

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

Volume 21 Number 32
Zoom Meeting

Held: January 28, 2021
Approved: February 2, 2021

MEMBERS PRESENT: Shelly Fyant, Chairwoman; Ellie Bundy McLeod, Secretary; Martin Charlo, Treasurer; Carole Lankford; James “Bing” Matt; Fred Matt; Charmel Gillin; Mike Dolson; and Len TwoTeeth.

MEMBERS ABSENT: Anita Matt, Vice-Chairwoman (Personal Time Off).

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 9:01 a.m. Quorum established. **Ellie Bundy McLeod** is testifying on Senate Bill 4 this morning and will join the meeting afterwards.

The meeting was opened with a **prayer** by Fred Matt.

The **Tribal Council Meeting Minutes** for January 26, 2021 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 26, 2021, with corrections. Seconded by Fred Matt. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Mike Dolson to approve the agenda, with changes. Seconded by Bing Matt. Carried, unanimous (8 present).

Council met in **executive session**. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

Tony Incashola, Jr., Tribal Forestry, informed council that white bark pine is a candidate for the threatened and endangered species list and presented for

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consideration a proposed comment letter to the U.S. Fish & Wildlife Service. Tribal Forestry is growing bark pine seedlings in the green house. The department has a contract with the Flathead National Forest, Lolo National Forest, and Glacier Park to grow 7,500 trees this year to share with them and for our own planting. It takes two years for the seedlings to grow, and the trees can grow for thousands of years and are resistant to harsh environments.

MOTION by Charmel Gillin to approve the comment letter to the U.S. Fish & Wildlife Service. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Tony Incashola, Jr. and **James Lozeau**, Tribal Forestry, requested approval to modify the contract with ShiNaasha Pete to change the job title from a Forester to a Reforestation Forester. ShiNaasha was hired on contract through 2023. The duties would change due to the revised position description, and she will focus on restoration, reforestation, and timber sales. All other terms of the contract would remain the same. Tony clarified that the action would allow for her to be moved into a different position that has not been filled.

MOTION by Bing Matt to modify the contract with ShiNaasha Pete to change the job title of a Forester to a Reforestation Forester. Seconded by Fred Matt. Carried, unanimous (8 present).

Tony Incashola, Jr., Tribal Forestry, asked if the previous action would require approval of a revised organizational chart now that the Reforestation Forester position is filled.

MOTION by Fred Matt to approve the revised organizational chart. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Tony Incashola, Jr. and **Zach Underwood**, Tribal Forestry, requested approval to advertise the Magpie Salvage Logging Unit 2020. The unit contains 446 acres. There would be 7 tractor units, amounting to 12,148 tons. The estimated value is \$239,000.00. It would be fir and pine mix.

MOTION by Charmel Gillin to approve the advertisement of the Magpie Salvage Logging Unit 2020. Seconded by Mike Dolson. Carried, unanimous (8 present).

Johnathan Owens and **Dr. Bernadette Corum**, Tribal Health Department, requested approval to renew a contract with Chelsea Brave Rock, with a salary increase, to fill the Nurse position. This has been a hard-to-fill position and there are more duties due to COVID-19.

MOTION by Bing Matt to renew the contract with Chelsea Brave Rock, with a salary increase, to fill the Nurse position. Seconded by Fred Matt. Carried, unanimous (8 present).

Johnathan Owens, Tribal Health Department, requested approval to purchase capital equipment for the Hearing & Speech program. The equipment is used for middle ear assessments and helps diagnose middle ear fluid and infections.

MOTION by Carole Lankford to authorize the purchase of capital equipment for the Hearing & Speech program. Seconded by Fred Matt. Carried, unanimous (8 present).

Johnathan Owens and **Brenda Bodnar**, Tribal Health Department, requested approval for 2 positions to be added to the organizational chart. The new positions are a Clinical Registered Dietitian and Diabetes Case Manager. The positions are required under the grant for Indian Health Service funding.

MOTION by Charmel Gillin to approve the revised organizational chart to add a Clinical Registered Dietitian and Diabetes Case Manager. Seconded by Bing Matt. Carried, unanimous (8 present).

Johnathan Owens and **Dr. Desiree Fox**, Tribal Health Department, requested approval to hire Ennis Vaile on a 180-day contract to fill the Clinical Psychology Trainee position. **Charmel Gillin** asked if this is something where we would have tribal members queued up in the future. **Dr. Fox** stated that she hopes so, but there are no tribal member students enrolled in the Psychology program at the university. A master's degree in clinical psychology is required. She is not aware of any CSKT members that are eligible at this point.

MOTION by Charmel Gillin to approve the hire of Ennis Vaile on a 180-day contract to fill the Clinical Psychology Trainee position. Seconded by Fred Matt. Carried, unanimous (8 present).

Mike Dolson discussed the possibility of funding for internships. **Chairwoman Fyant** will follow up.

Vernon Finley, Kootenai Culture Committee, requested approval of a fluent speaker contract with Alice Hewankorn and Catherine Andrew.

MOTION by Len TwoTeeth to approve a fluent speaker contract with Alice Hewankorn. Seconded by Fred Matt. Carried, unanimous (8 present).

MOTION by Charmel Gillin to approve a fluent speaker contract with Catherine Andrew. Seconded by Fred Matt. Carried, unanimous (8 present).

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

Dana Morales, Department of Human Resources Development, discussed the proposed action to move Alberta Bertsch from a contract to FTE status to fill the Receptionist position. The department determined that it did not require council action.

Jami Pluff, Policy Analyst, gave a report on the NCAI meeting yesterday. On February 10 there will be a virtual meeting, and she will send that information to the council. The Washington State Patrol gave an update on how they work with the tribes and the Tribal Access Program. They have a position that serves as a liaison. Tribes are doing good things. ATNI will be planning a summit in the near future. CSKT is the first tribe to develop a tribal community response plan. Ernie talked well about our Law & Order program and that it was good to work with us. There were over 40 people in our breakout session.

Dana Morales and **Adriana Fehrs**, Department of Human Resources Development, requested approval of a consultant agreement with Handle Technologies, Inc. in the amount of \$24,160.00 for the Rite Track database system for the Families First program and the TANF program. **Lissa Peel**, Contracts & Grants, advised that there would be two separate contracts, one for product and one for service. Dana said she could return to council for approval of the service contract. **No action taken.** **Council** directed DHRD to work with Contracts & Grants and return next Tuesday with completed documents.

Ellie Bundy McLeod joined the meeting.

Janet Camel, Rick Eneas, Stu Levit, Mark Couture, Dan Decker, Clayton Matt, and **Jami Pluff**, Property Management Committee; **Velda Shelby**, Economic Development Office; and **Pete White**, Tribal Credit Office; discussed property management of tribal lands that would make a profit. One option is to develop a limited liability company or separate tribal company, and Janet went over the pros and cons of that option. There was discussion about having a division within the Tribal Lands Department or contracting out that service. **Mark Couture** suggested that property management remain within the Lands Department since the staff already does some of those duties. It would require the hire of additional staff members. The funding would need to go to the department to cover the maintenance costs of those properties. Having a management company take over would allow the government to not be involved in the daily operations/issues. **Janet Camel** had a discussion with S&K Business Services about constructing additional storage units and SKBS would want to charge \$25,000.00 per year to manage those units. Janet will follow up with Sam Wall about this option. **Len TwoTeeth** supported the concept of leaving property management within the Tribal Lands Department. Len was concerned about providing our documents and information to an outside entity.

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He discussed capital and the need to invest in these properties to make money. **Charmel Gillin** was in favor of a hybrid option. The trust responsibility is a huge factor. The manner in which it is handled at times puts us in a very dangerous position as far as the trust responsibility being carried out. When council is able to get so involved in some of these properties with the level of passion and the emotional responses, it can get us in trouble at times. She would like to pursue alternate methods to handle these properties. We need to beef up our resources and support this group. **Carole Lankford** liked the idea of a hybrid. She does not think the Lands Department has the capacity to deal with business properties and rental property management. She would like to look at other entities that deal with different properties and see what they do. **Janet Camel** commented that this could be included in the economic development ongoing plan and see if Sam Wall would be interested in joining the committee. Janet will ask Jody Perez if SKHA is interested in managing rental properties. Janet asked for permission to ask Sam and Jody to join the committee. **Council** had no objection to inviting Sam Wall and Jody Perez to join the committee. **Carole Lankford** recommended having the chairwoman send a letter to the chairman of the boards informing them that the council wants Sam and Jody to join the committee. **Chairwoman Fyant** will follow up. **Rick Eneas** recommended taking action to formalize all the committee members.

MOTION by Martin Charlo to appoint Sam Wall and Jody Perez to the property management committee. **MOTION WITHDRAWN.**

Chairwoman Fyant confirmed that the committee members are Rick Eneas, Jami Pluff, Janet Camel, Mark Couture, Stu Levit, and Dan Decker. The committee will do an inventory of all the commercial and residential properties, Janet Camel will reach out to S&K Business Services to see if that is something that can go under their holding company as a separate LLC with capital from the Tribes, look at a hybrid, and discuss the potential of investing capital. The committee will meet with Sam Wall and Jody Perez to see if they are interested in serving on the committee. The committee will bring back recommendations for council consideration.

Michelle Mitchell, Tribal Education Department; and **Gerald Chouinard**, Hot Springs School District Superintendent; presented the Hot Springs School District Indian Education Report. There are no Native American staff members. 20 out of 200 students are American Indian and 19 of them are CSKT tribal members. 17 students took the ACT, and 2 students were American Indian. The average on the ACT was 35. The American Indian students had an average of 15 and the other students averaged 20. The school was unable to give the Smarter Balance last year. 55% of the overall student population achieved proficiency in math and reading, and 5% of the American Indian students achieved proficiency. **Chairwoman Fyant** told Mr. Chouinard that other school districts have implemented the Indian Education For All into the teacher

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performance evaluations. Mr. Chouinard would like to see a copy of that. Shelly asked about the Aimsweb and Smarter Balance averages since the overall grade point averages for all students was the same. Mr. Chouinard said that it identifies any gaps. They are looking for any weaknesses so they can build upon those. The students that are learning remotely have had a sense of loneliness and isolation and it has been a challenge for them. **Chairwoman Fyant** advised that there is a social and emotional development learning project at the Arlee School.

MOTION by Mike Dolson to accept the Hot Springs School District Indian Education Report. Seconded by Charmel Gillin. Carried, unanimous (9 present).

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

Michelle Mitchell, Tribal Education Department; and **Tom DiGiallonardo**, Polson School District Superintendent; presented the Polson School District Indian Education Report. 675 of the 1,639 total student population are Native American, and 350 are CSKT members. 9% of the total staffing have voluntarily reported as Native American; 91% of the staff is non-Native American. The student assessment data for 2018-2019 was presented because there were no state assessments done last year. 37% of the Native American students were proficient or advanced in the ELA portion of the assessment and 56% of the non-Native American students were proficient or advanced. For the math statistics in grades 5 through 8, 39% of the Native American students were proficient and 53% of the non-Native American students were proficient; for grades 3-4, 28% of the Native American students were proficient and 36% of the non-Native American students were proficient; for grades 5-8, 29% of the Native American were proficient and 40% of the non-Native American students were proficient. The ACT high school data was 18.1 for Native American students and 20 for non-Native American students. The overall grade point average was 2.64 and the GPA for Native American students was 2.07. The GPA for the middle school was 3.12 overall and 2.99 for Native American students. The graduation rate from last year was 100% for Native American students and 91% for the non-Native American students. The daily attendance rate at Cherry Valley was 85% for Native American students and 90% for non-Native American students; Linderman grades 2-4 was 88% for Native American students and 95% for the non-Native American students; the middle school was 85% for the Native American students and 94% for the non-Native American students; and the high school was 73% for the Native American students and 75% for non-Native American students. The discipline numbers for grades K-8 had a total of 21 non-Native American students and 31 Native American students that were suspended. **Charmel Gillin** asked if there is a plan to recruit more Native American teachers. She asked how he would characterize the out-of-school suspension reasons or how that number ended up being that large. Tom

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explained that with discipline, the number is not necessarily 31 Native American students; it is a total of 31 incidents. It is usually the same few students having repeat offenses. The reasons for suspension were for having alcohol, drugs, or tobacco on campus or fighting. The school can ask the staff to identify their ethnicity, but the staff is not required to report it. There is a total of 388 staff members and only 22 of them self-identified as Native American, so that came to 5%. The school is not attracting enough Native Americans in their staffing. They could establish a better relationship with Salish Kootenai College and encourage folks to apply at the Polson School District. The school hosts SKC teachers.

Mr. DiGiallonardo gave an overview of the Indian Education For All implementation. Rodney First Strike was hired as a Cultural Specialist. There are many activities contained in the curriculum, such as learning Kootenai numbers and animals, learning about berries, celebrations, social and emotional development curriculum based on the Circle of Courage, Tribal gardens, have tribal wildlife guest speakers, a digital platform for curriculum with the pathways on it, American Indian dance assembly, host an annual pow wow celebration, and hold monthly Indian Education For All meetings. There is a pre-K program for cultural teachings. Michelle asked what the school did to support all students, and specifically the Native American students, for remote learning and the social and emotional learning for remote learners. Tom commented that it has been a challenge and varies by grade level. The teachers connect with the students on a daily basis in the elementary grades. Other grade levels are connected with on a weekly basis. They provided internet connection to the families that needed it. The students were provided an iPad or chrome books. There is a concern about the high school students. There were 500 Fs in the high school after first semester. The students are required to log in and engage. The school will offer a summer learning opportunity for all students in grades 1-12. There is a plan for credit recovery opportunities for the high school students. There will be an early start for fall quarter for students who want to take advantage of that opportunity. The social and emotional piece has been difficult. The teachers are encouraged to connect with the students on a daily basis. Teachers must work after hours because they cannot make contact with the students until the evening hours. The students have the opportunity to participate in the benchmark assessments to track their learning, particularly for grades 1-8. The students have access to the teachers and the teacher works with students in small groups on Fridays. Tom gave an update on the Linderman facility project. It is near the completion date and they will be in there for the next school year. The gym will be completed in June. They are still negotiating with the insurance company regarding the replacement cost so that is an unknown variable. Council can contact Tom if they want to tour the facility.

MOTION by Charmel Gillin to accept the Polson School District Indian Education Report. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Rick Eneas, Financial Management; **Dan Decker**, Legal Department; and **John Neiss**, Facilities Maintenance; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

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

Rick Eneas, Financial Management; **Zachary Camel**, Central Accounting; and **Greg Spahr**, Cash Flow & Investments Manager; provided orientation on the Cash Flow & Investments program. The advertisement for the assistant vacancy closes on February 4, 2021. Greg accounts for any assets that come to the Tribes. He monitors 73 accounts on a daily basis. With any unissued assets for the upcoming budgetary year, he needs to invest them to match the risk profile, any restrictions on those assets, and ensure that they come due when the Tribes plan to use them. Greg oversees 23 investment accounts and manages \$135 million. The CDs are FDIC insured and there is \$48 million against the \$50 million cap on the CDs. Greg gave an overview of the portfolio. Greg has been tasked with updating the policy statement.

Jody Perez, **Velda Shelby**, and **Janet Camel**, Homeless Committee; and **Mark Couture**, Tribal Lands Department; requested approval of a memorandum of understanding with the Salish Kootenai Housing Authority to manage the five CSKT manufactured homes located at the Maggie Ashley Trailer Park II. Mark Couture agreed to be the point of contact. The applications will be evaluated on February 22. There is no drug screening to qualify for these homes. Next Wednesday at 1:00 p.m. is the stock the shelves party for the Morning Star Apartments, and council was invited to attend.

MOTION by Charmel Gillin to approve the memorandum of understanding with the Salish Kootenai Housing Authority to manage the five CSKT manufactured homes located at the Maggie Ashley Trailer Park II. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Jody Perez, **Velda Shelby** and **Janet Camel**, Homeless Committee, requested approval of a modification to memorandum of understanding number M21-016 with the Salish Kootenai Housing Authority to extend the install of the manufactured/modular homes purchased with the CARES Act funding until February 28, 2021.

MOTION by Martin Charlo to approve a modification to memorandum of understanding number M21-016 with the Salish Kootenai Housing Authority to extend the install of the manufactured/modular homes purchased with the CARES Act funding until February 28, 2021. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Janet Camel informed council that an open house can be scheduled to tour the homes at KHJCC and the Maggie Ashley Trailer Park. Janet continues to work on the feasibility study for the tiny homes project at KHJCC. There are several lots that would work for those homes.

Council confirmed the field trip to the Bison Range next Monday at 1:00 p.m.

Bing Matt received a call today about him authorizing a key to the Caye house for Sherry Clairmont. Sherry's foreman called Bing and told him the door was open and he found a broken water pipe in the house. Bing told him that he would call the Tribal Lands Department and let Mark know the house was open and that there was a broken pipe. Mark was out of the office that day, so he contacted George. George was going to send someone out there. That is all Bing did. He did not authorize for anyone to obtain a key for the house. **Chairwoman Fyant** had Clayton Matt look into it because there was a report that the staff was directed by Bing Matt and Len TwoTeeth to give the key to Sherry. Shelly is waiting for Clayton to report back.

MOTION by Charmel Gillin to adjourn the meeting. Seconded by Fred Matt. Carried, unanimous (9 present).

Council **adjourned** at 3:09 p.m., and is scheduled to meet again on Tuesday, February 2, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary