

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

Volume 21 Number 56
Zoom Meeting

Held: April 22, 2021
Approved: April 27, 2021

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

MEMBERS ABSENT: Charmel Gillin (Personal Time Off).

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 Carole Lankford.

The **Tribal Council Meeting Minutes** for April 20, 2021 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for April 20, 2021, with corrections. Seconded by Anita Matt. Carried, unanimous (7 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (7 present).

Bing Matt joined the meeting.

Jami Pluff, Policy Analyst, requested approval of written comments in response to the nation-to-nation consultation with the Institute of Museum of Library Services. Comments were requested from Salish Kootenai College.

MOTION by Anita Matt to approve the written comments. Seconded by Ellie Bundy McLeod. Carried, 6 for; 2 abstentions (Carole Lankford and Martin Charlo).

Martin Charlo, for the record, “I am abstaining because we did not get SKC’s input.”

Jami Pluff, Policy Analyst, requested approval of written comments in response to tribal consultation with the U.S. Department of Education.

MOTION by Ellie Bundy McLeod to approve the written comments. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Bing Matt).

Jami Pluff, Policy Analyst, requested approval of a resolution to set up an account for the Missing and Murdered Indigenous Persons silent auction to raise funds for victim services.

MOTION by Carole Lankford to approve by resolution the setup and signature authority for the bank account at Eagle Bank called Missing and Murdered Indigenous Persons Checking Account. Seconded by Martin Charlo. Carried, 7 for; 0 opposed; 1 abstention (Bing Matt).

RESOLUTION 21-063

RESOLUTION AUTHORIZING SETUP AND SIGNATORY AUTHORITY FOR THE BANK ACCOUNT AT EAGLE BANK IN POLSON MT CALLED CSKT, MISSING AND MURDERED INDIGENOUS PERSONS (MMIP) CHECKING ACCOUNT

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

WHEREAS, the Confederated Salish and Kootenai Tribes designate Eagle Bank of Polson MT to conduct day to day CSKT, MMIP Checking Account business as the Tribe’s designated depository; and

WHEREAS, the purpose is for the receipt of payments and offering electronic method of collecting payments to MMIP in a more modern and efficient manner, and the partitioning of MMIP business within our account system for recordkeeping.

WHEREAS, it has become necessary to authorize employee signatures for CSKT MMIP Checking Account, and

<u>Account Name</u>	<u>Account Number</u>
CSKT - MMIP Checking Account	(tbd)

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all CSKT MMIP Checking Account activity on said accounts from Eagle Bank, in Polson, MT, from the approved date of this resolution will be signed by two of the following:

Clayton Matt	Director of Tribal Services
Lance Friedlander	General Ledger Manager
Rick Eneas	Director of Financial Management
Zachary Conko Camel	Accounting Manager

whose signature shall be duly certified to said bank, and that no checks against said accounts shall be valid unless so signed,

BE IT FURTHER RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit or any of the other officers or not. This resolution shall continue forth in the Certification of an authorized representative, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Velda Shelby, Economic Development Office, discussed a request she received from Chad Marchand, The National Center for American Indian Enterprise Development for a letter of support for a grant to the Department of Justice. Velda did not believe any tribal programs are applying for this grant. NCAIED wants CSKT to partner with them and provide data. If the Tribes are not agreeable to those things, we could provide a generic support letter. She needs input from council on this. They want to extend it to nonprofit organizations. Velda was not sure who would be the partner and share the information. **Jami Pluff** thought Ann Miller would be the person to ask. They discussed it this morning and it is not funding that CSKT would be looking at. This funding is for research.

Len TwoTeeth joined the meeting.

Jami Pluff thought the language presented was strong and committed the Tribal Council to a partnership, including staff being allowed to work with this organization for the research and development, as well as there would be data/statistics in our community. She thinks the language should not be so strong or we need more information. **Carole Lankford** commented that this should be worked out prior and bring us options to consider; we are not there yet. This request is not ready for the council level. **No action taken.** **Jami Pluff** was directed to work with the justice programs and do the due diligence on what we would be committing to and bring it back. The deadline was extended. It was tabled for more information.

Chairwoman Fyant left the meeting to attend the Montana Transportation Commission meeting.

Ellie Bundy McLeod left the meeting to give a TCRP presentation to the Blackfeet Tribal Council.

John Neiss, Facilities Maintenance, requested approval of a contract in the amount of \$13,392.00 from Cahoon Wildlife Fire and Timber to redo the sewer mainline from the Safety of Dams buildings to the city main line. This company was the low bidder.

MOTION by Carole Lankford to accept the low bid and approve a contract in the amount of \$13,392.00 from Cahoon Wildlife Fire and Timber to redo the sewer mainline from the Safety of Dams buildings to the city main line. Seconded by Martin Charlo. Carried, unanimous (7 present – Shelly Fyant and Ellie Bundy McLeod out of the room).

Len TwoTeeth informed John Neiss that he was contacted by the Elmo Cemetery worker who wants to start a project at the tribal maintenance building up there. They need sewer and water services up there, and he wants us to provide some materials. He would be able to do the work. Len asked John to follow up with that worker and see what he needs. **John Neiss** will follow up.

Martin Charlo asked if there any more excess riding lawn mowers left. There is a Dixon community member that wants one so he can mow. John Neiss gave the extra riding lawnmower to the Arlee Committee. There is one more mower that works. **John Neiss** will follow up.

Patricia Courchane, Department of Human Resources Development, requested approval to hire Lynell Rose to fill the Foster Care Social Worker Trainee position. The vacancy was advertised and there were no tribal member applicants.

MOTION by Carole Lankford to approve the hire of Lynell Rose to fill the Foster Care Social Worker Trainee position. Seconded by Martin Charlo. Carried, unanimous (7 present – Shelly Fyant and Ellie Bundy McLeod out of the room).

Martin Charlo shared information on an event going on for a round of disc golf “folf” at Salish Kootenai College today at 4:00 p.m. There is a fun round of disc golf at noon at SKC every Sunday. They meet in the Victor Charlo/Johnny Arlee parking lot.

Ron Matt, Pam Askan, and Norrie Dusty Bull, Arlee Celebration Committee, discussed the Arlee Celebration. The work and upgrades need to be finished.

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Ron wants to meet John Neiss at the pow wow grounds to go over the renovations next Monday, April 26, at 1:00 p.m. Norrie discussed postponing the pow wow and wants a consensus from council to postpone it for this year. **Martin Charlo** supported the request and recommended that the grounds be open for families to do their own celebration that week. Ron said if people use the pow wow grounds that time, they cannot use the facilities, bathrooms, or stands and they would have to bring their own food. He does not recommend anyone use those facilities right now. Martin said just the arbor is what he meant so family pods can drum and sing. Norrie stated that Chairwoman Fyant told her council would make the decision on who they would allow to use the facilities. It would be individual requests. **Len TwoTeeth** thought we have an opportunity. It is imperative we continue the funding allocation to the committee every year. Prior to the pandemic we had discussions about increasing the budget for the pow wow committees. He wants us to continue at that amount for their budget so they can get all these tasks completed. Len appreciates the work they are doing. We now have the opportunity to get those issues addressed. Len announced he got word from the Elmo Committee that they will not have a pow wow this year. Martin hopes as a community we will rally and get ourselves to a point we have herd immunity. It would be awesome to have a late summer/early fall event for our community to begin healing. The arbor at the Elmo stick game pavilion needs to get repaired. He wants to make sure the same attention by John goes to the Elmo pow wow grounds. John Neiss advised that it is a top priority and it needs to be addressed before it becomes dangerous. John would like to meet with the Elmo Pow Wow Committee. **Bing Matt** reported that the building behind the arbor has been broken into and a door at the card room is open. There should be a maintenance plan to have the grounds checked periodically. The concession stands are terrible. The refrigerator and freezer are still in the concession stands. They need to be removed or taken to the dump to get them out of there. It is a mess down there and the roof shingles and rain gutters are getting blown off. Someone needs to go down there and check on things. It has been neglected for the last few years. Bing thinks John will have an issue with maintenance that needs to be done there, especially the water lines. The first priority should be the water lines. Sand is getting in there and plugging up the water lines. **John Neiss** said to address that we could have Benny or the Mission crew do a weekly run through on that. They can make a list of what needs to be done if they cannot get the work done themselves. **Norrie Dusty Bull** informed council that the committee did not get a final memorandum of agreement in place for the pow wow committee. Shane Morigeau was working on it last spring to make the revisions, but he never completed it. She asked if they should wait for Shane to finish it or just sign the current memorandum of agreement that is available right now. **Anita Matt** would like to follow up and see where Shane is at on getting those revisions done. **Carole Lankford** suggested following up with Rhonda Swaney since Shane is in the legislature right now and will not have time to work on it.

Jeanne Christopher, Early Childhood Services, informed council that this is the second year that ECS will not have the Head Start Pow Wow. That was a tough decision to make, and they miss their pow wow.

Jeanne Christopher, Early Childhood Services, requested approval of a resolution approving the submission of a grant application to the Department of Health and Human Services funding the Early Childhood Services Early Head Start Expansion Program, including the application for the cost-of-living adjustment. The funding will allow the program to continue serving 50 infants/toddlers. **Mike Dolson** mentioned that the language in the resolution should reference the Early Head Start Expansion in the now therefore be it resolved paragraph. Jeanne commented that the expansion is included in other portions. Mike said the amount of the grant changed and he wanted to know why. Jeanne explained the total of both grant requests were included in this one document instead of having them separated as they were previously. Last week the amount was \$1,047,000.00 for expansion and today it is for \$1,103,000, and Mike does not think the difference in the amount is the COLA. June 1 is the deadline for submission of this grant and the COLA is due right away so they can obligate their funds. **No action taken.** Jeanne will verify the amounts and return at a later date.

Greg Wilson, Natural Resources Department, requested approval of PMP#13 change order 2 for Agreement No. 16-141 with the Bureau of Reclamation for the Taber Dam work to extend the completion date to 12/31/2021 to accommodate BOR's resource schedule.

MOTION by Martin Charlo to approve PMP#13 change order 2 for Agreement No. 16-141 with the Bureau of Reclamation for the Taber Dam work to extend the completion date to 12/31/2021 to accommodate the Bureau of Reclamation's resource schedule. Seconded by Mike Dolson. Carried, unanimous (7 present – Shelly Fyant and Ellie Bundy McLeod out of the room).

Randy Ashley, Natural Resources Department, requested approval to purchase a Ford F550 for the Division of Fire under the Volkswagen Trust Fund Settlement.

MOTION by Carole Lankford to approve the purchase of a Ford F550 for the Division of Fire. Seconded by Martin Charlo. Carried, 6 for; 1 abstention (Mike Dolson); 2 not voting (Shelly Fyant and Ellie Bundy McLeod out of the room).

Randy Ashley, Natural Resources Department, requested approval to purchase two Class A Volvo heavy equipment semis under the Volkswagen Trust Fund Settlement. There is a shortage of inventory. Don Aadsen Ford could not submit a bid because they could not find a vehicle. The vendor in Plains submitted a

bid. The deadline to use the settlement funds is May 2022, so there may need to be additional discussion if we cannot find inventory before then.

MOTION by Martin Charlo to approve the purchase of two Class A Volvo heavy equipment semis under the Volkswagen Trust Fund Settlement. Seconded by Fred Matt. Carried, 6 for; 1 abstention (Mike Dolson); 2 not voting (Shelly Fyant and Ellie Bundy McLeod out of the room).

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

Chairwoman Fyant returned to the meeting and announced the Montana Transportation Commission voted to change the name of the Higgins Avenue Bridge to Beartracks Bridge.

James Taylor, Tribal Prosecutors Office; **Melba Pearson**, Director of Policy and Programs for the Center of Administration of Justice at Florida International University; **Don Stemen**, Loyola University at Chicago Associate Professor; **Rhonda Swaney**, Legal Department; and **Ann Miller**, Tribal Defenders Office; discussed a data-driven prosecution project. There would be no cost to the Tribes. The council would need to approve a confidentiality agreement with them to access our data and develop the matrix. The documents were reviewed by the Legal Department and Contracts & Grants. Don gave an overview of the project and Melba discussed outreach. They will be helping offices develop best practices based on the data. There will be some listening tours for people to weigh in on systemic problems. They would convene smaller sections of the tribe to be a community advisory board to address the concerns from the listening tours and selected indicators that address issues in the community. The board would suggest policy changes to address issues based on the data. It will be data on processes and results and the data does not have any personal identifiers. They obtain IRB approval from the educational institutions. They discussed the data use agreement. The data is held at the institution that signs the agreement. **Chairwoman Fyant** asked if we have anything that is culturally relevant to CSKT that might be misconstrued in the performance indicators. Melba advised they conduct background interviews when they come into jurisdictions and speak to prosecutors to get the context of the numbers. They engage the community to understand the community and cultural norms. They are very sensitive to that and make sure they are integrating cultural aspects into the work. Shelly mentioned that the CSKT is trying to move to restorative justice rather than a punitive system. Our law enforcement does the work, but Lake County and other counties may not follow through with prosecution. So at least we will have that data. Don pointed out that the performance indicators are tailored to each jurisdiction. The matrix is tailored to what they want to track.

Ellie Bundy McLeod returned to the meeting.

MOTION by Martin Charlo to approve the memorandum of understanding. Seconded by Fred Matt. Carried, 7 for; 1 abstention (Ellie Bundy McLeod – not present for discussion); 1 not voting (Len TwoTeeth out of the room).

John Carter, Legal Department; **Rick Eneas**, Financial Management; and **Renee Joachim**, Personnel Department; requested final approval of Ordinance 69D. There is an outstanding question about the immediate family definition to add father-in-law and mother-in-law. It was the **consensus** of council to include those in the definition of immediate family. **John Carter** discussed the effective date and recommended adding upon approval of the Secretary of Interior or her delegate in accordance with Article 6 Section 2 of the Tribal Constitution. **Renee Joachim** requested that the portion that deals with merit increases not be effective until the next fiscal year. Renee needs to issue all the paperwork to convert the employees to the new pay plan. **Carole Lankford** asked with the educational leave if there is leave provided for volunteering, mentoring, or community service. Renee advised that the ordinance does not include a provision for that.

MOTION by Anita Matt to approve the revised Ordinance 69D and the pay increase or PayScale would not go into effect until the new fiscal year. Seconded by Ellie Bundy McLeod. Carried, 8 for; 1 opposed (Carole Lankford); 0 not voting.

** Due to the length of Ordinance 69D, it does not appear in the minutes. A copy may be obtained from the Office of Records Management.

Carole Lankford asked if there be training on the new ordinance since there will be a learning curve and she does not want people getting in trouble for violating policy. **Renee Joachim** informed council that Shelley, Corey and Melanie are training the departments and it will take about a month to get everyone trained. They began training in March, but they need to start over since there were some changes made to the ordinance.

Rick Eneas, Financial Management; and **Rhonda Swaney**, Legal Department; discussed the election issue as a result of publication of the new schedule for the upcoming election. Rick adjusted some timelines because he needed time to send out absentee ballots and he was concerned there might be a tie vote or a close vote that would need to be reexamined. Rick moved the General Election one week forward. Rhonda determined that Section 1 of Article 4 says the first election will be held on the third Saturday and the Tribal Council can determine rules and regulations governing all elections. Rhonda sent her opinion for review by the Legal staff and John Carter disagrees with her. John said they are required to hold the election on the third Saturday and that date cannot be

changed without a constitutional revision. The options discussed were to either republish the schedule or wait until it is challenged and then agree to change it. Rick explained that the specific change would be the last three dates on the schedule would need to be moved up one week. The desire was to have absentee voting for safety purposes. He wanted to make the date change to accommodate a runoff election if there was a tie vote.

MOTION by Martin Charlo to move the dates by one week to December 18 for the General Election, absentee ballots to be postdated by December 18, and December 22 for the General Election certification. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Fred Matt).

Rob McDonald, Communications, informed council that the Election Schedule has been in the Char-Koosta News twice already and an everyone email with the Election Schedule and Official Notice was sent out to employees. He can put out another notice with the updated version. **Bing Matt** commented that there needs to be sufficient time for a runoff election in the case of a tie vote. **Rhonda Swaney** said they usually do a recount before having a runoff election. During the last Pablo General Election, there was a one vote difference, and the result was upheld during the recount. **Martin Charlo** would like to start promoting the Tribal Election. **Chairwoman Fyant** mentioned that the biggest change with this election is that the Primary Election will take place in July. **Rick Eneas** informed council that Rob sent them a draft of the initial mailer they will be proposing to send out soon to kickstart the process and get absentee ballot registration started. They will try to hit it very hard from a communication standpoint. Shelly received questions about when the election judges can apply. Rick is working on that with the communication plan. **Mike Dolson** would like to emphasize the opening and closing filing dates to people know what those dates are.

Council met in **executive session**. **Mark Couture**, Tribal Lands Department, was present for discussion.

Council reconvened into **regular session**.

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

Johnathan Owens, Tribal Health Department, discussed the recommended guidelines on gatherings. It was recommended to limit all gatherings. We are still seeing the new variants, and the California variant has been identified in Lake County. He is unsure how we can proceed with any other policy other than what is coming from the CDC and Indian Health Service. He recommended following the current guidelines. There have been major outbreaks when there are large gatherings. 42% of the population in Lake County has received at least one dose of the vaccine. We need to reach herd immunity. Concerns of health

disparities within our community is another factor that was considered. 70% of the population being fully immunized is considered herd immunity. The total number vaccinated is much lower than the 42%. That data is still being collected. 32% of the eligible 16-year-olds have been vaccinated. The Johnson & Johnson vaccine is still on hold and Johnathan should have more information on that Friday. The changes made by the Tribal Council were incorporated into these recommendations and the meetings and gatherings were combined. **Chairwoman Fyant** commented that the council has received requests for gatherings, such as the River Honoring and a request from the Flathead Raft Company as to how her operations could take place this summer. **Martin Charlo** would like to consider graduations since we are coming into graduation season. Nkwusm had a request to use the arbor at the pow wow grounds to hold their graduation ceremony. The pow wow grounds were referred to the Maintenance Department. **Mike Dolson** asked why it is secondary guidance. Mr. Owens responded that the primary guidance is don't, and these recommendations are the secondary guidance. **Rick Eneas** commented that the CDC guidelines are opening up a little bit such as for travel, especially around the concept of if individuals are vaccinated. He asked if the recommendation of don't is still the CDC guidelines or are these coming from our practice. Johnathan said the only major changes he has seen are states are making changes in relation to those who have been vaccinated. The epidemiological results he has seen showed an increase in people in Montana getting COVID, including hospitalization, that are fully vaccinated. The overall stance is to be vigilant and social distance. There are some states that are more lenient, but he is not familiar with any changes the CDC has made. Rick saw the CDC guidance changed to where people can safely travel for domestic travel if they are fully vaccinated. The CDC Director said we need to stop with the disinfection theater and that hard surfaces are not a major transmitter of infection. Johnathan reported there has been 20,000 variants since last September. Those variants have different types of communicable rates in terms of how it is transferred. It has been proven that fully vaccinated folks are still getting infected with COVID-19 and some of those have been hospitalized. The infection rates have been higher in tribal communities. He would rather err on the side of caution. If we were at herd immunity there may be a different view and a different conversation. **Chairwoman Fyant** heard Lake County and Sanders County got their first case of the variant with the California variant. Johnathan thought there were two cases. There is a three-week delay on the data because it takes that long to get the variant reviewed by a laboratory. They changed some guidance on who will be sampled for variants. They said they would only be testing those that were hospitalized for contracting COVID after full vaccination, so they are limiting the number of testing variants they are doing. The delay in the results is it is tested by a lab out of state and there is a backlog of tests. As of May 1, the CDC is recommending subtyping (the variant) for patients with breakthrough of the variant that are hospitalized or facing imminent death. **Anita Matt** asked what the Tribes will be doing about the State opening up. Other events are going to

start happening and people will question us. Lots of people have commented on the events. **Chairwoman Fyant** responded this is the same dilemma we had last July when the state opened up and held events. Now the state does not have a mask mandate. The only thing we can control is out Tribal lands, workforce, and buildings. We cannot control the state, county, or tourism. **Len TwoTeeth** suggested before adopting any policies we need to remain as is and monitor the situation on a weekly basis. **Bing Matt** agreed with Len. It is hard for us to even control the number of people going into tribal buildings; especially during funerals there are large gatherings. People are going to show up at funerals. We are doing our best, but there are things that happen that we cannot control. **Carole Lankford** commented that it is not about controlling people; it is about making sure we take the precautions we need to for our people. People are going to do what they want to do and if they don't comply there's not much we can do about it. It is time we live our life. COVID will be here for a while whether we like it or not. **Ellie Bundy McLeod** asked if this document is intended to be guidance and no kind of mandate. Johnathan advised it is a guidance document; not policy. There are some people that will be involved in activities, and we need to provide guidance and not be blind to those who are not concerned about COVID or the new variants. He felt it was important to provide guidance instead of not acknowledging it.

MOTION by Carole Lankford to accept the recommendation and adopt the secondary guidance for meetings and gatherings. Seconded by Fred Matt. Carried, unanimous (9 present).

Chairwoman Fyant commented that what this means for us as an organization is that the protocols we have in place still stand and this secondary guidance is specific to meetings and gatherings. **Martin Charlo** commented that accepting these is no different from what we are already doing; it just strengthens what we are doing. **Rick Eneas** commented that if the true intention is to not let anyone out of the local area come into our buildings or come into a meeting, he is confused about these being adopted recommendations and not sure how to implement them. He is thinking of the questions around gatherings, as well as the travel ban, and whether this applies to it. Rick is trying to figure out how to comply with it. **Chairwoman Fyant** commented that going back to gatherings within the community, she does not see the part about the meetings. **Johnathan Owens** did not realize it was not in there. We had education for if we changed our protocols if we moved towards indoor gatherings or if CDC recommended those vaccinated can meet safely. We are not changing policy for internal meetings within our buildings. That policy was developed for the Tribal Health buildings. Tribal Health decided they will not allow large group gatherings within their facilities. **Ellie Bundy McLeod** talked about the guidance. It sounds like it is opening things up a bit but making strong recommendations to consider these things and not mandate it. It seems it is in conflict with what is in place already and what things will be allowed. **Mr. Owens** said they would always

follow the current federal guidelines but wanted to provide a document if at some point we got closer to herd immunity. He strongly feels nothing should change but he cannot ignore that the Tribal Council may decide to do things differently. It was developed as a planning tool. Johnathan feels we need to continue to follow the current guidelines. **Clayton Matt** commented that it has been adopted so we will work through it and the departments will do their best to comply with it. **Chairwoman Fyant** said it looks like we do not have a combined document because meetings was not included. It only addressed indoor and outdoor gatherings. Johnathan apologized for not included meetings into the guidelines.

Stephanie Gillin, Natural Resources Department, was given tentative permission for the River Honoring and Muscle Walk events. She requested clarification if they are going to be cancelled this year again. The River Honoring event was downsized to the fifth grade only and is restricted two reservation schools. They decreased the number from 500 to 350 and reduced the two-day event to a one-day event. The Muscle Walk event was set for May 11, 13 and 19. Stephanie requested guidance on whether she should stop planning for this year. She would like to know the direction she needs to go. **Chairwoman Fyant** stated that her interpretation is just don't. This is secondary guidance. **Martin Charlo** was confused. We already approved the River Honoring type events Stephanie is speaking of. Last year we approved racing with very little restrictions other than them having a COVID plan. He feels we are going backwards because this discussion was spurred from the travel discussion from the previous week because it is starting to come to council when it was originally Shelly's decision. In order to save council time, he wanted to kick it back to the department heads. He thought this was going to be today's discussion. Martin does not think what we are doing is broken. Whether or not we lift the emergency declaration is what he thought they were discussing and whether or not they will left our emergency declaration. Whether to hold events this summer is out of our hands; the committees made that decision. We were in a different position last year. We had a lot of unknowns and we did not have a vaccine last year when those decisions were made. Things have drastically changed since then. We are going backwards, being more restrictive, and micromanaging and putting more restrictions on things. we can control what we can control but let's not operate in a backwards thinking. We need to go forward and take that leap. We need to let the department heads make decisions that are best for their departments regarding travel and meetings. We have done a good job protecting the organization, community, and membership, but at a certain point the personal responsibility comes into play. The chairwoman chose to be responsible and quarantine after she travelled, but a lot of employees travel on weekends and come to work and do not quarantine or tell anyone. The department heads should know how to handle their employees and their departments. **Chairwoman Fyant** clarified that when Steph came into ask about the River Honoring, the council told her she could tentatively plan it and we will revisit it by May 1st. The work-related travel is next on the agenda.

Mike Dolson asked if our emergency declaration is still in place since we are no longer in an emergency. If we remove the declaration of emergency, we need the advice to follow the protocols to take care of everyone in those meetings and gatherings but can no longer mandate it even though it is still highly advised. We are not in an emergency anymore. It is Resolution 20-086. That resolution is not in the packet. **Council** requested that Jennifer provide a copy of the resolution. **Len TwoTeeth** asked if it would affect our incoming COVID funds if we lift the emergency declaration. **Rick Eneas** explained that it is a requirement for FEMA funds, but in this case, if we didn't make that declaration, the guidance FEMA was given was that the federal declaration of emergency covered the states, counties, and tribes so it would not impact funding apart from the FEMA funding. The CSKT decided at the beginning of the summer last year that the FEMA funding was an unnecessary source for us to go after and we have not gone for any FEMA funding. Rick wants to research it if it is a decision-making factor. Len thinks we have made lots of effort to educate the membership. The state and county are beginning to have annual activities. We have a lot of our members traveling out of state. The tourist season has started, and there are lots of things we have no control over. We have done the best we could with what we had. He thinks the virus is here to stay and we have all learned what we need to do to stay alive. We need to start moving forward. Len wants to allow the department heads and corporations to make the decisions for any type of activities that they want to move forward with. The council can close down at any point that it becomes necessary. He wants to start looking at slowly opening up. If the pow wow committees decide to close the pow wow, that is their decision and it's better than us just keeping things closed. **Anita Matt** thinks about the activities that will go on in the county and state. People are going to go to events and travel even if we do not allow any events. All we can do is protect our own properties and what we can control.

MOTION by Mike Dolson to rescind Resolution 20-086 to lift the declaration of emergency. Seconded by Fred Matt. Carried, 5 for (Mike Dolson, Fred Matt, Ellie Bundy McLeod, Len TwoTeeth, and Anita Matt); 2 opposed (Shelly Fyant and Martin Charlo); 2 abstentions (Bing Matt and Carole Lankford).

Rick Eneas thinks it would be prudent to look into whether it will affect our funding or other aspects and any unforeseen consequences before council lifts the declaration. He asked if there was a way to make this a recommendation that we could come back to with some of that context next Tuesday. **Mike Dolson** said he could restate it as a motion to pursue a resolution that would lift the state of emergency and have Legal write that resolution as Rick is doing the research and vote on that resolution to put it in place. **Fred Matt** agreed to that as the second. Mike amended the motion to lift the state of emergency.

MOTION by Mike Dolson to amend the motion to pursue a resolution that would lift the state of emergency. Seconded by Fred Matt.

Carole Lankford requested a point of order and stated that the council cannot vote on the same issue on the same day. Fred Matt disagreed that they are voting on the same issue; they are voting on Mike's amended motion. **Mike Dolson** explained the point of the motion is to proceed towards lifting the declaration. **Council** requested that Legal provide clarification on the parliamentary procedure.

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

Rhonda Swaney, Legal Department, informed council that they can vote on the same issue on the same day if someone from the prevailing side makes the motion.

MOTION by Mike Dolson to reconsider the motion to remove the declaration of emergency. Seconded by Fred Matt. Carried, unanimous (9 present).

Mike Dolson asked if he needed to make a motion to move towards lifting the declaration of emergency or wait until after Rick does the research. The question is if we can still receive COVID funds if we do not have a state of emergency. **Rick Eneas** suggested that it would be good to engage Legal in the sense of what would the rescinding action look like if there is anything peculiar to that process as well as look at things we might not be thinking about in the moment, like the impact it could have on travel and building protocols and the guidance on gathering limitations. Mike thinks it would impact the Unified Command Team and disband it if we do not have an emergency. **Martin Charlo** commented that we still have a shelter in place order in effect and hopefully Legal can help us with that. **Chairwoman Fyant** thought the council revoked it when they did the land restrictions. **Rhonda Swaney** can provide assistance and put something together, along with some thoughts about a phase two opening. Legal will also summarize funding issues. **Len TwoTeeth** thought the direction was looking at a phased opening part two and it would be great if Legal could draft some language on what a phase two opening would look like as we move forward to allow our department heads and corporations to make the decision whether or not to have those activities. **Ellie Bundy McLeod** forwarded to Rhonda a matrix Charmel developed to facilitate what we are working on and what's in place.

Dan McClure, Natural Resources Department, discussed recreation land closures. He did not plan to have Road Attendants, because he was told that would not happen this year. If there was funding to have people on road closures, Dan would rather look at having more Game Wardens instead of Road Attendants. Tribal lands are open for recreation and the permit season started

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on March 1, 2021. People were reluctant to buy a permit if there was going to be another closure. **Carole Lankford** thought it made people think whether they will buy a tribal permit and she was pleased by the outcome of having the Road Attendants and hopes we consider having them again this year. **Chairwoman Fyant** thought the increase in permit sales would pay for the cost of the Road Attendants this year. She saw in our budget where those permit sales go to the general fund, not back to the program, so that is an issue. **Fred Matt** thinks having the Road Attendants made an increase in permit sales. There should not have been an increase in permit sales due to COVID, but it still increased last year. He would like to keep the Road Attendants. **Dan McClure** reported last year there were 22 Road Attendants in 16 locations. In 96 days, they made 20,000 contacts. The majority of those were local people who had not purchased permits in the past and went out and bought one which increased the sales. He is not against having Road Attendants. The problem is without something or a reason we are asking civilians to ask civilians for compliance. Some people do not want to comply with anything. Dan liked the idea of those positions there, but there should be more to that program than just throwing them out there without some protocols. In those 16 locations, McDonald Lake made 4,100 contacts in 96 days. The program was proven to be successful. **Martin Charlo** commented that one of the discussions in the past was having permanent places like parks do at these high traffic areas like Twin Lakes and McDonald Lake to capture some of the revenue for these permits and maybe less attention to the areas that did not get as much traffic. **Tom McDonald** had information on what the license sales were. Revenue was down overall. There was a substantial increase in local resident license sales but sales were down in all other categories due to the restrictions. Almost 3,000 people licensed locally during the pandemic closure. Revenue went down almost \$10,000.00 from the previous year. If more Game Wardens are not hired, then it may be beneficial to have a compliance person at the high traffic areas. It is tough to put a civilian out in that situation with no training. It is similar to the risk analysis at Blue Bay and the Bison Range. People need to go to the State Academy and become state certified to be a Game Warden and enforce laws. **Dan McClure** informed council that there is a job that closes today for the Bison Range Warden. It will be one year before he can enforce state laws because the Academy is backlogged and does not have a slot available yet. New hires are limited to what they can do. Dan has them educate people on bear issues, but he does not have them enforce laws or subdue someone that is disorderly until they are done with the training. **Tom McDonald** said they could review the Forest Plan and recommended closure plans listed and review how we can do stations that provide safety like they do at Blue Bay and have a structure for them. That would make him feel more comfortable with those individuals not being a trained officer. He could bring back a budget to increase patrols on the reservation for the projected increase that may occur. **Chairwoman Fyant** talked about a report from Tony Incashola, Sr. of people from the Amish community skiing in the wilderness area. Dan did not receive a report on that this year, but he knew about it last year. Last year one of the

wardens chased the skiers, but he could not catch them. The department is aware of that activity and watch for it.

Tom McDonald, Whisper Camel Means, Stephanie Gillin, and **Dan McClure,** Natural Resources Department; and **Brian Upton,** Legal Department; requested to meet with council in **executive session** to discuss Bison Range issues.

Council reconvened into **regular session.**

Whisper Camel-Means, Natural Resources Department, presented a request from Gary Belowsky, University of Notre Dame, for a scientific collection permit to study grassland and grasshoppers at the Bison Range.

MOTION by Martin Charlo to grant a scientific collection permit to Gary Belowsky. Seconded by Mike Dolson. Carried, unanimous (9 present).

Stephanie Gillin discussed the photographer agreement for full rights and access to the image to be used for the Bison Range. The photographer is from Texas and he is also requesting an annual pass. She requested permission for the chairwoman to sign the agreement. It has not been reviewed by Legal. **Council** requested a copy of the agreement so they could review it. Stephanie discussed options for the look of the front gate sign and showed council some examples. **Council** selected the image they liked. Stephanie showed council the day pass and annual pass. There will also be wallet sized annual passes. The discussion continued in **executive session.**

Fred Matt left the meeting.

Council reconvened into **regular session.**

MOTION by Ellie Bundy McLeod to adjourn the meeting.

Council **adjourned** at 3:38 p.m., and is scheduled to meet again on Tuesday, April 27, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary