

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

Volume 21 Number 61
Zoom Meeting

Held: May 11, 2021
Approved: May 18, 2021

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

MEMBERS ABSENT: Ellie Bundy McLeod, Secretary (Receiving an Award – Helena, Montana).

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. **Bing Matt** will join the meeting later.

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

The **Tribal Council Meeting Minutes** for May 6, 2021 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for May 6, 2021, with corrections. Seconded by Fred Matt. Carried, 7 for; 1 abstention (Anita Matt).

The **agenda** was presented for approval. **Len TwoTeeth** informed council that Kiowa Incashola wants to meet with council to give a presentation about her healthy living show. He can have her work with Jennifer to get on the agenda. Jennifer advised that Kiowa’s presentation was going to have her cooking teacher be present and it would take about two hours. Rick wanted it to go through Rob McDonald. Len will speak to Kiowa about shortening her presentation to the council.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (8 present).

Jean Matt, Chelsea Kleinmeyer, Dale Nelson, and Rob McDonald, Unified Command Team, gave an update. **Chelsea Kleinmeyer** reported that 82 people

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were vaccinated at the vaccine clinic last weekend. There were 7 walk-ins. There has been a spike in new cases. The connection to the spike has been through the workplace or household. Tribal Health had 10 new COVID-19 cases yesterday and Tammy had 26 active tribal cases. Two of those have been hospitalized. Lake County has 41 total active cases, and two current hospitalizations. There has been a total of 37 deaths to date. The FDA gave emergency use authorization for the Pfizer vaccine for 12- to 15-year-olds. They are waiting to get the recommended specifics for those and there will be a vaccine clinic this Thursday at Salish Kootenai College from 2:00 p.m. to 6:00 p.m. in anticipation of that approval. People can sign up for an appointment at mtreadyclinic.org. There is another vaccine clinic planned at Salish Kootenai College on May 18, from 5:00 p.m. to 8:00 p.m. There will be a vaccine clinic in Arlee, as well. The vaccine rates have slowly increased in Lake County. 55.7% of the population aged 16 and older has received at least one dose and 49.1% are fully vaccinated. Adding the 12- to 15-year-old age group to the eligible population will most likely lower the vaccine rates. **Carole Lankford** asked how parents are notified. Her child has COVID, and she never received a call about it other than from the school. Chelsea said the school notify the children first, and then Public Health should make the calls and make sure the children remain asymptomatic. She can follow up with Carole about her child. **Dale Nelson** reported on the weather and potential flood season. The setup and take down of the vaccine clinic went well. Dale still has some masks left and 200 gallons of hand sanitizer if anyone needs any. **Rob McDonald** was interested in hand sanitizer and will speak to Dale offline. **Martin Charlo** continues to wash his hands, wear a mask, and social distance. With the governor signing the order that masking will become a suggestion rather than a mandate, he is hoping for the best. **Chairwoman Fyant** reported that Missoula County removed the mask mandate and now it is just a strong recommendation. Flathead County has the highest number of active cases. She encouraged the membership to beware of going to Flathead County or Missoula County.

Jace Smith, Natural Resources Department, requested approval of a contract with Morris-Maierle regarding the Jocko Irrigation Canal Lateral to Pipe project. It is project number 1 on the compact list.

MOTION by Carole Lankford to approve the contract with Morris-Maierle. Seconded by Anita Matt. Carried, unanimous (8 present).

Miranda Burland, Tribal Education Department, requested approval of a resolution to submit a grant application to the National Forest Foundation for a camp crew trip to the Mission Mountains for six high school students. The COVID protocols for the camp will be included in the grant paperwork.

MOTION by Martin Charlo to approve by resolution submission of the funding request to the National Forest Foundation. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 21-067

RESOLUTION AUTHORIZING THE TRIBAL EDUCATION DEPARTMENT TO APPLY FOR FUNDING FROM THE NATIONAL FOREST FOUNDATION

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

WHEREAS, the National Forest Foundation has invited the Tribal Education Department to apply for funding to support six CSKT enrolled and descendant high school students to participate in a summer Mission Mountains Youth Crew project; and

WHEREAS, the Confederated Salish and Kootenai Tribes are located within the National Forest Foundation service area; and

WHEREAS, the Tribal Education Department has prepared an application for funding under the above program to support the summer Mission Mountains Youth Crew project in an effort to support students on their career path; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the National Forest Foundation be requested to make available a grant, pursuant to the terms of the request for proposal, to the Tribal Education Department; and

BE IT FURTHER RESOLVED, the Chairwoman of the Tribal Council or her delegated representative is authorized to execute the transaction documents necessary to administer the grant on behalf of the Confederated Salish and Kootenai Tribes.

Carole Lankford stated she would like a copy of the diagram Jace Smith had for the project he discussed this morning.

Janet Camel, Economic Development Office, requested an extension to the contract with Dick Anderson Construction through December 1, 2021 to allow for proper disposal of the lagoon biosolids and administrative tasks.

MOTION by Martin Charlo to approve the extension to the contract with Dick Anderson Construction through December 1, 2021. Seconded by Fred Matt. Carried, 7 for; 1 opposed (Mike Dolson).

Anita Matt reported that she participated in the Intertribal Ag Council webinar yesterday. It was with NCAI, Julia Wakefield and Erin Parker, with the IFIA, and was hosted by Zack Ducheneaux, the FSA Administrator. With the ARP funds coming out, they announced the program that USDA will administer, which is the debt relief for Indian producers. They figure 15,000 to 18,000 producers will benefit from the \$3.5 billion to \$4 billion program which will pay up to 120% of their FSA debt. It will include direct loans to borrowers, micro loans and direct loans. It also gives them 100% debt relief and 20% to pay their taxes. It is in the CFR 7, Section 1005. If a producer has a \$100,000 loan, they will give them \$120,000. She asked what that does for other producers that were steered into commercial lending. Zack said CFR 7 Section 1006 of the act indicates there might be some way to secure funds for other producers. Anita will keep working on this and see if we can get the congressional staff to look at the eligibility they have and reach out to the other producers that do not have FSA debt.

Chairwoman Fyant gave a report on the phone call with Treasury yesterday. There was \$20 billion set aside through the American Rescue Plan to tribal governments. They came out with two different formulas. One was self-certified enrollment data, so each tribe had to send in their enrollment numbers. That is partly how the money will be distributed. The deadline to verify enrollment is May 24, and Rick Eneas is aware of that. The second amount that will be distributed to tribes is based on employment numbers. It is for tribes and entities with over 50% tribal member employees. That will include entities such as our corporations, Salish Kootenai Housing Authority, and Mission Valley Power. The deadline to confirm those numbers is June 7. Shelly saw tribal member Casey Lozar speaking on behalf of Treasury on that call. He has been detailed to Treasury for a couple months and then go back to the feds. The deadline to spend the funds is December 2024, so the Tribal Council will set aside time to establish priorities for spending the money. The guidelines to spend the money are on the website, and she will forward that information to the council members. There is no council meeting this Thursday because the council and staff will be in Helena for a strategic planning session with the water compact implementation team.

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

Bing Matt joined the meeting.

Chairwoman Fyant announced that today Ellie Bundy McLeod is receiving a Division of Criminal Investigations Staff Excellence Award from the Montana Law Enforcement Academy Award for her work with the Missing & Murdered Indigenous Persons Task Force.

George Price and **Loga Fixico** discussed the Montana Indigenous Food Sovereignty Initiative and the Buffalo Nations Food System Initiative. The goal is to find out who is producing seeds across the state, what can we do to help them, and gather information so they can communicate and share with each other. They want a seed cooperative to share information and seeds and the skills to grow the seeds. That led into the seed project called the Ancestral Seed Cooperative. They connected with over 200 families and community gardens across the state. Their Facebook page is mtindianfood. Loads of potatoes were delivered to different families. George commented that they are working towards getting people to be resilient and independent. His definition of sovereignty is independence from outside systems and interdependent. The initiative gives young people hope. We need to proactively create society and systems that will carry us through the crisis. They have a seed bank and production at Montana State University, and they asked people to save their seeds. There is a waiting list to receive seed bundles. They are trying to get grant funding to do more seed bundles. **Chairwoman Fyant** reported that she has been part of the Buffalo Nations Food System Initiative. Being independent is part of healing our people and it gives people hope to be involved in gardening.

Brian Upton, Legal Department, gave an update on negotiations for an agreement with Bonneville Power Administration for permanent operations and maintenance funding for BPA-funded Hungry horse residential fish mitigation properties. The discussion continued in **executive session**. **Greg Spahr**, Cash Flow & Investments; **Les Evarts**, **Lynn Ducharme**, **Tom McDonald**, and **Rusty Sydnor**, Natural Resources Department; were present for discussion.

Council reconvened into **regular session**.

Rhonda Swaney, **Brian Upton**, **Dan Decker**, **Jordan Thompson**, **Michael Wheeler**, **Ryan Rusche**, **John Harrison**, and **Stu Levit**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Rick Eneas**, Executive Officer, was present for discussion. **Ron Swaney** and **Patti Clairmont**, Tribal Forestry, joined the discussion.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve Amendment 1 to Ordinance 107A. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

ORDINANCE 107A AMENDMENT 1

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT AMENDMENT NO. 1 SHALL AMEND ORDINANCE 107A AS FOLLOWS:

Chapter 2. REVENUE SHARING AGREEMENTS

201. Motor Fuels.

The reference to “Parts 2 and 3, Chapter 70 of Title 15 of the Montana Code Annotated” shall be changed to read “Part 4, Chapter 70 of Title 15 of the Montana Code Annotated.”

Chapter 3. TAX SUBPARTS

301. Motor Fuels.

The reference to “Parts 2 and 3, Chapter 70 of Title 15 of the Montana Code Annotated” shall be changed to read “Part 4, Chapter 70 of Title 15 of the Montana Code Annotated.”

MOTION by Mike Dolson to approve by resolution the cooperative agreement between BIA and CSKT. Seconded by Charmel Gillin. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-068

RESOLUTION TO ENTER INTO A COOPERATIVE AGREEMENT CONTRACT BETWEEN THE BUREAU OF INDIAN AFFAIRS AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD INDIAN RESERVATION

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

WHEREAS, The Secretary of the Interior for and on behalf of the United States pursuant to 25 U.S.C. § 3115, et seq., is authorized to contract with tribal governments to administer and perform various programs, services and functions; and

WHEREAS, the United States Department of the Interior, Bureau of Indian Affairs, is authorized by 25 C.F.R. § 163 Subpart E, to manage preparedness, suppression and post suppression activities on the Flathead Indian Reservation, as well as to provide funding, equipment and supplies, and to provide technical oversight and training to Tribal employees working fire prevention, preparedness, fuels management, hazardous fuels reduction, wildland/urban interface, rural fire assistance, severity, suppression, post suppression (wildfire rehabilitation) and all hazard activities to accomplish the protection of natural resources from wildfire through fast and effective initial attached forces and fuels management/fire use expertise; and

WHEREAS, it is to the mutual advantage of the Bureau of Indian Affairs and the Tribe to coordinate efforts for pre-suppression activities, the prevention, detection, and suppression of wildfires, fuels management, and cooperative projects for resource protection to limit duplication and improve efficiency; and

WHEREAS, the Tribes have contracted with the Flathead Agency, Bureau of Indian Affairs Fire Management, including the personnel, facilities, and equipment available to assist in the performance of the objectives of a Contract to be specified in the Scope and Statement of Work; and

WHEREAS, the Contract and Scope and Statement of Work will be made to facilitate the cooperative use of qualified Tribal employees, Tribal equipment, and Tribal supplies in preparedness, fuels management/fire use, hazardous fuels reductions activities, wildland/urban interface activities, rural fire assistance, wildfire suppression, wildfire rehabilitation activities, and other emergency incidents subject to responses under the National Interagency Incident Management System/Incident Command System; and

WHEREAS, the value of cooperation in the management of emergency incidents that endanger human life, property, and natural resources has been demonstrated many times;

WHEREAS, it is desirable and in the public interest to provide specifically for coordinated action between the BIA and the Tribes in all fire and fuels management activities.

THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the Resolution to enter into a Cooperative Agreement Contract between the Bureau of Indian Affairs and the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation.

MOTION by Carole Lankford to approve by resolution rescinding Resolution No. 20-089. Seconded by Mike Dolson. Carried, 7for; 1 opposed (Len TwoTeeth); 1 abstention (Martin Charlo – due to being a member of the Unified Command Team).

RESOLUTION 21-069

A RESOLUTION RESCINDING RRESOLUTION NO. 20-089

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT THAT:

WHEREAS, the Tribal Council, as the governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business

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and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security, and general welfare of the Tribes; and

WHEREAS, protection of property, wildlife, natural resources, health security, and general welfare of the Tribes is among the highest priorities of the Tribes; and

WHEREAS, the Tribal Council protected those valuable resources by responding to the imminent threat of the outbreak of COVID-19 on the Flathead Reservation by establishing a Joint Incident Command Team with Lake County through Resolution No. 20-089; and

WHEREAS, Tribal Council rescinded the Declaration of Emergency and accompanying Order on May 4, 2021 by adoption of Resolution No. 21-066; and

WHEREAS, the Reservation Emergency no longer is a Declared Emergency; and

WHEREAS, the US Government provided relief funds to Tribal and State Governments that are outside FEMA funding;

THEREFORE, the Tribal Council rescinds Resolution No, 20-89, disbands the Joint Incident Command, and expresses gratitude to all who served.

MOTION by Len TwoTeeth to send the letter to the Unified Command Team members. Seconded by Anita Matt. Carried, unanimous (9 present).

MOTION by Martin Charlo to approve the letter to Secretary Haaland. Seconded by Bing Matt. Carried, 8 for; 1 abstention (Mike Dolson).

Rick Eneas, Tribal Executive Officer, discussed a draft letter updating the COVID Safety Protocols regarding travel, meetings and gatherings, vaccinations, screening process/building access, and masks. He will send the guidelines to the council.

MOTION by Martin Charlo to approve the document Rick submitted, with a change to the indoor meetings being changed to 13 to accommodate the tribal council. Seconded by Fred Matt. Carried, unanimous (9 present).

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

Tom McDonald and **Stephanie Gillin**, Natural Resources Department; and **Brian Upton**, Legal Department; gave an update on Bison Range issues. The staff would like to hold a public event by the end of the summer. The program may need to enter into a volunteer agreement form with the employees. **Martin**

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Charlo wants another flagpole at the Bison Range to fly our nation's flag. Tom responded that they have discussed the need for additional flagpoles, and they talked about having at least three flagpoles. They started the screening and interviews for the first position that was vetted. The Game Warden advertisement closed, and the applicants will be interviewed. The new vehicles for staff were expedited. Tom would like to obtain funding to increase the bandwidth for internet and cell phone services. Stephanie gave an update on the Visitor Center. It was important to do the blessing prior to opening the center. Everything is going well at the Visitor Center. The public has shown support and offered donations. The flags were of concern and will be revisited. Tom said service website is still active so that has caused some confusion. The staff is trying to get folks redirected to our website and Facebook page. Amy Coffman will disable the site and redirect folks to the CSKT site. **Brian Upton** requested to meet with council in **executive session**.

Mark Couture, Tribal Lands Department; **Michael Wheeler** and **Stu Levit**, Legal Department; requested to meet with council in **executive session** to discuss land issues.

Council reconvened into **regular session**.

MOTION by Anita Matt to adjourn the meeting.

Council **adjourned** at 4:37 p.m., and is scheduled to meet again on Tuesday, May 18, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary