

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

Volume 21 Number 25
Council Chambers, Pablo, MT

Held: January 5, 2021
Approved: January 7, 2021

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 9:00 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for December 29, 2020 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for December 29, 2020, with corrections. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Carole Lankford).

The **Tribal Council Meeting Minutes** for January 1, 2021 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for January 1, 2021, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Council discussed a request from a tribal member for burial assistance for his nontribal member father who resided off the reservation. **Len TwoTeeth** clarified that he was not aware that the individual lived off the reservation when he made that request. **Jami Pluff**, Policy Analyst, informed council that usually

Tribal Council Meeting Minutes
January 5, 2021

the request goes through the Culture Committees if they reside off the reservation. **Chairwoman Fyant** thought burial assistance was provided to nontribal members who reside on the reservation and had close cultural ties with the community. **Council** directed Jami Pluff to review the Burial Policy and report back to council.

Jean Matt, Rob McDonald, Mark Clary, Dale Nelson, Lisa Shourds, and Chelsea Kleinmeyer, Unified Command Team, gave an update. **Mark Clary** reported that he was on a call with some of the hospitals and Health Task Force and they are waiting for confirmation from the government. **Jean Matt** is hearing about folks wanting to take the vaccine and some do not want to wear a mask or take the vaccine. He was curious what the CSKT may look to rollout with essential services. **Chairwoman Fyant** reported that the tribal council had a vaccine team meeting yesterday and talked about the phase 1-A, 1-B and 1-C priorities. The staff that has direct patient care, including elder care workers, received the vaccine. Essential employees are the next priority. Phase 1-B includes Native Americans at risk with compromised immune systems. January 15 is when the next batch of vaccine will come in. They have a system for people to register on the Be Safe website. They can track the symptoms. There was some discussion about doing vaccines in Arlee, St. Ignatius, Polson, and Ronan. They are working on the staffing for that right now. **Mike Dolson** commented we have not discussed having a mask mandate yet. Mike will continue to support the safety guidelines until the pandemic is under control. **Jean Matt** thinks it is important to get boundaries and guidelines on this. There will be some folks that do not want to take the vaccine, and that will affect the employee sitting next to that person. Some protocols will remain in place. He has some employees say they are good because they already had COVID. **Fred Matt** wants Legal involved in the discussion to provide a legal opinion. People are putting fellow workers at risk. Jean reported that there is a total of 1,717 cases in Lake County and 83 of those are active. People are concerned about having to quarantine, so they are not getting tested. **Dale Nelson** gave an update on masks. He was hooked up with McKenna Mask, USA, which is a company that makes high-tech laser 3-D masks. That company is willing to give us 250 masks. Those masks should be arriving soon. They require that we do some type of feature on it that they gave masks to an Indian reservation and he will work with Rob McDonald on that feature. We need to push wearing a mask until further notice. **Jean Matt** reported the extension of the CARES money is being worked on and he hopes to have an update next week. **Martin Charlo** reported that the CSKT is waiting for information on the vaccine rollout. Listening to the national news, it is not a problem that is just isolated to us; it is a timely process across the nation. **Chairwoman Fyant** received a complaint regarding a business in Ronan not wearing masks. She referred that complaint to the appropriate agencies and wanted to know how the complaint was handled. **Mark Clary** advised that the complaint was pushed up the line where it needed to go, but he was not aware of the response. Complaints should go to the Public Health

Tribal Council Meeting Minutes
January 5, 2021

Departments. Chelsea Kleinmeyer is following up on that with Diana from Environmental Health. **Jean Matt** will follow up to find out the status of this complaint and report back to council. The managers at Subway reached out and said they are having discussions with Environmental Health. **Anita Matt** watched the news about the new governor possibly lifting the mask mandate. Missoula County said they would still require masks until they feel comfortable with the number of COVID cases. She asked if the Unified Command Team has heard anything about this and what Lake County plans on doing. **Mark Clary** advised that the phone number for the Lake County Public Health is 406-883-7288 and that is where concerns can be referred to. Mark heard about governor elect Gianforte possibly making some changes, but he was not aware of any changes in the Lake County guidelines. We may see some different things coming out due to the change in leadership in the state of Montana.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the design and installation of electrified barriers for carnivore species and lowered jump-outs for deer along US Highway 93 North in the Ravalli and Evaro areas.

MOTION by Fred Matt to approve the project specific agreement with the Montana Department of Transportation for the design and installation of electrified barriers for carnivore species and lowered jump-outs for deer along US Highway 93 North in the Ravalli and Evaro areas. Seconded by Anita Matt. Carried, unanimous (10 present).

Dan Lozar, Natural Resources Department, requested approval of modification 2 to PMP 12 via Agreement No. 16-141 with the Bureau of Reclamation for the Pablo Dam for a no-cost extension of the completion date to March 31, 2021.

MOTION by Charmel Gillin to approve modification 2 to PMP 12 via Agreement No. 16-141 with the Bureau of Reclamation for the Pablo Dam for a no-cost extension of the completion date to March 31, 2021. Seconded by Martin Charlo. Carried, unanimous (10 present).

Les Evarts, Natural Resources Department, requested approval to submit a grant application to the Bureau of Indian Affairs Invasive Wildlife Program for funding of \$107,000 to replace some aging equipment.

MOTION by Anita Matt to approve by resolution submission of a grant application to the Bureau of Indian Affairs Invasive Wildlife Program in the amount of \$107,000. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-025

RESOLUTION REQUESTING ASSISTANCE FROM THE USDOJ BUREAU OF INDIAN AFFAIRS INVASIVE WILDLIFE PROGRAM

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

WHEREAS, the Tribes, pursuant to Article III of the Treaty of Hellgate reserved the right to protect, preserve and utilize their aboriginal fishery in common with the citizens of Montana;

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes considers the waters and native species of the Flathead Indian Reservation to be among its most valuable natural resources;

WHEREAS, the Council has taken affirmative action to protect and enhance native species on the Flathead Reservation by the adoption of a Shoreline Protection Ordinance, Aquatic Lands Conservation Ordinance, a Water Quality Management Ordinance, Flathead Lake and River Fisheries Co-Management Plan, and a Fisheries Management Plan;

WHEREAS, the Tribes have committed and continue to commit considerable financial resources to maintaining and enhancing native species and protecting water quality on the Flathead Indian Reservation;

WHEREAS, the USDOJ Bureau of Indian Affairs Invasive Wildlife Program has monies available for endangered species enhancement in the context of economic development;

WHEREAS, the CSKT Natural Resources Department is soliciting funding in the amount of \$107,000; **NOW, THEREFORE**,

BE IT RESOLVED, the CS&KT Natural Resources Department is authorized to submit to the USDOJ Bureau of Indian Affairs Invasive Wildlife Program grant proposal documents with all budgets, updates and revisions to further carry out the purposes of the funds request, and to integrate and implement its most recent work plan.

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the submission of the USDOJ Bureau of Indian Affairs Invasive Wildlife Program (IWP) grant proposal documents and authorizes the Tribal Chair and her designated representative to negotiate and sign all documents and execute this contract on behalf of the Tribes.

Ann Miller, Tribal Defenders Office, requested approval of a reduced indirect cost rate of 5% for the Montana Mental Health Trust grant award.

MOTION by Martin Charlo to approve by resolution the reduced indirect cost rate of 5% for the Montana Mental Health Trust grant award. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-026

RESOLUTION TO APPROVE AN INDIRECT COST RATE OF 5% FOR A GRANT AWARD TO THE TRIBAL DEFENDERS OFFICE FROM THE MONTANA MENTAL HEALTH TRUST

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to accept an offer from the Montana Mental Health Trust to fund a two mental health client advocates for one year to provide services to clients of the Tribal Defenders Office, assisting them to obtain treatment, housing, employment, and financial assistance. The Montana Mental Health Trust approved the funding based upon a 5% indirect cost because the Trust would not look favorably upon a higher indirect cost request.

WHEREAS, Additional mental health client services in the Tribal Defenders Office will assist clients to be more successful and contribute to community safety; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Indirect Cost Rate for the Tribal Defenders' Montana Mental Health Trust fund shall be 5%.

BE IT FURTHER RESOLVED that the Tribal Council Chairwoman or her designated representative, the Managing Attorney for the Tribal Defenders, be authorized to negotiate and execute the grant and or contract documents and any amendments thereto.

Ann Miller, Tribal Defenders Office, requested approval of a revised organizational chart to add positions for the Supportive Housing program. **Martin Charlo** thanked Ann, her staff, and the Homeless Committee for their work to address homelessness. **Chairwoman Fyant** saw an American flag at the Morning Star Apartments. Ann commented that we need a Tribal flag at that location.

MOTION by Anita Matt to approve the revised organizational chart for the Tribal Defenders Office to add the Supportive Housing positions. Seconded by Martin Charlo. Carried, unanimous (10 present).

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

Mary Price, Legal Department; and **Tony Incashola, Sr.** and **Thompson Smith**, Salish Pend d'Oreille Culture Committee; requested to meet with council in **executive session** to discuss legal matters.

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

Council reconvened into **regular session**.

Council discussed reapportionment. The issue was scheduled for further discussion on Thursday.

Rhonda Swaney and **Stu Levit**, Legal Department, discussed Lake Koochanusa. The State approved the selenium standard and sent it to the Environmental Protection Agency Region 8 for approval. Stu asked if the council would like to pursue at the council level some kind of action on promoting EPA approving the State standard. If the State legislature reverses it, it goes back to EPA, and then we can respond to that change at that time. **Council** agreed to move forward with a regional consultation with the Environmental Protection Agency.

Rhonda Swaney, John Harrison, Shane Morigeau, Stu Levit, Brian Upton, Dan Decker, and **Michael Wheeler**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Jeanne Christopher and **Carrie Antoine**, Early Childhood Services, requested approval to have Shandiin "Sisi" Pete return to work to complete her previous work contract ending September 30, 2021, as a Cultural Specialist. All contract stipulations will remain the same. Sisi was approved for a three-year contract on October 25, 2018. Sisi had resigned from her position in September 2020 to take advantage of the Education funding, and now that funding is gone and she would like to return to work. The personnel action form and resignation paperwork were processed, and Sisi was removed from the payroll system. Since the tribal council previously approved her contract through September 30, 2021, Early Childhood Services would like to have her contract reinstated without having to go through the advertisement and interview process or approval of a new contract if the council does not want to reinstate the previous contract. ECS currently has an advertisement out for the Cultural Specialist positions since

Tribal Council Meeting Minutes
January 5, 2021

those vacancies need to be filled. Sisi will be required to complete the pre-hire drug test screening since she was removed from payroll. **Ellie Bundy McLeod** recommended going through the advertisement/interview process. **Martin Charlo** wanted clarification if we could resurrect a contract like that. He did not see a Cultural Specialist position being advertised on the CSKT website. **Chairwoman Fyant** explained that the contract could not be modified if it is no longer in effect. **Carrie Antoine** advised that the vacancy closes on January 21, 2021. It takes up to 8 weeks to go through the advertising and hiring process through the Personnel Department. **Charmel Gillin** commented that Sisi could be hired on a 9-month temporary employment agreement or emergency hire. Carrie explained that Sisi is a nontribal member, so she is not eligible to be on the emergency hire list. **No action taken.** Council scheduled Early Childhood Services on Thursday's agenda to seek approval of a 9-month temporary employment agreement.

Chuck Reese, Information Technologies, requested approval of a contractor agreement with Access Montana through February 28, 2021, in the amount of \$24,332.00 for the fiber build from the Pablo meet me point to the headquarters, including a drop at the white house and Mission Valley Power. There is an old fiber that runs from here to MVP that does not meet the needs of the fiber build project.

MOTION by Martin Charlo to approve the contractor agreement with Access Montana through February 28, 2021, in the amount of \$24,332.00 for the fiber build from Pablo Headquarters, including a drop at the white house and Mission Valley Power. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Chuck Reese, Information Technologies, requested approval of a contractor agreement with International Towers, LLC through February 28, 2021, in the amount of \$376,422.00 for tower construction.

MOTION by Anita Matt to approve the contractor agreement with International Towers, LLC through February 28, 2021, in the amount of \$376,422.00 for tower construction. Seconded by Martin Charlo. Carried, unanimous (10 present).

Chuck Reese, Information Technologies; and **Jean Matt**, Mission Valley Power; requested approval of a Memorandum of Agreement between the CSKT and Mission Valley Power through February 28, 2021, in the amount of \$225,285.47 to assist with tower project constructing power and conduit for towers at Jette, Boulder, Oliver Point, and Pistol Creek. They replaced the power going up Jette and got the conduit in place for the fiber optic line. The construction was done as an in-kind contribution by Mission Valley Power. The construction deadline was met on time. This memorandum of agreement would satisfy Mission Valley

Tribal Council Meeting Minutes
January 5, 2021

Power's contract. Chuck commented that Mission Valley Power was very instrumental in the process and he appreciated their participation in this project. **Jean Matt** acknowledged the Mission Valley Power employees that made this possible. MVP was happy to be part of this project. They used Indian Preference contractors to do the work. This opportunity provides us with consistency and reliability in our system.

MOTION by Martin Charlo to approve the Memorandum of Agreement with Mission Valley Power through February 28, 2021, in the amount of \$225,285.47 to assist with tower project constructing power and conduit for towers at Jette, Boulder, Oliver Point, and Pistol Creek. Seconded by Anita Matt. Carried, unanimous (10 present).

George Ducharme, Tribal Lands Department, discussed the 2020 grazing/range bids and re-advertisement. 4 grazing/range permits were advertised for bid. 3 bids were received, but they did not meet the minimum bid deposit and/or the minimum annual rental. This was discussed by the Land Committee and it was recommended that the bids be denied, and it be re-advertised. Options discussed were: (1) approve the 3 submitted bids; (2) deny the 3 submitted bids due to the minimum bid deposit and/or minimum annual rental was not met and re-advertise the grazing/range permits; and (3) hold further discussion. The Land Committee recommended going with option 2.

MOTION by Anita Matt to go with the recommendation of the Land Committee and deny the 3 submitted bids due to the minimum bid deposit and/or minimum annual rental was not met and re-advertise the grazing/range permits. Seconded by Martin Charlo. Carried, unanimous (10 present).

George Ducharme, Tribal Lands Department, discussed an offer from June Parker Jones for the Tribes to purchase her undivided 1/2 interest in Allotment 2313, containing 40 acres, located in the Ronan area. The Tribes own 1/2 interest in this allotment. The property has not been appraised. Options discussed were: (1) show interest in purchasing this parcel; (2) show disinterest in purchasing this parcel; and (3) hold further discussion. The Land Committee recommended going with option 1.

MOTION by Fred Matt to go with option 1 to show interest and order an appraisal. Seconded by Anita Matt. Carried, unanimous (10 present).

George Ducharme, Tribal Lands Department, discussed an offer from June Parker Jones for the Tribes to purchase her undivided 1/2 interest in Allotment 2212-A, containing 60 acres, located in the Camas Prairie area. The Tribes own 1/2 interest in this allotment. The property has not been appraised. Options discussed were: (1) show interest in purchasing this parcel; (2) show disinterest

in purchasing this parcel; and (3) hold further discussion. The Land Committee recommended going with option 1.

MOTION by Anita Matt to take interest and order an appraisal on Allotment 2212-A by recommendation of the Land Committee. Seconded by Martin Charlo. Carried, unanimous (10 present).

George Ducharme, Tribal Lands Department, informed council that James Meyer, Victoria Faker, and Valerie Silva are offering their undivided 1/5 interest in Flathead Allotment No. 1311, containing 47.08 acres, located in the Arlee area. There is a stream that goes through this property. There are 7 owners in the property. The Tribes have no ownership in this allotment. Options discussed were: (1) show interest in the land exchange; (2) show disinterest in the land exchange; and (3) hold further discussion. The Land Committee recommended showing no interest, due to the life estates in place and other circumstances. **Anita Matt** did not see any problems with Fisheries still trying to work on that creek if they can make some type of arrangement with the family.

MOTION by Len TwoTeeth to go with option 2 and show no interest. Seconded by Carole Lankford. Carried, unanimous (10 present).

George Ducharme, Tribal Lands Department, discussed a request from Ramona Lynch, Carolyn Weivoda, Darlene Elverud, Curtis Jackson, Keith Jackson, and James Jackson for a letter of disinterest in Flathead Allotment No. 2898, containing 40 acres, so the family can obtain a fee patent and sell this property on the open market to a nontribal member. The property has not been appraised. Options discussed were: (1) approve a letter of disinterest so the family can obtain a fee patent and sell property on the open market; (2) deny the request for a letter of disinterest; and (3) show interest in purchasing the property. The Land Committee agreed to go with option 1 and approve a letter of disinterest.

MOTION by Anita Matt to go with option 1 and approve a letter of disinterest so the family can obtain a fee patent and sell on the open market. Seconded by Ellie Bundy McLeod. Carried, 9 for; 1 abstention (Len TwoTeeth).

Len TwoTeeth, *for the record, "I really think we need to start looking closer at these types of requests when people are requesting to transfer their land into fee status, especially after hearing about some of the proposed bills to the legislature that are specific to our reservation. I am going to have to abstain from this vote and I won't support any other trust into fees because of that situation coming up. We should have a discussion sometime in the future about how this will impact us."*

Tribal Council Meeting Minutes
January 5, 2021

George Ducharme, Tribal Lands Department, discussed a request from Gerald McElderry for a letter of disinterest for gift deed in fee for Flathead Tract No. 4628, containing 0.34 acres, located in the St. Ignatius area. The property contains a home and improvements. There was a five-year moratorium for him to take the land out of trust, and that time has now passed. Mr. McElderry would like to sell the property on the open market. Options discussed were: (1) approve a letter of disinterest; (2) deny the request for a letter of disinterest; and (3) hold further discussion. **Anita Matt** said it was gift deeded into fee to Mr. McElderry, so he had to wait 5 years to do this. He tried selling the property to a tribal member.

MOTION by Fred Mat to go with option 1 and show disinterest in Flathead Tract No. 4628. Seconded by Martin Charlo. Carried, 9 for; 1 abstention (Len TwoTeeth).

Shelly Fyant left the meeting to participate in the National Congress of American Indians Listening Session.

George Ducharme noted that the Jackson property has an irrigation ditch running through it and it is under the project.

George Ducharme and **Holly Hitchcock**, Tribal Lands Department, informed council that Diana Grant submitted an application for a right-of-way to obtain an easement to her trust property that she is selling. Diana is requesting an access easement on an existing dirt road located along the eastern border of the Pache Homesites. The lease lot is currently under a homesite lease contract to the Salish Kootenai Housing Authority, and they have been informed of the request and have stated they have plans to construct on the lot in the future. The trust land she is selling is undeveloped and the purchaser will be constructing a home on the site. The Tribal Lands staff recommended denying the request or place it on hold, and request that Diana work on providing access through her property either through her current access road or attempt to obtain an easement permit through the county for an access off Terrace Lake Road. If alternate options are unsuccessful, it could be brought back to the Land Committee for further discussion at a later date. The Land Committee recommended denying the request.

MOTION by Len TwoTeeth to go with the recommendation of the Land Committee and deny the request. Seconded by Martin Charlo. Carried, unanimous (9 present – Shelly Fyant out of the room participating in the National Congress of American Indians Listening Session).

George Ducharme, Tribal Lands Department, presented a request from Brian Fyant for a letter of disinterest in Flathead Tract No. 4228, containing 0.34 acres, located in the St. Ignatius area. The property has not been appraised. The

property contains a modular home on it. He wants to gift deed it in fee and sell the property on the open market. Options discussed were: (1) approve the letter of disinterest so the property can be gift deeded into fee status; (2) deny the request for a letter of disinterest; and (3) show interest in purchasing the property.

MOTION by Ellie Bundy McLeod to show disinterest. Seconded by Fred Matt. Carried, 7 for; 1 abstention (Len TwoTeeth); 2 not voting (Shelly Fyant out of the room participating in the National Congress of American Indians Listening Session; and Charmel Gillin out of the room).

Len TwoTeeth, for the record, "In regard to my abstentions on these properties proposed to transfer into fee status, we were just notified that there may be a potential bill in the legislature to allow big game hunting on fee lands on the reservation, so that's the reason why I'm abstaining. In the future, on these large acreages going into fee, I will not support them coming out of trust status."

George Ducharme and **Roberta Decker**, Tribal Lands Department, discussed a request from Ann Gieber for a land exchange. Ann owns 0.21 acres of fee property in Polson and wants to trade for Lot 3 of Mountain View Homesites. The properties have not been appraised. A Yellow Book appraisal is required for exchanges, right-of-way, and litigation. The home was Chris McCrea's and the Tribes do not have ownership. The home is tied up in a foreclosure. The Tribal Lands Department is working with HUD to try to gain ownership of the home. The Lands Department advised Ann of that issue and suggested that she get on the homesite waiting list. Options discussed were: (1) approve the land exchange; (2) deny the land exchange; and (3) hold further discussion. The Land Committee recommended denying the request. **Carole Lankford** asked if there are two avenues that we are working on with this place and does Jody at Salish Kootenai Housing Authority have information that we don't have. George is working with Jody Perez on this matter. It is not under the ownership of the Tribes or the Salish Kootenai Housing Authority. **No action taken.**

George Ducharme and **Tara Irvine**, Tribal Lands Department, presented a request from Ken Camel for a revocable permit on T-4168 located in Polson to store his boxing equipment. Ken is currently leasing the building for a fee of \$1.00 per month for rent and utilities. Due to the pandemic, Ken ran into issues of securing a new boxing venue. It would be a six-month extension of the current permit that is set to expire. Options discussed were: (1) approve a six-month revocable permit so long as all permitting requirements are met, including a \$1.00 per month rental payment and required insurance; (2) deny the request for a revocable permit; and (3) hold further discussion. The Land Committee recommended approval of option 1 to approve the extension for six months.

MOTION by Len TwoTeeth to go with option 1 and approve a six-month extension. Seconded by Martin Charlo. Carried, unanimous (8 present – Shelly Fyant out of the room participating in the National Congress of American Indians Listening Session; and Charmel Gillin out of the room).

George Ducharme and **Tara Irvine**, Tribal Lands Department, presented a request from Tony Undum and the Raceway Board for a five-year business lease to utilize Tribal Tract T-7035 for auto racing activities along with food and beverage concessions. Options discussed were: (1) approve a five-year business lease so long as all leasing requirements are met, including 10% of the gate entry fee for all races, required insurance, and a \$10,000.00 bond; (2) deny the request for a business lease; and (3) hold further discussion. Tony repaired the damages from the previous lessee and restored relationships throughout the community. The Land Committee recommended going with option 1, so long as all leasing requirements are met.

MOTION by Martin Charlo to go with option 1 and approve a five-year business lease so long as all leasing requirements are met, including 10% of the gate entry fee for all races, required insurance, and a \$10,000.00 bond. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present – Shelly Fyant out of the room participating in the National Congress of American Indians Listening Session; and Charmel Gillin out of the room).

George Ducharme and **Tara Irvine**, Tribal Lands Department, presented a request from HaeOK Newman, Oak's Korean Kitchen, for a five-year business lease on Tribal Tract 4481 to operate a breakfast food and beverage take-out menu. Options discussed were: (1) approve a five-year business lease so long as all leasing requirements are met, including a rental rate of \$350.00 per month with Consumer Price Index adjustments (if the CPI adjustment increases, the rental rate will increase; if the CPI adjustment decreases, the rental rate will remain the same as the previous year's rate); provide proof of required insurance; and payment of the bond; (2) deny the request; and (3) hold further discussion. The Land Committee recommended going with option 1 so long as all leasing requirements are met.

MOTION by Ellie Bundy McLeod to go with option 1 and approve a five-year business lease. Seconded by Mike Dolson. Carried, unanimous (9 present – Shelly Fyant out of the room participating in the National Congress of American Indians Listening Session).

Velda Shelby and **Janet Camel**, Economic Development Office, requested approval of a waiver of the Contracts & Grants modification process. December 27, 2020 is when President Trump signed the extension for the CARES funding. We were advised on December 28, 2020 that we were granted an extension, specifically for the awardees who received business grants for the adaptation of

Tribal Council Meeting Minutes
January 5, 2021

their businesses. We were in violation of the policy for the adaptation grants. Contracts & Grants requires at least 14 days prior to expiration of the MOA. Since we received late notice, she was unable to go back and modify those. Velda asked that the council allow EDO to do their contract modifications for the subrecipient awardees who got the grant as of December 20, 2020. Velda wants a waiver of the Contracts & Grants modification process so she can resolve the process breach, due to the short notice of the CARES Act expenditure extension, and authorization to backdate the modifications for the subrecipients.

MOTION by Charmel Gillin to waive the Contracts & Grants modification process and approve the backdating of the subrecipient award contract modifications. Seconded by Ellie Bundy McLeod. Carried, 8 for; 1 abstention (Anita Matt); 1 not voting (Shelly Fyant out of the room participating in the National Congress of American Indians Listening Session).

Len TwoTeeth wanted to hear from Contracts & Grants. **Lissa Peel** explained that they usually approve the contract modifications prior to the expiration of the contracts. Council needed to take action to amend the contracts since they have already expired.

Janet Camel, Economic Development Office, gave an update on the progress of the manufactured home set-up for the homelessness project. She viewed the 5 homes at Maggie Ashley today, and two of the homes still need some finish work. One of the homes at Kicking Horse is almost ready and the other home will not be set up until the 18th. The sewer system at Kicking Horse will be tested next week, and then Dick Anderson Construction will pare down the crew at KHJCC to two or three to finish up some clean-up work. They will hold off on the rest of the work until mid-April. The road cleanup was done to the best of their ability until spring gets here to do asphalt work. The pump house at KHJCC has issues; they hope to get those resolved with John Neiss. The pumps are pumping at 1/5th of the volume that they were before, so there was a lot of water lost until the water system was fixed. It should prevent the lagoons from overflowing.

Len TwoTeeth read the emails regarding the Burial Policy that was provided to the council. The policy states that tribal members can be granted up to \$600 for the burial of a non-enrolled family member. Either Culture Committee may request/grant burial assistance up to \$500 for an Indian of another tribe or individual recognized as part of the community. We are within policy if we were to move forward with the request. It was the **consensus** of council to provide burial assistance.

Martin Charlo informed council that Dale Nelson brought in some N-95 masks if council wants any or has elders that need any. We will get more if needed. We need to stay diligent at this time, wear a mask, wash hands, and social distance.

Tribal Council Meeting Minutes
January 5, 2021

Martin commented that if there is anyone on Facebook Live that needs a mask, they should let their council representative know.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 2:24 p.m., and is scheduled to meet again on Thursday, January 7, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary