

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

Volume 21 Number 84
Zoom Meeting

Held: August 17, 2021
Approved: August 19, 2021

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

MEMBERS ABSENT: St. Ignatius District (Vacant).

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 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for August 12, 2021 were presented for approval.

MOTION by Bing Matt to approve the Tribal Council Meeting Minutes for August 12, 2021, with corrections. Seconded by Charmel Gillin. Carried, 7 for; 2 abstentions (Ellie Bundy McLeod and Anita Matt).

The **agenda** was presented for approval.

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

Ron Swaney, Division of Fire, gave an update on local fires. The Crooks fire got 40 mile per hour winds on the south side, and it made a substantial run. It is near White Horse Lake. The fire stayed within the preliminary box. Ron took the Lolo National Forest Supervisor to look at the fire. They have been a good ally for this fire. Aviation support was provided to us. 3 heavy helicopters committed to work the fire. The crews looked at the satellite imagery this morning to see where the fire sits. They pulled everyone from the line. All the reports in so far are positive. The crews are checking the fire and establishing some lines. There is a 100% chance of rain forecasted tonight, which will make a significant impact. They held off on ordering a team. The Seeley Lake District

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Ranger came over yesterday and met with Robert and had a good view on the fire. Everything is progressing. The Boulder 2700 fire had a good operational period yesterday. There is a middle finger of the fire that needed to move; it is in an inaccessible location to engage. The fire moved up into the 2000 Road into the flat. They had completed some management activities up there. The heavy equipment is pushing the lines this morning. The Crooks fire is many people's priority right now and we will get some resources to help with it. **Chairwoman Fyant** would like an updated map. Ron is trying to get an updated map of the fire. He will send the council a preliminary map this morning and he will be able to get a better map once the smoke clears. **Bing Matt** asked if any houses are being threatened. **Ron Swaney** advised that Rick Connell's team focused their efforts on protecting the homes and structures and making it a safe environment to reintroduce the population into that area. Bing asked if there are any trespass issues with that fire. Ron commented that there is none that he is aware of. The homeowners have been very supportive of the crew's efforts.

Darryl Martinez, Keith Bailey, and Scott Shepherd, Interdisciplinary Burned Area Emergency Rehabilitation Team, gave an update on the fires. They are assessing impacts of the two fires. **Keith Bailey** stated they are introducing a plan that is self-determined by the CSKT with guidance from the Interior. The Boulder 2700 fire is now over 2,000 acres in size and its cause remains under investigation. The Crooks fire was lightning caused. Keith reviewed the emergency stabilization objectives and treatments. A cultural resources assessment was done for the Crooks fire, and Keith collaborated with Katie McDonald on that. **Scott Shepherd** talked about the processes and results, and he showed council some images of the soils and watershed assessment on burn severity products. **Darryl Martinez** reviewed the action items. We have one year and 21 days (until September 2022) for this plan and funding. The draft final plan will be coming within the next day and a half and it will be distributed to staff. It will then go to the BIA. It needs to have national approval. An implementation leader will need to be identified, and then implementation of the plan will begin. When the geotechnical information comes in months down the road, he would advocate to distribute those results as far and wide as possible. If point protection needs to happen, there is funding to do that. There is \$130,241.00 in emergency stabilization funding for the Boulder 2700 fire. The fire is still active and growing, and this draft plan can be amended if necessary.

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

Ruth Swaney, Financial Management, presented a request from Information Technologies to purchase capital equipment consisting of a storage container. Information Technologies had procured tower equipment for the infrastructure project. John Neiss needed the program to move that equipment out of its current location, so IT purchased a storage container to protect the equipment.

Council authorization is needed to purchase capital equipment requests after July 1, 2021.

MOTION by Martin Charlo to authorize the purchase of capital equipment consisting of a storage container for the tower equipment. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Ruth Swaney, Financial Management, requested approval of modification 7 to the fiscal year 2021 total budget allocations for the General Fund, Self-Governance Compacts, Contracts and Grants, and Settlement Fund.

MOTION by Carole Lankford to approve by resolution modification 7 to the fiscal year 2021 total budget allocations for the General Fund, Self-Governance Compacts, Contracts and Grants, and Settlement Fund. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-106

RESOLUTION APPROVING MODIFICATION 7 TO THE FISCAL YEAR 2021 TOTAL BUDGET ALLOCATIONS FOR GENERAL FUND, SELF-GOVERNANCE COMPACTS, CONTRACTS AND GRANTS, AND SETTLEMENT FUND

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

WHEREAS, Resolution 21-095 modified the enacted FY 2021 Total Allocations for the General Fund, Self-Governance Compacts, Contracts and Grants, and Settlement Fund for a revised total of \$289,394,137; and

WHEREAS, the Total Allocations need to be revised for increases and decreases in the General Fund, Self-Governance Compacts, and Contracts and Grants; and

WHEREAS, the increases and decreases are a total of \$5,002,849 as detailed on the following table:

Function	Revised Total by Function 7/27/2021	Increase/ (Decrease) in Contracts & Grants Allocation	Increase/ (Decrease) in All Other Funds Allocation	Revised Total by Function 8/19/2021
Government Services	\$79,997,981	\$112,793	(\$71,420)	\$80,039,354
Health and Human Services	\$89,112,829	\$2,170,946	\$150,519	\$91,434,295
Natural Resources	\$46,189,404	\$0	\$0	\$46,189,404

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Government Operating	\$1,608,450	\$0	\$15,000	\$1,623,450
Education	\$15,641,807	\$1,434,037	\$0	\$17,075,844
Administration	\$16,394,837	\$0	(\$33,570)	\$16,361,267
Court/Probation	\$1,210,729	\$0	\$0	\$1,210,729
Law Enforcement	\$3,327,082	\$0	\$0	\$3,327,082
Legal	\$4,575,913	\$0	\$0	\$4,575,913
Forestry	\$13,352,037	\$1,161,478	\$0	\$14,513,516
Capital Programs	\$4,793,500	\$0	\$0	\$4,793,500
Per Capita	\$9,784,000	\$0	\$0	\$9,784,000
Indirect Costs	\$3,363,761	\$0	\$0	\$3,363,761
Tribal Earmarks	\$41,807	\$0	\$63,066	\$104,873
Spending Authority - Earmarks	\$0	\$0	\$0	\$0
Total	\$289,394,137	\$4,879,254	\$123,595	\$294,396,986

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the Total Budget Allocations to the General Fund, Self-Governance Compacts, Contracts and Grants, and Settlement Fund for a total increase of \$5,002,849; and

BE IT FURTHER RESOLVED that the Total Allocations are increased from \$289,394,137 to \$294,396,986; and

BE IT FURTHER RESOLVED that the Office of Financial Management is delegated authority to revise and reallocate the amounts for programs, services, functions, and activities within the Total Allocation authorized and available in the aforementioned Funds.

Jody Perez, Salish Kootenai Housing Authority, requested approval of a resolution to submit a grant application to the Minnesota Housing Partnership on behalf of the Tribes. The funding will be used to conduct a housing needs assessment and homelessness study for the Flathead Reservation. The grant amount is undetermined at this point, but Jody hopes it will be \$50,000. The Montana Healthcare Foundation is interested in helping with the housing survey. Big Water Consulting prepared an estimate for the consultant's time and travel. Scripts would be provided for the survey, a database would be created for the surveying device, the consultant would clean up the data, and prepare the final report. There will be focus groups, community surveys, and surveys for targeted households. The estimated cost is \$150,000. Jody is applying for \$50,000 from the Montana Healthcare Foundation, \$50,000 from the Block Grant funding, and is requesting \$50,000 from the Minnesota Housing Partnership. The Polson and Ronan communities agreed to do the surveys within their boundaries and will be provided the tools necessary. Jody will reach

out to the other communities to see if they will do the surveys within their boundaries, and SKHA will conduct the surveys in the areas that are not included in those boundaries. This will be a collaborative project between the local municipalities. The needs assessment helps us get funding. The information will also help address homelessness. **Chairwoman Fyant** wanted to know if it would help with affordable housing, and she hoped the information would be in a usable format beyond SKHA's purposes. Some people do not qualify for housing or they do not want to go through SKHA, and she wants to be able to use that data. Jody advised that she is using some of her federal grant funds, so she will need to do an RFP to get someone to help with the surveys. The consultant can assist her with that. Jody wants help from the municipalities so they will get the answers to questions they need. She is hoping it will be a win/win for everyone. SKHA serves a small portion of the community. The data will help quantify the things we need to measure in order to make good decisions and have a better understanding of our housing situation. We can include climate change and COVID, as well. **Mike Dolson** asked if it requires SKC IRB review and approval. Jody said once it is drafted she will send it in for review.

MOTION by Martin Charlo to approve by resolution submission of the grant application to the Minnesota Housing Partnership on behalf of the Tribes. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-107

RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A REQUEST FOR TECHNICAL AND FINANCIAL ASSISTANCE FROM THE MINNESOTA HOUSING PARTNERSHIP ON BEHALF OF THE TRIBES

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

WHEREAS, the Confederated Salish and Kootenai Tribes desire to have an application for technical and financial assistance from the Minnesota Housing Partnership's Strengthening Rural Communities Program prepared and submitted on behalf of the Tribes in support of a housing needs assessment and homelessness study.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and

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Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes an application for technical and financial assistance from the Minnesota Housing Partnership in support of a housing needs assessment and homelessness study; and

BE IT FURTHER RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to receive and manage the said technical and financial assistance.

Council met in **executive session** to conduct an interview for the Fish & Wildlife Advisory Board. **Melanie Piedalue**, Personnel Department, was present for the interview.

Council reconvened into **regular session**.

MOTION by Ellie Bundy McLeod to appoint M. Arnold Torosian to the Fish & Wildlife Advisory Board. Seconded by Bing Matt. Carried, unanimous (9 present).

Rhonda Swaney, Mary Price, Brian Upton, Dan Decker, Jordan Thompson, and Stu Levit, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Antoine Incashola, Sr.**, Salish Pend d'Oreille Culture Committee, was present for discussion.

Council reconvened into **regular session**.

MOTION by Martin Charlo to accept EPA's offer. Seconded by Bing Matt. Carried, unanimous (9 present).

MOTION by Ellie Bundy McLeod to authorize the Sonosky legal team to vote "yes" on CSKT's behalf to approve the bankruptcy settlement plan for the Mallinckrodt PLC proceedings in the United States Bankruptcy Court for the District of Delaware. This is just one of many manufacturer cases. Seconded by Martin Charlo. Carried, unanimous (9 present).

Bing Matt mentioned trespass issues due to the fires. Individuals lost their homes and outbuildings. He spoke to Tony and was told that the Bureau of Indian Affairs was in control of that. Bing asked him with the compact whether or not that reverted back to the Tribes. Tony told him that it did not, and Forestry was not part of the compact that was involved in that. Bing had those same concerns about the Jocko fire.

Anita Matt had a request from a Dayton School parent that has been trying to get some kind of an agreement or land exchange for the school property. The School Board wants to do an exchange or lease so they can build a gym and

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cafeteria. The grant is due by the end of August. They tried to get into council. Jennifer told her it was with Lands, and Lands said there was no request. **Len TwoTeeth** mentioned there has been several proposals on this. One of them was an exchange for the boulevard in front of the resort for the land that the school is currently using, but that was never formally presented to the Tribes. We did not have any written proposals for that. Another option that came up in discussions was granting a longer-term lease to the Dayton School Board, such as a 99-year lease or a 25-year lease with a 25-year renewal option. As far as he knows, we have not received anything in writing from the school. Anita stated the issue has been getting this request into council. The grant deadline is soon. **Charmel Gillin** suggested that Len TwoTeeth gather his district to get some input, because she has heard from tribal members in his district who are opposed to working anything out. **Len TwoTeeth** commented that he has not heard anything like that from his constituents. Len supports the request from the school because we have tribal member children that go to that school. It is all about the kids. Len suggested having Clayton Matt reach out to the Dayton School Board and request that they provide us something in writing. **Chairwoman Fyant** advised that Jennifer Trahan will follow up with the Tribal Lands Department to get the necessary information that is still needed, and then it will be scheduled on Thursday's agenda to take action one way or the other.

Martin Charlo commented that we are having a surge in Lake County. We were at one case on July 1, and now we are up to 85 active cases. 25 of those cases are fully vaccinated individuals. Martin reminded the membership to social distance, wear their mask, wash their hands, and get vaccinated if they choose to. Otherwise, we will be back to where we were. Lockdowns and wearing masks are no fun, but we need to protect our people. **Len TwoTeeth** wants to get our monitoring teams back in place.

