

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

Volume 21 Number 31
Council Chambers, Pablo, MT

Held: January 26, 2021
Approved: January 28, 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; Donna Durglo, Recording Secretary; 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 Ellie Bundy McLeod.

The **Tribal Council Meeting Minutes** for January 21, 2021 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 21, 2021, with corrections. Seconded by Fred Matt. Carried, 9 for; 1 abstention (Ellie Bundy McLeod).

The **agenda** was presented for approval.

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

Jean Matt, Chelsea Kleinmeyer, Dale Nelson, Mark Clary, and Rob McDonald, Unified Command Team, gave an update. **Jean Matt** reported things are progressing. Audrey from the state said lots of misinformation is going out to the public, such as the number of vaccines being delivered but a different allocation number is received. We are only getting so much of the state allocations, so that is something we need to be cognizant of. **Chelsea Kleinmeyer** reported that Lake County has a total of 1,898 confirmed cases, 96 active cases, 5 hospitalizations, and there has been 20 deaths to date. Vaccines are well underway. The state sent out a spreadsheet on where the vaccines are being allocated by county and jurisdiction, so that makes things clearer. The

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county is set to receive 500 total doses and Tribal Health will be in receipt of 200 of those. Tribal Health receives 100-200 doses per week. The plan is to give 140 of those tomorrow and the rest will be gone by Thursday. THD is giving second doses, as well. THD is hopeful that they will see more allocations by the first week of February. They do not find out until Sunday night for the upcoming Tuesday distribution, so there is not much time to know how many they will receive for planning purposes. Hospitals began reaching out to the targeted patient groups to begin vaccinating them. There have been some preliminary talks about having a mass vaccination in the spring when more doses become available. A THD vaccine symposium is being planned. It will be held via zoom and be live on Facebook. There will be medical professionals available from St. Joseph's, St. Luke's, and the County Health Department. People will need to submit their questions ahead of time and will have the opportunity to chat in any of their questions. There is a lot of misinformation out there and they want to provide accurate information. It is planned for February 5, and THD will distribute more information soon. **Jean Matt** commented that it is very fluid right now. There is a lot of information being sent out and the information changes on an hourly basis. It is interesting with the new change in administration. **Dale Nelson** will be making PPE deliveries to tribal departments. He received an email from the mask company that donated masks and they are anxious to see what PR work we will do for them. Dale understood the council wants the mask reviewed by the Tribal Health Department. The mask is bulky compared to a cloth mask, but they are hi-tech. The Fish & Wildlife staff requested gloves, so Dale will deliver those to them. **Mark Clary** reported he had no new information; Chelsea covered it. They are waiting for more vaccines to come in. **Martin Charlo** reported that yesterday he was approached by Rob McDonald to take a photo with the mask. They look like high quality and are more durable. The masks are reusable, and people just need to change the filters. The Tribes are monitoring the vaccine rollout and encouraging people to think about getting vaccinated. Protecting our communities is critical. Martin went to some stores in Kalispell and it was dismal as far as people wearing a mask. People need to continue to social distance, wash their hands, wear a mask, and keep themselves safe to try to limit the number of fatalities. **Jean Matt** commented that we can prepare for the next phase of what the pandemic becomes. We have an opportunity to sit in this holding pattern and learn from the public information standpoint. **Chairwoman Fyant** reported that the CSKT has 25 positive cases in the workforce and 99 employees in quarantine. The tribal council sent out a memo regarding COVID leave for those individuals. Renee Joachim in the Personnel Department can answer any questions people may have. The leave is very limited and there are specific circumstances it can be used for.

Renee Joachim, Personnel Department, presented for approval a list of incentive awards for the Law & Order staff in the amount of \$1,500.00 each for their work during the shutdown: Benjamin Asencio, Nelson Bigsam, Christian

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Charette Haynes, Travis Christopher, Lester Clairmont, Jessica Courville, Casey Couture, Craige Couture (nominated by his supervisor Clayton Matt), Jesse Drennan, Brenda Dumont, Edward Dumont, Louis Fiddler, Karen Fisher, Vernon Fisher, Gregory Funke, Brian Fyant, Alicia Gray, Cheyenne Haynes, Thomas Haynes, Bonnie Hewankorn, Eneas Inmee, Desmond Joseph, Jr., Barbara Kenmille, Joseph P. Matt, William Mesteth, Montana Morigeau, Nickie Nicolas, Derian Parker, Dakota Paul, Phillip J. Paul, Richard Sheehan, and Orsino Walker.

MOTION by Anita Matt to approve the incentive awards for the Law & Order staff in the amount of \$1,500.00 each for their work during the shutdown. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Mark Couture and **Holly Hitchcock**, Tribal Lands Department; and **Bud Gillin**, Salish Kootenai Housing Authority; discussed a request from Diana Grant for a right-of-way to obtain an easement to her trust property that she is selling to a tribal member. The applicant's preferred alternatives are: (1) across the southern end of Lot 8 of the Pache Homesites; and (2) through Lot 7 of the Pache Homesites where the current SKHA well and access road are located. Bud Gillin did an assessment and determined the requester's preferred alternatives were not feasible. Jody Perez is viewing the property this morning and she told Lands that option 1 may work if it was smaller in size and the owner was willing to put up a chain-link fence on the other side of the road for safety issues. **Bud Gillin** commented that option 2 would give SKHA the opportunity to pursue future development if a fence were built. The size of the lot would need to be limited. **Len TwoTeeth** commented that we need to be careful when granting rights of way to our property. He would support working with the landowner if there were no other options, but there are other options. The landowner can get an access easement from the county to access the property. Len cannot support this request. **Carole Lankford** supported the request and thinks option 1 is the best option. Diana is a tribal member selling her land to a tribal member. If she could build a fence, that would be helpful. **Martin Charlo** clarified that Diana does not own the land north of the parcel she is selling. **Holly Hitchcock** advised that she does own that parcel. She showed council a map of the land. Martin asked what the problem was with option 3. Holly said Diana thought it would be shorter to go through the Pache Homesites to reach the acreage she is selling. The request was previously denied, and it was determined to have Diana look for her own options. **Chairwoman Fyant** mentioned that the last council action was to deny the request and have Diana work on providing access through her property through her road or go through the county for access off Terrace Lake Road. **Anita Matt** wanted to know who would be responsible for fencing. Holly said she could visit with Diana about that and report back to council. **Len TwoTeeth** asked what the terms of the easement would be. Holly advised that the standard terms are nontransferable easements for a term of 25 years with a

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25-year renewal option, but the tribal council can set whatever term they want to.

MOTION by Carole Lankford to rescind past council action and authorize the suggested easement with option 1 for a tribal member for a nontransferable easement for 25 years with a 25-year renewal option, contingent upon a fence being built. Seconded by Fred Matt. **MOTION NOT CARRIED**, 2 for (Carole Lankford and Fred Matt); 7 opposed (Mike Dolson, Martin Charlo, Len TwoTeeth, Anita Matt, Ellie Bundy McLeod, Shelly Fyant, and Charmel Gillin); 1 abstention (Bing Matt).

***Bing Matt**, for the record, “I abstained because I wasn’t opposed to getting the easement, but wanted to give her time to get the fence built first, and then come back to council and ask for that easement.”*

Carole Lankford left the meeting for the remainder of the day to attend an AMERIND meeting.

Michelle Mitchell, Tribal Education Department; and **Marie Torosian**, The People’s Center; provided the history of the center and rebranding efforts of The People’s Center and requested approval to change the name of The People’ Center to Three Chiefs Culture Center for the redesign plan in the strategic plan that is being developed. The logo would be the three pictures of the chiefs that are in the council chambers. **Marie Torosian** informed council that she received support of her proposal from both Culture Committees. It would be a good time to start over after the fire. Michelle supported the new name, as well. The People’s Center staff provided comments and supported the request. They thought it would help them begin to move forward.

MOTION by Charmel Gillin to change the name of The People’s Center to Three Chiefs Culture Center Museum & Gift Shop. Seconded by Anita Matt. Carried, unanimous (9 present).

Michelle Mitchell, Tribal Education Department; **Jason Sargent** and **Mr. Arlint**, St. Ignatius School District; presented the St. Ignatius School District Tribal Education Report. The school district staff is 24% Native American, administration is 33%, and the classified staff is at 36%. The total of Native American student population is 56%. Mr. Sargent did not have an accurate count of total members from each school. The Native American student average on the ACT was 18.2 compared to the average of other students at 16.5. The grade point average for Native American students was 2.44 and others were 2.84. The school has not been able to do the Smarter Balance for two years, so there is no data for that. The graduation rate is 91.7%, which has increased over time. The dropout rate for Native American students is 1.6%. The school had two dropouts last year; one was a native student, and one was not. The participation

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breakdown in activities was: Football – 63/37; volleyball was 68/32; wrestling was 46/54; basketball was 74/21; girls’ basketball was 72/28; cheerleading was 63/37; track was 71/29; softball was 75/25; and tennis was 61/39. The school has a new gym, locker room, weight room, and new career tech center. The referrals for Native Americans in the elementary school was at 61% and 39% for others; the high school referrals for Native Americans was 68% and 32% for others; and the middle school had 69% referrals for Native Americans and 31% for others. The attendance rate maintained well throughout this pandemic at 93.98%. The Transitional Kindergarten Opportunity program is an entry-level kindergarten program for four-year-olds. They are learning at their level as four-year-olds. Those students perform better each year and had increased performance over the students who do not take that opportunity. The school has a new wood shop, a new art room, new desks and chairs, chrome books, the elementary envelope/roof was redone, remodeled bathrooms, the gym insulation was replaced, 2 new elementary classrooms, automated flushers, repairs to the football bleachers, a new security system, maintenance equipment, wall pads in the wrestling room, improvements for the gym, a salvaged truck, a quad, and a forklift. They still need to get signage for the new gym and classrooms; supplies for the new classrooms; redo the bricks on the outside of the last construction project and reseal them; and sand down and paint the gym. The plan is to expand the game gym to build one more section of bleachers.

The Indian Policies & Procedures are updated each year and are approved by the board. They met 87% of their goals last year. Every student has an at-risk plan that is in need of a mile post plan, with interventions, monitors, and tracking to make sure those students are watched by a mentor in academics, attendance, discipline, and mental health. **Charmel Gillin** asked about the high school enrollment declining and if there was a correlation with the lower dropout rate and enrollment rate. **Mr. Sargent** talked about the drop in enrollment. In the 1990s there were about 200 students, and since 2000 the enrollment has progressively dropped. The only concrete thing is when the Amish moved into the valley the enrollment dropped because they do not send their kids to school. That is the only thing they can attribute to the decline. The Title VI funds are used for partial salary for teachers, pays for supplies for those classes, and pays for the pow wow. School is held Monday through Thursday, and Friday is set aside for the online students. The online students are struggling. Those students have been encouraged to go back to school because remote learning is not as effective. Those kids are struggling academically. The ability for those remote students to be successful has declined over time. **Michelle Mitchell** asked what the school is doing for the social and emotional learning due to COVID. **Mr. Sargent** will send Michelle the list of what they provide. They have a system interventions breakdown in tiers. For the remote learning students, they are relying heavily on the school counselor to touch base with them since they do not have direct contact with those students. That is their concern; they do not know what is going on with those students since they do not have direct

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contact with them. 33% of the students were enrolled in the online learning in the beginning and now it is at 13% online learning. That mirrors what the high school did, as well. The school district has 1 quarantine and 1 isolation this week. They had zero last week. There is a handbook that teachers are given to implement Indian Education For All. The teachers are evaluated annually to show how to collaborate, communicate, attend Indian Education For All workshops, PIR Day, and pursue professional opportunities. The teachers must keep a portfolio on how they are doing that. They must implement the seven essential understandings, include samples of curriculum, samples of how the Montana history timelines are referenced, how they teach culturally, must learn those traditions and cultural beliefs, have measurable outcomes, attend local events when possible, get to know the local traditions and beliefs, and commonality of common core. The teachers are evaluated by the families. **Chairwoman Fyant** asked Jason to send the invite for the April open house. There are some council members that would be interested in attending. The Tribal Education Department has some consultants and resources to help them if they are uncomfortable or do not understand things. She read some of the parent survey questions and she could relate to parents being afraid to send their students back to school. Shelly appreciates the outside visits to their homes to help with interventions and to check on the families. There are many families who are struggling.

MOTION by Fred Matt to accept the St. Ignatius School District Tribal Education Report. Seconded by Anita Matt. Carried, unanimous (9 present).

Jason Sargent informed council that the Impact Aid is due in one week, so he would appreciate any help with that.

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

Tom McDonald, Natural Resources Department, requested consideration for the National Bison Range elk management to continue population reduction to meet elk population goals for the range by authorizing the U.S. Fish & Wildlife Service staff to continue the administrative removal of approximately 25 elk through mid-February. In the past, those animals were provided to tribal programs, other tribes, and food distribution programs. The NRD staff recommended seeking tribal programs to receive those animals. Because of chronic wasting disease, each elk taken would be tested. People would be notified to not eat it until those animals are tested. **Charmel Gillin** asked if the hides would be available for individuals. Tom advised that whoever receives the carcass receives the hides.

MOTION by Fred Matt to go with the department's recommendation and authorize the U.S. Fish & Wildlife Service staff to continue administrative removal of approximately 25 elk through mid-February, based on the health of

the range and the animals therein. Seconded by Bing Matt. Carried, unanimous (9 present).

Brian Upton, Legal Department, presented for approval a letter addressed to Leif Johnson, Acting United States Attorney, advising of the land status change at the Bison Range. It would include the January 6, 2021 Solicitor's opinion advising of the Bison Range status.

MOTION by Martin Charlo to approve the letter to Leif Johnson, Acting United States Attorney, advising of the land status change at the Bison Range. Seconded by Fred Matt. Carried, unanimous (9 present).

Brian Upton, Legal Department, discussed the fencing and facility inspections of the Bison Range that were completed in the fall. They were provided to tribal staff in November. The memo gives a short summary of those. Legal recommended directing Maintenance and Lands to develop priorities for the deferred maintenance of the fencing and facilities. We have a two-year transition period with the Fish & Wildlife Service. We will want to discuss the many deferred needs of the Bison Range. This is intended to provide an expedient time frame for the recommendations for us to develop a deferred maintenance plan. The departments would have until February 9 to provide their recommendations to the tribal council.

MOTION by Martin Charlo to approve the memo. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Brian Upton, Legal Department, presented a request from Amy Coffman to receive the same records of our inspections for the Bison Range. She would pursue some of the same deferred maintenance issues we would prioritize. We would provide photos and reports for her to use for the same purposes.

MOTION by Mike Dolson to share the information with the Refuge Manager at the Bison Range. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Brian Upton, Legal Department, discussed documentaries Ken Burns produced for the public broadcasting stations. We were contacted in October by his co-producer. They are working on an American buffalo documentary. It will be a two-part four-hour series that will be released in 2022 or 2023. They saw the Tribes' documentary and they thought the Bison Range would be an important part of their documentary. Brian told the co-producer that any requests would need to be approved by the tribal council, that the council may well want input from the Culture Committees, and that it would take time to sort through that type of request. They would like to shoot at the Bison Range and a special use permit would have been required by the U.S. Fish & Wildlife Service. Now that

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the legislation passed, they would need tribal approval to film at the range. They began doing some interviews and were interested in interviewing Germaine White. Germaine was willing to be interviewed. Brian asked if council would approve the interview. It was the **consensus** of council to authorize Germaine White to be interviewed for the documentary. **Fred Matt** asked if there is any place where the consensus of the entire time those animals were brought from the prairie to the Bison Range has the accumulative history. He has heard variations. Brian commented that from what he has been able to see, somehow the Walking Coyote version of the story took hold in a lot of non-Indian media after the turn of the century, including Works Progress Administration oral history collections that turned into recordings in the 1930s and those distorted versions of the history became the dominant strain and proliferated in many different ways. The Tribes' documentary is the first step to getting the correct information out there. Blind Mose was a child when the Bison Range was created, and that was closer to the time when the bison had been brought to the Flathead Reservation. Blind Mose's oral history is an important way to educate people about the correct history.

Brian Upton, Legal Department, informed council that the National Wildlife Federation is a tribal ally, and their national magazine is interested in doing an article on the Bison Range restoration. The local folks proposed to the magazine that they allow the Tribes to provide that information, rather than them contracting someone to come here and do interviews and write their own story. Rob McDonald is comfortable with that if the Legal staff writes it and gets council input. It was the **consensus** of council to proceed as discussed.

Rhonda Swaney and **Brian Upton**, Legal Department; **Lynn Ducharme** and **Dale Becker**, Natural Resources Department; requested to meet with council in **executive session** to discuss a land issue.

Council reconvened into **regular session**.

MOTION by Anita Matt to express interest in the Marsh property and allow staff to move forward to gain title. Seconded by Bing Matt. Carried, unanimous (9 present).

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

Council reconvened into **regular session**.

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

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

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Stu Levit, Legal Department; **Deb Thomas**, Environmental Protection Agency Region 8 Acting Regional Director; **Ayn Schmit**, **Kimberly Varilek**, and **Tonya Fish**, Environmental Protection Agency Staff; **Erin Sexton**, Flathead Biological Station; met with council to seek input, perspectives, and opinion regarding the State of Montana's proposed site-specific criteria for selenium for Koocanusa Reservoir and related water matters, all of which are governed by the US Clean Water Act. The CSKT reiterated its concerns for water quality and the ecological and cultural resources that depend on clean, healthful waters. The CSKT urged EPA to adopt the State's proposed standard as soon as possible. EPA stated it appreciated the long working relationship with the CSKT on this and other matters and it was moving the water standard through its required steps/process (which included this Consultation) in as timely manner as possible.

Council **recessed** the regular meeting at 1:45 p.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 2:40 p.m.

Jody Perez, **Janet Camel**, **Ann Miller**, and **Susette Billedeaux**, Homeless Committee, discussed the Morning Star Apartments. They requested approval of the memorandum of understanding between CSKT and the Tribal Defenders Office. **Charmel Gillin** had suggested inserting language stating that the Tribal Council would not hear any grievances for the applications.

MOTION by Martin Charlo to approve the memorandum of understanding between the CSKT and Tribal Defenders Office for the Morning Star Apartments. Seconded by Fred Matt. Carried, unanimous (8 present).

Jody Perez requested approval of the property management agreement with Be Smart Property Management. They spoke to the insurance company. One of the owner's obligation is to add them to the insurance, so that will not be a problem. Rick Eneas and the Legal Department reviewed the agreement. **Charmel Gillin** asked if the CSKT agreed to pay a per-unit monthly charge, and if that would be a five-year structure. Jody said it was originally listed as ten percent of rental income, but it was suggested to change it to a flat fee of \$14,400 for the entire year. It is included in Appendix D. That amounts to \$1,200 a month. **Mike Dolson** pointed out that the agreement indicates it is \$1,200 for each unit per month. Jody advised that it would need to be corrected then because it is \$1,200 per month for the whole property.

MOTION by Martin Charlo to accept the property management agreement with Be Smart Property Management with the change specified by Mike Dolson. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Jody Perez informed council that the committee will return on Thursday to seek approval of the memorandum of understanding for the Maggie Ashley Trailer Park and a modification to extend the modular homes memorandum of understanding with the Salish Kootenai Housing Authority for a month. Jody would like to do an open house to show the modular homes.

Patricia Courchane, Department of Human Resources Development, requested to meet with council in **executive session**. **Jody Perez** and **Rocki Davis**, Salish Kootenai Housing Authority; and **Clayton Matt**, Tribal Services; were present for discussion.

Patricia Courchane, Department of Human Resources Development; and **Clayton Matt**, Tribal Services; requested to meet with council in **executive session**.

Council met in **executive session**. **Clayton Matt**, Tribal Services, was present for discussion.

Council reconvened into **regular session**.

MOTION by Fred Matt to adjourn the meeting. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Council **adjourned** at 3:30 p.m., and is scheduled to meet again on Thursday, January 28, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary