

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

Volume 21 Number 30
Council Chambers, Pablo, MT

Held: January 21, 2021
Approved: January 26, 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. **Ellie Bundy McLeod** is providing testimony to the House Judiciary Committee on HB 35, HB 36, and HB 98 this morning and will join the meeting afterwards.

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for January 19, 2021 were presented for approval.

MOTION by Carole Lankford to approve the Tribal Council Meeting Minutes for January 19, 2021, with corrections. Seconded by Anita Matt. Carried, 7 for; 2 abstentions (Martin Charlo and Bing Matt).

The **agenda** was presented for approval.

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

Rhonda Swaney and **Brian Upton**, Legal Department; **Amy Coffman** and **Amy Lisk**, Bison Range; **Craige Couture**, Law & Order; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Rhonda Swaney and **John Carter**, Legal Department, discussed reapportionment. John thought the council wanted this to occur by the 2021 election cycle. The council direction was only one at-large representative could

Tribal Council Meeting Minutes
January 21, 2021

come from one of the 8 original districts. Council's intent is to do one at-large district in 2021 and 2023. It will be the Arlee seat and the St. Ignatius seat that would become at-large positions. If this is done over a two-election cycle, the council will need to decide whose position is up first. **Mike Dolson** commented that it is correct that a decision would need to be made about which position will become at-large. The incumbents would sit in those seats until the at-large election. The other option is the Arlee district when the next term expires and the St. Ignatius seat, and they would have to determine which one fills the seat until the term expires. **Rhonda Swaney** reminded council that Ellie Bundy McLeod and Bing Matt have two years left in their terms. She suggested that the legal staff be included in the reapportionment committee meetings. **Charmel Gillin** explained that the reapportionment committee discussed naming one of the seats at-large immediately so when that term expires and it rolls into the election cycle that it would be known as an at-large seat that is available. The committee discussed identifying the St. Ignatius seat to become available immediately, and then for staggering purposes the next seat would follow two years later, which would be the Arlee District seat. **John Carter** explained that if the council determines only one at-large council position can represent the same district, then it would create a problem if the St. Ignatius District candidate and both at-large positions win the election for that district. **Fred Matt** asked how it would be determined which seat would be converted to at-large first. **Chairwoman Fyant** told Fred he was appointed to fill a vacant seat instead of being elected, so that is why the reapportionment committee decided that his seat would be the first seat to convert to an at-large seat. **Martin Charlo** suggested that the council flip a coin so the determination is a random decision as to which district seat becomes at-large in the first election cycle. There was discussion on whether the at-large representative would be able to move out of their district. If that incumbent moves into a different district, then that district would not be allowed to have a candidate run for election. The legal advice was not to limit the number of at-large representatives in one district. **Council** directed John to provide a list of questions for the council to vote on at the next meeting. The questions included limiting it to one at-large representative in each district at one time or not; make the change in the 2021 election cycle or establish staggered terms; move the Arlee and St. Ignatius seats to Ronan and Polson; and determine which seat is declared at-large first. **Chairwoman Fyant** scheduled this item on the chair's agenda for Monday at 10:00 a.m. Legal will be sent an invite to the meeting. Shelly requested that all council members be present for the discussion. John suggested that council start thinking of names for those two at-large seats. **Len TwoTeeth** liked the idea of moving those two seats to Ronan and Polson as originally discussed. He is trying to figure out what problem we are trying to fix, if any, since we represent the entire membership. It will not enhance our tribal government by doing this. Len is having trouble supporting this change.

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

Tony Incashola, Jr., Tribal Forestry, requested approval of a memorandum of understanding with the Bitterroot National Forest for CSKT to be a cooperating agency for cooperation and consultation in U.S. Forest Service projects requiring NEPA. **Chairwoman Fyant** questioned the clause regarding TERO since CSKT is an Indian Preference Tribe. Tony advised that Contracts & Grants reviewed it and sent it in for legal review and was told no changes were needed.

MOTION by Mike Dolson to approve a memorandum of understanding with the Bitterroot National Forest for CSKT to be a cooperating agency for cooperation and consultation in U.S. Forest Service projects requiring NEPA. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Len TwoTeeth asked why the Tribes do not have a memorandum of understanding with the Kootenai National Forest. **Tony Incashola, Jr.** would like to have an agreement with them, and he will reach out to the Forest Supervisor. Len thought it would be a good idea to have one with all area national forest agencies.

Casey Ryan, Natural Resources Department, requested approval of modification 1 to contractor agreement 20-160 with Rehbein Enterprises, Inc. to increase the not-to-exceed amount by \$3,960.00 for overrun costs, for a total contract amount of \$188,960.00. There is funding in the contract for any contingencies.

MOTION by Martin Charlo to approve modification 1 to contractor agreement 20-160 with Rehbein Enterprises, Inc. to increase the not-to-exceed amount by \$3,960.00 for overrun costs, for a total contract amount of \$188,960.00. Seconded by Bing Matt. Carried, unanimous (9 present).

Joe Durglo and **Rhonda Hendren**, Tribal Health Department, requested approval to transfer Mary Koll from a temporary employment agreement employee to a 69-C employee, with an increased rate of pay, to fill the Paid Healthcare Patient Account Representative position. The position had been advertised several times and there were no qualified applicants. Mary was hired on a one-year contract to learn the position. She successfully completed that and has been a good employee.

MOTION by Carole Lankford to approve the transfer of Mary Koll from a temporary employment agreement employee to a 69-C employee, with an increased rate of pay, to fill the Paid Healthcare Patient Account Representative position. Seconded by Bing Matt. Carried, unanimous (9 present).

Rob McDonald, Communications, presented a request from Tribal Social Services to create a Facebook page to research and connect with clients. **Mike Dolson** asked how the pages are monitored. Rob said it is his responsibility to

monitor department Facebook pages, and he does so on a regular basis and reviews the reports. Mike asked if the program is using Facebook to make contacts, how do they ensure they are talking to the people they say they are. Rob was not sure how they use that tool. It is a way to make initial contact with folks.

MOTION by Len TwoTeeth to authorize Tribal Social Services to create a Facebook page to research and connect with clients. Seconded by Martin Charlo. Carried, unanimous (9 present).

Rob McDonald, Communications, requested approval to expend remaining CARES funding for a short feature on the CSKT's battle with COVID-19. It is a story that needs to be told and shared. The film would be entered into competitions. The funding would be used to make a film for 25 minutes or less to tell the depth of the Tribes' wrestling with COVID-19. **Chairwoman Fyant** told Rob that the budget and contract were not included in the council packet.

MOTION by Carole Lankford to approve the request. **MOTION WITHDRAWN.** **Council** directed Rob to provide a copy of the documents and return at 1:00 p.m.

Sandra Boham, Salish Kootenai College, requested approval of a revised resolution to apply for the NACTEP grant. Council approved the resolution on January 7, and the requested edits from the Tribal Council were made to the resolution.

MOTION by Carole Lankford to approve the resolution in support of Salish Kootenai College's proposal for federal funding for a Native American Career and Technical Education Program for 2021-2026. Seconded by Fred Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-032

RESOLUTION IN SUPPORT OF SALISH KOOTENAI COLLEGE PROPOSAL FOR FEDERAL FUNDING FOR A NATIVE AMERICAN CAREER AND TECHNICAL EDUCATION (NACTEP). 2021-2026

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

WHEREAS, the Confederated Salish and Kootenai Tribes (CSKT) are committed to develop, protect, and advance the interests, resources, and education of its members; and

WHEREAS, the CSKT is a federally recognized tribe; and

WHEREAS, the CSKT formally established Salish Kootenai College (SKC) in 1977 as a tribally-controlled college; and

WHEREAS, SKC is accredited by the Northwest Commission on Colleges and Universities; and

WHEREAS, SKC is applying for federal funds under the U.S. Department of Education's Native American Career and Technical Education Program (NACTEP), which serves tribal educational entities and awards special consideration to accredited tribal college applicants; and

WHEREAS, SKC has based its NACTEP proposal in significant part on the economic and employment needs of the tribal membership as well as job availability and workforce development needs identified in the CSKT Comprehensive Economic Development Strategy (CEDS) and other tribal planning documents as well as related socioeconomic and employment data; and

WHEREAS, there is an identified need for workforce development in career and technical fields on or near the Flathead Indian Reservation and in Indian Country in the areas of computer-related technology and allied health (including but not limited to information technology, digital design technology, dental assisting technology, medical assisting, medical coding/billing, medical scribes), and SKC's proposed NACTEP project will provide funds for instruction and student services in these disciplines and areas; and

WHEREAS, SKC has linked its proposed training program to tribal and community programs and services; and

WHEREAS, CSKT is the largest employer on the Flathead Indian Reservation; and

WHEREAS, Salish Kootenai College is committed to facilitating education, career services, and job placement of tribal members who successfully complete NACTEP training programs.

NOW THEREFORE, BE IT RESOLVED that the Confederated Salish and Kootenai Tribes support the NACTEP proposal submitted by Salish Kootenai College to the U.S. Department of Education.

Rick Eneas, Financial Management; and **Clayton Matt**, Tribal Services; presented for approval a resolution and memo establishing a temporary COVID-19 Pandemic Leave Policy.

MOTION by Anita Matt to approve the resolution establishing a temporary COVID-19 Pandemic Leave Policy. Seconded by Fred Matt. Carried, 7 for; 0 opposed; 2 abstentions (Bing Matt and Carole Lankford)

RESOLUTION 21-033

RESOLUTION ESTABLISHING A TEMPORARY COVID-19 PANDEMIC LEAVE POLICY

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

WHEREAS, Covid-19 pandemic has affected working conditions including employee leave; and

WHEREAS, it is necessary to develop a policy to address certain leave situations for employees affected by quarantine, isolation or office closures; and

WHEREAS, it is policy that resolutions be prepared prior to their presentation before the Tribal Council; and

WHEREAS, this policy will be implemented by memo to all Tribal employees in which this resolution will be referenced by number; **NOW, THEREFORE**,

BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves a temporary policy to create Covid leave for employees affected by quarantine, isolation and office closures caused by Covid-19; and

BE IT FURTHER RESOLVED, that the Tribal Council will review this policy at least annually to determine if it should be extended, modified or terminated.

Council asked about the language contained in the memo and whether legal review was obtained about COVID leave. Clayton sent it to the Legal Department for review. It was the **consensus** of council to agree that COVID leave cannot be transferred or sold. **Clayton Matt** will make the edits to the memo.

Rick Eneas and **Ruth Swaney**, Financial Management, presented highlights of the fourth quarter financial report. Third Party Revenue increased significantly. S&K Gaming paid a \$550,000 dividend to the Tribes. With Third Party Revenue, the billing got caught up which caused the increase. There should not be such a big swing in the revenue in the future once the backlog of bills are all paid. Rick reviewed the expense fund groups report with a year-to-year comparison. Revenue over expenses was over \$20 million.

Tribal Council Meeting Minutes
January 21, 2021

MOTION by Anita Matt to accept the fourth quarter financial report. Seconded by Charmel Gillin. Carried, unanimous (9 present).

Council **recessed** the regular meeting at 11:25 a.m. to conduct an S&K Electronics shareholder meeting.

Ellie Bundy McLeod joined the meeting.

Council **reconvened** into the regular meeting at 12:25 p.m.

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

Rob McDonald, Communications, returned to council to request approval of an agreement for artistic services with Brooke Swaney.

MOTION by Martin Charlo to approve the agreement for artistic services with Brooke Swaney. Seconded by Anita Matt. Carried, 9 for; 1 abstention (Charmel Gillin).

Charmel Gillin, for the record, "I am abstaining because I have not had enough time to review it."

Council met in **executive session** to conduct an interview for the Two Eagle River School Board vacancy to fill the partial term ending December 1, 2023. **Melanie Piedalue**, Personnel Department, was present for the interview.

Council reconvened into **regular session**.

MOTION by Ellie Bundy McLeod to appoint Rhea Gates to the Two Eagle River School Board to fill the partial term ending December 1, 2023. Seconded by Martin Charlo. Carried, unanimous (10 present).

Michelle Mitchell, Tribal Education Department; and **Mike Perry**, Arlee School District; presented for approval the Arlee School District's Tribal Education Report. Mr. Perry believes the students will continue to be challenged until they are all back in school in person. The Arlee School has a total of 422 students in grades K-12. Certified staff has 9 enrolled members and classified staff has 14 enrolled members. The graduation rate is 88% overall and an 80% graduation rate for Native American students. Bill Stockman works for the school district as a teacher and was the recipient of the Teresa Veltkamp Advocacy Award for excellence in Indian Education For All. Mr. Perry thanked the Tribal Education Department for providing Chrome Books for the students to participate in the online classes. There are 127 students in the high school and Arlee should remain a Class B school for the next several years. There is time set aside in the teachers' schedules to work directly with students and parents. A school

Tribal Council Meeting Minutes
January 21, 2021

counseling intern was added to the staff. The social and emotional aspect of this pandemic is a focus for the school. They are going to revise the handbook. A school psychologist will go to the school and give a presentation on looking for anxiety in students, how to identify it, and how to deal with it. **Bing Matt** asked if the pandemic contributed to the drop in attendance rates. **Mr. Perry** thought it was due to a recent change in how attendance is taken. In the spring the students just had to check in once a day for the first quarter, but now they have to check in each period, which caused a significant drop in attendance.

MOTION by Bing Matt to accept the Arlee School District's Tribal Education Report. Seconded by Mike Dolson. Carried, unanimous (10 present).

Janet Camel, Economic Development Office; **Vern Clairmont**, **Jeff Clairmont** and **Jason Clairmont**, Raven Consulting; **Kate Dinsmore** and **Nicholas Kaufman**, WGM Group; **Travis Irvine**, Irvine Design Studio; and **Tim Hinderman**, Real Estate Development; discussed the Polson West Property feasibility study alternatives and requested direction on the proposed land uses for future development consideration to help them develop a selected alternative. Lakefront Property. This property contains 0.5 acres. Proposed alternatives discussed were to have a short-term vacation rental with the existing house; 5 high-end RV sites; optional community space with lake access; or residential lease. Upland Property. This property contains 70 acres. Proposed alternatives discussed included a business center; virtual office space; RV park; outdoor RV and boat storage; convenience store; residential lease; manufactured, modular and tiny homes lot rental; visitor and learning center/kiosk. **Council** took the proposed alternatives under advisement and will discuss again in two weeks.

Len TwoTeeth suggested setting up a meeting with the Legal staff to go over our plan on the water settlement and how we are moving forward, when we expect the settlement, and when it arrives what is our plan of action going to be. **Chairwoman Fyant** will schedule it for Monday after the reapportionment meeting.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 3:11 p.m., and is scheduled to meet again on Tuesday, January 26, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

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Ellie Bundy McLeod
Tribal Council Secretary