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

Chairwoman Fyant discussed an issue that was brought up to her last night about council accountability. Shelly has been getting phone calls regarding an issue that needs to be addressed by the council. She provided a copy of a written presentation alleging seven violations against Carole Lankford; Ordinance 66-A, the Role of the Tribal Council; and Resolution No. 06-048, which is the Code of Conduct. Ordinance 66-A was passed by the Tribal Council on July 21, 1978. It states that the role of the Tribal Council is to identify the needs and options of the Government and its people; select programs and determine strategy to meet identified needs; set overall governmentwide goals and priorities; and oversee the activities involved in obtaining the resources needed to carry out approved program. Resolution No. 06-048 is the updated Code of Conduct for Tribal Elected Officials, Appointed Officials, and Employees of the CSKT. Article II is Conduct and Behavior; Article III is Conflicts of Interest and Prohibited Activities; Article IV is Public Relations and Unity; and Article V is Enforcement. Article V,

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Section II states it is the responsibility of all tribal officials and employees to report any violation of this code. Any council member found by a majority of the ten tribal council members, after appropriate hearing, to be in violation of this code may further be subject to the provisions and penalties set forth in Article V, Section II of the Tribal Constitution entitled "Vacancies and Removal from Office" and to all other legal remedies available to the Tribes. **Len TwoTeeth** asked who presented the written presentation document to the chairwoman. **Chairwoman Fyant** responded that the document itself is not material at this point. The document was presented anonymously. Shelly received several phone calls. She will give everyone time to read the document and decide how the council wants to take action. **Len TwoTeeth** was concerned about discussing a document that was submitted anonymously. **Martin Charlo** commented that these are allegations, and he could not believe they were even entertaining an anonymous complaint. He disagreed with doing this in open session and he requested that the council go into executive session if they were going to continue the discussion. **Chairwoman Fyant** agreed to continue this in executive session, but she wanted Art Caye and Dan DePoe present for the discussion. This is very pertinent to the upcoming election, and it is about accountability. If the council becomes aware of a situation, they need to have an investigation or hearing. **Carole Lankford** commented that she has the right to an attorney. She has done nothing wrong, and she works hard for our people. Carole stated that she knows who did this, and it is not right. Shelly put this out there for everyone to see, but nobody has asked her anything. Carole said she would just resign from the council if that was what Shelly wants, because it is not right what Shelly is doing to her. **Chairwoman Fyant** clarified that this is about the membership asking for accountability. **Carole Lankford** responded that she has always been accountable, and she will remain accountable to the membership.

Carole Lankford left the meeting for the remainder of the day.

The discussion continued in **executive session**. **Dan DePoe** and **Art Caye**, Tribal Members, were present for discussion.

Bing Matt left the meeting for the remainder of the day to go to an appointment.

Council met in **executive session** to continue the discussion.

Council reconvened into **regular session**.

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

Turquoise Skye Devereaux, Indigenous Skye, LLC, gave a presentation on Utilizing a Historical Context to Support Indigenous Identity. She provided a timeline of history from an Indigenous perspective focusing on how historical

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and intergenerational trauma continue to impact American Indian communities today. The presentation included research from Native American scholars and how to utilize a historical context to alleviate barriers and support healing from a holistic approach; and knowledge on creating culturally safe spaces while highlighting the complexity of identity and activating resiliency skills for future success. The outcome and objectives were to create individuals and spaces to revitalize the Indigenous perspective; amplify and increase the representation of Indigenous truth, values, and resiliency through connection; validate Indigenous worldview including lived experiences to assist in supporting Indigenous communities while they navigate systems, while activating individual tangible cross cultural skill for future success; understanding the impact that trauma has on individuals and communities; learning about the complexities of identity and how it relates to school, work, life decisions, culture, and overcoming adversity; and understanding how to utilize a cultural spectrum to support Indigenous identity. Turquoise recommended reading the There, There book by Tommy Orange and a book entitled Carlisle vs. The Army.

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

Council met in **executive session**. **Rhonda Swaney**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 5:06 p.m., and is scheduled to meet again on Thursday, August 19, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary