a payment to each ag producer, similar to the tribal stimulus check that was issued to tribal members. Janet received that information and shared it with Velda Shelby. Velda directed Janet to proceed with the grant opening for the ag producers and businesses. EDO considers the ag producers as business owners. EDO can look into that if directed to do so. Chairwoman Fyant told her if the press release was sent to everyone, she could better understand where the ag producers fit into that. Janet sent an email to the council and it included ag producers. Anita said there would be a simple application that needed to be filled out for the ag producers to receive the stimulus check. She will visit with Janet and Velda to discuss further.

Janet Camel, Economic Development Office, met with council in **executive session**.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Anita Matt to adjourn the meeting.

Council **adjourned** at 4:39 p.m., and is scheduled to meet again on Tuesday, September 29, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary