

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

Volume 21 Number 85
Zoom Meeting

Held: August 19, 2021
Approved: August 24, 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 Len TwoTeeth.

The **Tribal Council Meeting Minutes** for August 17, 2021 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for August 17, 2021, with corrections. Seconded by Anita Matt. Carried, unanimous (9 present).

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).

Chairwoman Fyant, stated for the record, “I want to start off the day by addressing the issue of the last council meeting that was regrettable on many levels. I will try not to throw anyone under the bus by not getting into specifics. First of all, I take full responsibility for the mistakes I made in addressing the issue. Specifically, a tribal member brought an issue to my attention Monday night in a phone call. My intention in bringing the issue forward to council on Tuesday was to provide accountability to the membership. My mistake was not allowing the tribal member to first address the issue he brought to my attention. As elected public officials, we live in a fishbowl, and that comes with the territory. We can be and are frequently publicly called out. With livestreamed meetings

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that fishbowl is magnified. With social media, that magnifying glass can start fires, which is evident with the last couple days' Facebook posts. Back to my mistake. Instead of letting the tribal member address council first, I brought up a written statement that was provided by another council member regarding the same issue which we, as council, were all seeing for the first time. I was distracted by all the documents being uploaded from the flash drive to our emails, not just the three that I asked to be uploaded for council, so that threw me off. Additionally, the council member asked to be anonymous, and I tried to honor that. Later, the council member admitted to the council authoring the document. That was my second mistake. In that process I lost the trust of some of my colleagues and other tribal members by trying to honor the request of remaining anonymous. My intention in bringing the information forward was to provide accountability. I was advised when I ran for council to not promise anything I couldn't personally deliver. I decided early on I could provide integrity, accountability, transparency, as well as the courage to bring up things others haven't. I don't have a personal agenda on this issue. When I had the conversation with the tribal member on Monday, he asked why I hadn't brought up the issue of concern. When I thought about it, there were two reasons. One, I've been extremely busy and with everything on my plate it fell down on the priority list. Some things are urgent; some are not so urgent. Some things are important, and some things are not so important. This issue was important in my mind, but not urgent. When he brought up the other council accountability issues, it brought things into perspective for me. If we let one thing go, and then another, and then another, pretty soon we have the potential to become that council, a corrupt council, that many accuses us of, irregardless of our actions. That did not sit well with me. I pride myself in doing the right thing, even when it may not be the most popular thing. And I believe my record shows that. The other pressure I felt was this being an election year and an especially long campaign season at that with the primary being held in July instead of October, we are continually questioned about our actions being in campaign mode. Do we stop doing our job because it's an election year? I apologize for how I handled the issue in those two respects; however, I cannot apologize for bringing forward issues of concerns from tribal members. We, as a council, have entertained many walk-ins from tribal members and I hope we don't stop doing our jobs because it's an election year. However, it is our duty to police ourselves according to the Code of Conduct, which is also at issue here. Resolution 06-048 is the resolution reiterating and updating the Code of Conduct for tribal elected officials, appointed officials, and employees of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. This particular resolution was passed in December 2005 and we will revisit that Code of Conduct on next week's agenda as a council as part of the council roles discussion. Moving forward, I have no doubt there will be plenty of opportunities to hold each other accountable as tribal members and as council members. The Code of Conduct issue was one of the issues in the tribal member's and council member's complaint. The other were reimbursements that were allegedly a violation of

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policy. In investigating said reimbursements yesterday, they were both within policy for the Dire Need and the ARPA Funds Policy they were paid out of. The third item is a moot point as there was no reimbursement requested. Lastly, I want to say the events of the last two days have created a great divide. This isn't the first time I've witnessed this as a council member and if there's anything I've worked towards since being elected Chair in January of 2020, it was creating an environment where council could agree to disagree respectfully and with civility. We can't possibly agree with everyone a hundred percent on every issue. That's at the heart of our system respecting the diversity of the ten. Let's walk the talk of the traditional values and principles of our ancestors who prayed us into existence. And with that, I ask let's not throw salt on the wounds today."

Donna Richard, Tribal Member, hand-delivered a written statement to the council members. Her intention today is to read what she has to say about the matter, and then other people need to say what they have to say. This is coming from her heart and soul, and she feels it is something that needs to be said. Donna read into the record the following written statement: "My intention herein is to request the immediate resignations of Shelly Fyant and Charmel Gillin and here are my reasons why: This is a statement of my observations during the last 8 minutes of the Tribal Council meeting held on Tuesday, August 17. I was not present in person at the meeting in the council chambers. I watched the footage over and over again, at least 10 times, prior to coming to the conclusions that I stated in multiple posts on social media. What I observed was harassment, bullying, breach of confidentiality, hostile work environment, intimidation, and destructive gossip/falsified or unsubstantiated alleged claims of misconduct levied against Councilwoman Carole Lankford by Council Chair, Shelly Fyant. I do not have a copy of the Tribal Council Code of Conduct and Ethics, but what I do have is Ordinance 69-C and excerpts from the CSKT Employee Handbook and the S&K Gaming Employee Handbook. These documents contain specific policies that address what constitutes how employees are to comport themselves within their work environments and as they relate to interpersonal relationships with staff and the public. I can safely surmise that Council's Code of Conduct and Ethics would be at least the equivalent, if not higher. What I witnessed from Chairwoman Fyant fell appallingly short of the minimum professional comportment I would expect from Council Chair and elected leader of our membership. There was no acceptable reason for this disgraceful display of unprofessional and intentional public bullying, intimidation, and defamation of character. I just want to be clear: my observations can in no way be interpreted as "allegations". Unfortunately, this is behavior publicly available to anyone attached to social media and has no geographical barriers. The truth of the matter is that this scandal could have, and should have, been avoided by simply following the administrative process. To conduct this pseudo-hearing of alleged misconduct in a public forum during a live Zoom meeting has exposed our Tribe to an extremely unflattering, and frankly, embarrassing situation. So, to briefly describe my observations, Fyant shared an "anonymous" document with

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allegations of financial misconduct directed against Councilwoman Lankford. She said that the document needed to be addressed and Council should decide and take action on said anonymous document. Len TwoTeeth astutely questioned the source and Fyant waffled and hesitated to name the source and when pushed, said “the document itself isn’t material at this point. I’m going to say anonymously.” Len’s concern was an anonymous document was not legitimate and should not even be an item of discussion. All Council members were in possession of said anonymous document and were asked to read it and take action. This was directly following Fyant’s description of Resolution 06-48 “Code of Conduct” during which she said Council had to act “after appropriate hearing.” It appears there was no investigation or hearing of the alleged anonymous document, so what was she asking Council to decide and take action on? Is this how you start an investigation of alleged misconduct by a Council member? By bullying and defaming someone publicly? How can Carole Lankford possibly have an unbiased investigation on allegations after being publicly bullied and defamed by the Chair? As a tribal member, this behavior by an elected official, the Chairwoman, no less, reflects poorly on our membership and reputation within our community and beyond. Not only that, but it is also a poor reflection of our leadership and has the potential to expose us to yet another unnecessary and expensive legal settlement. I am probably not the only one concerned about the last 260,000 out-of-court settlement resulting from an acting council member’s political witch-hunt. I learned the details of the settlement through online research and an archived article in the Missoulian. Charmel Gillin was found guilty in court and the Tribes elected to pay the settlement. Despite the court’s decision, Gillin was allowed to retain her position on Council. Fyant is not acting in the best interest of the membership and is suppressing Carole Lankford’s rights and voice. This just feels wrong. Chairwoman Fyant was out of line in her aggressive bullying and insistence that Council act and make a decision based on incomplete, anonymous, and alleged misconduct. Fyant refused to name the source of the anonymous allegations and made an informed decision impossible. Len TwoTeeth attempted to question this source and Shelly overrode his concerns. The video evidence is clear and shows public bullying, maltreatment, defamation of character, and unsubstantiated charges.”

Charmel Gillin requested some manner of clearing up the misinformation that was stated and alleged about her. She has never been in court on a charge that Donna alleged. This is something that Councilman TwoTeeth recently alleged against her, as well. Charmel was concerned about the character defamation and slander that continues to go on against her, and she wondered if the council could go into executive session and have our Legal Department assist us. There is an aspect of confidentiality that is related to a grievance that was filed directly against the Tribal Council, and that is what is being referenced here. There is confidentiality associated with that. For some reason it was allowed to be disclosed to the media. When individuals tried to get a copy of the grievance that

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was leaked to the media, they were told it is confidential and could not be provided. Charmel was concerned about how to handle this, but she is clearly being slandered right now and not sure where to go with it, so she requested an executive session to discuss it. The discussion continued in **executive session**. **Rhonda Swaney**, Legal Department; **Rick Eneas**, Tribal Executive Officer; and **Jami Pluff**, Policy Analyst; were present for discussion.

Council reconvened into **regular session**.

Tom McDonald, Tribal Member, informed council that he watched the video of Tuesday's council meeting and was disappointed. Tom extended an apology to Carole Lankford for what happened at that meeting. He said had he been sitting in that vacant council seat, he would have been right along with Len TwoTeeth and Martin Charlo in trying to stop the inappropriate action that took place. Another thing that concerned him was this is an election year. Tom told Shelly that after watching that video, he thought her actions appeared to be politically motivated and looked like an abuse of power. Tom directed his comments to the five council members that are not up for election this year that serve as the Election Committee. He saw Chairwoman Fyant give preference to two council candidates by allowing them to be present during an executive session, and that was very inappropriate. That action gave his opposition an advantage. He would appreciate due diligence by the Election Committee as we continue down this path of the election and seating new council members in January. Tom does not understand why a citizen of our Tribes and a council candidate would be granted or demanded to be in the room during an executive session, especially when we are talking about an election year that should be operated in an appropriate, prudent, and equal fashion for all of us. He voiced his concerns about that. Tom hopes the council and the Election Committee will look at it and issue reprimands where appropriate or have some safeguards in place so it is a safe, fair, and equal election process. **Mike Dolson**, Chairman of the Election Board, stated so noted. **Chairwoman Fyant** clarified that she did not allow them in the executive session as council candidates; she allowed them to be present as tribal members. We allow all tribal members to do a walk-in.

Martin Charlo extended an apology to Carole Lankford. Martin and Carole have had their disagreements and they do not always see eye to eye, but they are colleagues and he respects her, as he does all his colleagues. We did a disservice on Tuesday. He also apologized to the membership. The discussions with the membership the last few days have not been easy. It brings up our own accountability as a council and our disagreements, but the reality is that we are ten. He takes responsibility for this council, as we all should, because we serve the entire membership, not just a few. We serve everyone, and everyone should have equal footing. If we do it for one, we should do it for them all. With our sovereignty, we are not there yet. One thing that brings him back to is our forms of leadership and how they morphed into something different. Our leaders way

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back when were always willing to help the membership and willing to give the shirt off their back. One thing that sticks out to him is that the leaders were the poorest people in the Tribes because they gave away everything they had. Those are values we need to remember; compassion and looking out for one another. Martin feels like he failed on Tuesday, as well. He strives to protect people and not allow things like that to happen. We are all family. Martin thinks that it needs to be said that because of the lack of signature on the complaint and things like that, the council will not be considering the documents that were brought in on Tuesday. Again, from his heart, he apologized to the membership because as a council we did not do what we needed to do. We will do better and move on. Diversity makes people stronger. We will do what is best for our people. Martin will continue to strive to do that and hold his colleagues to that same standard.

Ellie Bundy McLeod apologized to Carole Lankford for what happened; what happened should not have happened the way it did. She also apologized to the membership. Ellie is ashamed for what happened and how we handled it Tuesday. She hopes moving forward we have enough respect for the ten of them to work together. We are better than this. We need to do better and respect each other in having these conversations behind the scenes. This is damaging. What happened Tuesday not only hurt Carole, but us as a ten. We need to try to work together and heal from this. Not only our membership, but people in the community witnessed that spectacle, who now sees this fracture in our government. We have so many big things in front of us, such as the water compact and the initiatives we are working towards, and we cannot be drug down by this kind of stuff in the way that we were. Ellie thanked Martin Charlo for his comments. Ellie again apologized to the membership and to Carole. Ellie feels like she failed on Tuesday. She hopes we can heal and move forward and do better.

Carole Lankford introduced Wes Lefthand and Shawn Swaney. It is the worst feeling in the world to be accused of something like that. These individuals are the ones that needed help and Carole helped them, and she was accused of wrongdoing. Carole apologized to the membership for her outburst, but she had to stand up for herself. She apologized for walking out of the meeting on Tuesday. She is here for everyone. Carole loves every one of the membership and the council members. She feels she did nothing wrong and she wants to move on.

Shawn Swaney informed council that his car broke down in Missoula. The person that was supposed to be fixing the car did not fix it and his battery was stolen, so he was stranded in Missoula and had nowhere to go. Shawn saw Carole at the wye, and she got him a hotel room that night.

Len TwoTeeth apologized to Carole Lankford for the way she was treated, and he apologized to the membership for what they saw that day. That was a black day for us. We, as your leaders, cannot allow that to happen. It is unfortunate that things happened the way they did, especially toward Carole. During his years of council he watched Carole help many people without going through any program and just using her own money. Many people will not ask the Tribes for help. Len knows many of these people respect the service that Carole provides to the membership. He has learned a lot from her. Carole has been on council for a number of years, and she provides the history of what works and what does not work within the Tribes. Len cherishes the history she shares with the council. The Chairwoman made a statement about executive sessions. When this council calls an executive session, we do not allow anyone else to be in here. It has been that way ever since he has been on council, so Len wanted that corrected for the record.

Francis Cahoon commented that he sees a big division with the council and the people. That is what bothers him the most. From what he sees, there needs to be stuff happening. A person can make a complaint and if they feel that complaint is warranted, there needs to be an avenue before it comes to the council. It should have to pass a legitimacy test with the facts of the accusation. The policies and rules should have to apply to everybody. They need to come up with ways so when people think others have done something wrong can say I seen this, and then have someone look at the criteria before the council entertains it. It is bad when people are publicly shamed. If people are too afraid to come in and say they have a complaint, then that is just as bad. There are lots of people that do not want to come to council and they are afraid to speak their opinion. He thinks the council needs to come up with some way and the public should not know about it if it does not pass the legal criteria, and the council should not waste their time on it. They should just tell the person complaining here are the facts and it is not what it appears to be. The council is a group, and they need to act like a group.

Rhonda Swaney explained that there are processes in place to ask for the removal of a council member. If a tribal member brings that kind of complaint forward, they need to write it down and sign it. We follow those principles. People are allowed to know who their accusers are and be allowed to face them. That is why a signature is required. If a council member wants to call for the removal of a fellow council member, that should be done in a regular session so the person accused knows who is making the complaint. And it should be open. We have to take responsibility for our actions. Those policies are in place. That is why the Tribal Council did not address the document submitted, because it was not signed.

Tony Incashola, Jr., Tribal Forestry; **Luke Russell** and **Nick Rein**, Hecla Mining; and **Bruce Vincent**, Environomics; met with council to showcase the

reclamation job done at the Troy Mine site from 2016 through 2019. The Forestry Green House gave them 160,000 plants and did an onsite nursery for them. The mine operated for 30 years. Hecla Mining moved it into closure and did a reclamation project there. They partnered with Native Plants. 400 acres were reclaimed. The goal was returning it back to its natural state to provide wildlife habitat. They presented an award to the Chairwoman to recognize the Forestry Green House for the outstanding partnership to provide over 2,000 plant seeds for the project. A similar award will be presented to Tony Incashola, Jr. on August 30 and the Green House staff. The council was invited to that ceremony. **Len TwoTeeth** encouraged them to meet with the Kootenai Elders to discuss this project. **Tony Incashola, Jr.** will set up a meeting and invite them to a tour.

Velda Shelby, Economic Development Office, requested approval to submit the fiscal year 2022 Montana Indian Country Economic Development tribal grant application in the amount of \$30,000. The MT-ICED program provides grant funding for business plan development, market analysis, feasibility studies, physical business infrastructure planning and legal/financial infrastructure development with the condition that the grant amount is matched with Tribal and/or other funds. The CSKT provides an in-kind match for the grant by providing staff time.

MOTION by Ellie Bundy McLeod to approve by resolution submission of the fiscal year 2022 Montana Indian Country Economic Development tribal grant application. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-108

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF MONTANA FOR FY2022 INDIAN COUNTRY ECONOMIC DEVELOPMENT FUNDING FOR PROPOSED UNIFORM COMMERCIAL CODE OR TRIBAL SECURED TRANSACTION CODE AND SUPPORTING CORPORATE PLANNING DOCUMENTS

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 Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes are committed to the sound planning and management of Flathead Reservation resources; and

WHEREAS, the Confederated Salish and Kootenai Tribes have directed the Office of Economic Development to fill the important need of diversification of revenues and protection of resources as the Tribes strive for self-sufficiency and planned economic development opportunities; and

WHEREAS, the Montana Indian Country Economic Development (MT-ICED) program provides grant funding for business plan development, market analysis, feasibility studies, physical business infrastructure planning and legal/financial infrastructure development with the condition that the grant amount is matched with Tribal and/or other funds;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation approves the application for a \$30,000 MT-ICED Business Planning Grant from the State of Montana, to be managed by the Tribal Economic Development Office, to complete a proposed Uniform Commercial Code (Tribal Secured Transaction) and other supporting corporate planning documents as outlined in the grant proposal.

BE IT FURTHER RESOLVED that the Tribes will provide in-kind resources and/or funds toward the project.

BE IT FINALLY RESOLVED that the Tribal Executive Officer and designated representative are hereby authorized to negotiate and execute the contract and any modification thereof.

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

Mark Couture and **Tara Irvine**, Tribal Lands Department; **Karen Thornton** and **Arnold Bjork**, Dayton School District; discussed the request from the Dayton School for a grant they are applying for. There is an active lease that expires in 2032 with a 25-year renewal option. The school wants to modify the lease to expand construction for a multipurpose area. The school has 68 students and 6 teachers and needs two more teachers. The proposed modification would extend the lease to 2082. It would be a 25-year lease with a 50-year renewal option. There are about 5 CSKT member students and 5 descendants that attend that school.

MOTION by Carole Lankford to modify the lease for a 25-year term with a 50-year renewal option ending in 2082 for expansion for construction on improvements within the boundaries. Seconded by Anita Matt. Carried, unanimous (9 present).

Chairwoman Fyant informed the Dayton School that the state of Montana has some sewerage and water system funding available for improvements.

Tom McDonald, Natural Resources Department, informed council that there are regulations that need to be in place for the Bison Range. There are some emergency regulations that need to be adopted for 120 days to safely operate the Bison Range. Due to the volume of Bison Range restoration-related activities for which the Tribal staff have immediately become responsible for upon the legislative restoration for the Bison Range to Tribal beneficial ownership under Public Law 116-260 and due to the potential for public and wildlife safety issues at the Bison Range, the Tribal Council found that there is imminent peril to Tribal, public, and wildlife health, safety, or welfare within the meaning of Part IV, Section 8(6) of the Tribal Administrative Procedures Ordinance (Ordinance 86-B). The council accordingly adopts the emergency rules/regulations dated August 19, 2021, for the Bison Range.

MOTION by Martin Charlo to continue the emergency regulations for 120 days, effective today. Seconded by Carole Lankford. Carried, unanimous (9 present).

Tom McDonald, Natural Resources Department, discussed group use activity and the application process for the Bison Range. There are two outstanding permits that can be adopted at any time. A flow chart could be developed to delegate the approval authority of those permit requests to the Project Coordinator. He requested approval to proceed as outlined. **Council** scheduled the discussion for two weeks from now. Tom mentioned a Service employee that will be retiring; he may consider a consultant contract for a period of time with that person. The new shop building has begun. The other shop will be salvaged. The concrete slab will be removed. The contractor is willing to leave more of the existing building, but we would need to take over the liability for it. We may need to purchase some of the building. The contractor would save money by not having to tear it down and we would save money by having the material. There is limited internet service at the Bison Range facility. **Rich Janssen**, Natural Resources Department, informed council that it has always been his goal as department head to get one facility for the NRD staff and they are beginning that exercise with Rick, Ryan and staff that will begin to look at a new facility near the Safety of Dams building in Ronan to house the Water Compact staff and all the NRD employees. It creates efficiencies and improves communication by being located together. Rich does not plan to move any division to the Bison Range. We need to figure out how to pay for public access in perpetuity and we need to figure out how to generate revenue, such as the sale of bison. Tom gave an update on the Visitor Center remodel project. They got everything in place for the store and got permission from the elders reviewing the internal material in the museum. That is going to print. The next thing is the publications and the interpretative part of it. They are putting in some new carpet before putting up the displays. **Rich Janssen** informed council that Robert Dempsey will be a second-year student at Montana Tech in Engineering. Robert is from St. Ignatius

and is an incredible young man. Rich told Robert he is proud of what he is doing and looks forward to developing an educational contract for him to work with NRD whenever he can.

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

Vernon Finley and **Gina Big Beaver**, Kootenai Culture Committee; **Diane Michel**, **Dacia Fisher**, **Louis Caye, Jr.**, **Laurence Kenmille**, **Levi Hewankorn**, **Francis Auld**, **Danielle Lefthand**, **Christine Ewing**, **Naida Lefthand**, **Mike Kenmille**, **Lloyd Irvine**, **Leonard Michel**, **August Lefthand**, and **Jerry Nicola**, Kootenai Advisory Council; met with council for an elders meeting. **Vernon Finley** discussed the Black Ram project that is coming up next week. The Kootenai Tribe of Idaho has been involved in it. Vernon said it went through the environmental assessment. They stated the forest management practices they planned on doing were consistent with our practices that Tribal Forestry brought forward and the council approved. Since there was concern he requested a field trip for the elders to see what was planned. It is scheduled for next Friday. They are going there to look at the Black Ram project. There is some fresh salmon that is coming from Colville. Mike will be bringing them over this evening. One of the KCC staff members got sick and tested positive so he had the offices disinfected and everyone tested, and everyone in the office now has tested negative. Vernon heard from some of the elders that their experience at the boarding school was positive, but he does not want to speak for them. He will let them address the issue themselves. **Jerry Nicolai** talked about recreation by nonmembers on the reservation and the cultural sites on the reservation. He wants every tribal council member to make a list of what they feel should be done with the recreational activity by nonmembers and if they know of any cultural sites and give them to the elder tribal members so they can prioritize them. **Chairwoman Fyant** talked about the advocacy group Native American Boarding School Coalition reaching out to tribes to let them know what their services are. Marcia Small has the ground penetrating equipment and wants to come to the Ursulines and do that ground trooping here. We have not moved on that yet. **Vernon Finley** thought that was already done and there's a map of unmarked graves at the Ursulines. **Martin Charlo** stated that it was done by a college student, and it was never completed fully. He wants to do the research and finalize what is really down there and document the people who are buried there. We should get it done as quickly as possible.

Lloyd Irvine had concerns about off-roading. There should be designated areas for the ones who carry permits. People are spotted off-roading, and nothing is done about it. **Chairwoman Fyant** said it was brought up to Dan McClure when we became aware of it. Dan told her that they advised their clients to purchase recreation permits and were counseled to stay on road. Shelly wants pictures of activity/damages to give to Dan McClure. **Vernon Finley** commented that the discussion was whether the council furthered the discussion to limit the number

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of places that are accessible through the recreation use permits. The recreation was to be for specific areas only. The guy in Big Arm is renting out four-wheelers and they go through the Big Draw area. He asked if there was any further discussion about the permits themselves and whether they would be limited. **Chairwoman Fyant** advised that Dan McClure presented some options, such as increasing the fees, cut off camping, have tribal member use areas only, and having gate guards. It will be coming back to council next week. **Leonard Michel** wants the Jette area off limits. Many of the four-wheelers don't stay on the road there. It needs to have a gate attendant to make sure they have the required permits.

Naida Lefthand stated that she has a hard time understanding what's going on. Before council reorganized, all departments came to the elders and presented what they had. Prior to the council getting a request, the elders should have it, and then they would be able to discuss it with whoever was doing the presentation and tell them our concerns. If it was something that couldn't be done, then we would go into some kind of negotiation. But then all of a sudden, a reorganization happened and the elders had no idea. When we saw the organizational map we were taken off the top and thrust down lower. She is traditional; this is the white man's way of doing things. The council took the oath of preserving and perpetuating our culture. It made her feel as an elder the hell with you guys and we will just do it our way and we know best. She asked why have the elders meeting; it is wasting our time. There is no need to meet with the elders if the council is not going to take what they say. We are expending money that's not necessary for them to come here when they know what they're already going to do so they can say they met with the elder committee. The elders talked to Forestry and Fire Control. They say they met with the elder committee and then that's the end of it. It disheartens her and she feels she's just for show. We live our culture and traditions every day. She feels we've been thrown down and that council, the supposed leaders, are above us and above everybody else. There is no person better than anyone else. If this continues she will not participate anymore. The council drug us down and is dragging us through the mud and she does not like it. This has gone on long enough. Naida does not like people to come and supposedly listen because they were told by council to go listen to the elders and then come in here and not present what the elders say. There are many decisions that went to council that we have said no to and we gave reasons. Her heart is sad because of what has happened in the community. **Chairwoman Fyant** responded that the organizational chart changed but the relationship with the elders did not change. Tribal programs are required to take their projects to the elders. If they ignore the elders' wishes then the council needs to know that. This is the first she has heard of this. The only change in the reorganization that manifested is now the council dedicates time specifically for the elders and the council to meet. **Charmel Gillin** was sorry Naida had to express that to us, but it is what we need to hear from her. She thinks there has been a difficult situation for a lot of years. She can think of

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other times where she heard the frustration that the decisions made at the elder meetings don't get carried out, so this isn't a new problem, but it is emphasized now. She hopes we can figure out how and where to address this issue. That is part of the question of how do we live up to our mission statement where our values and traditions are carried out every day. This is something we all need to take seriously and figure out what to do. Maybe we need to put the boxes back up on the organizational chart to show where the committees were in the past and where they should be, so she hopes we'll take that advisement and have the elders come to the table to figure out how to change this. We need to do that. Naida said if the council is doing something that impacts everyone, that's going to impact our tradition and culture, and they need to meet with the people first. Had they come and told us this is our plan, this is why we're doing this, maybe the elders wouldn't feel the way we do, rather than just go ahead and do what you did. You are supposed to live traditional values every day and it is not the white man's way; it is our way. We look at what is going to impact us first, how can I better my people and your personal vendettas need to stay out of here when you walk through these doors. Many people are moving here and everything needs to be closed. Our resources are getting damaged and we need to look into that. **Chairwoman Fyant** told her that the council talked about the enforcement and capacity with Dan McClure. **Carole Lankford** asked if the organizational chart was brought up for discussion with the elders. It is not cut in stone and can be amended if needed. If there is a strong feeling by the committee, we need to look at that. The Salish Culture Committee was fine with the chart and was just happy to be on it. **Vernon Finley** responded that it was brought up after it was already approved.

Leonard Michel stated that he feels left out. Filling the job at the Kootenai National Forest is an example. It was brought up in elders meetings and went to council. It is imperative we get this done. A lady that met with them said she moved artifacts and it is imperative to find out if she did and where she moved them to. This needs to be addressed. It is attacking our sovereignty and we need to address it. **Leonard Michel** wants the Tribes to pay their half for that job and get it filled as soon as possible. **Levi Hewankorn** asked when the reservation was opened to nonmembers. When he was a Game Warden there were certain areas they couldn't go to. **Carole Lankford** told him it was opened up in the 1970s. Laurence Kenmille thought the funding for that position was turned over to the Tribal Preservation Office. **Chairwoman Fyant** will coordinate with Vernon Finley to figure out the Kootenai National Forest position.

Carole Lankford asked if the Kootenai Culture Committee was aware of the skull that was found in Flathead Lake. **Vernon Finley** said they are working with Tribal Preservation on that. The skull was identified as Native American. The KCC has not been contacted. **Leonard Michel** wants the Chief Cliff area closed. It is gated, but it needs more work to keep four-wheelers out of there. The same thing with the Lozeau area. Leonard agreed with closing the whole thing down.

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We need to get a handle on recreation. It is important for our resources, and they need a break. The fees need to be changed and be based on the type of recreation they are doing. **Anita Matt** asked if they take minutes of their meetings. She can remember Vernon talking about the organization. The council did not know they felt like they are not being heard. The first thing council is told is that the programs went to the elders, but they do not know what was said. She does not like sitting here today just finding out about this. Anita agreed with Leonard about our resources. We should close it for five years and let it regenerate. Council discussed it with NRD and wants further discussion on what we can do before it is too late.

Francis Auld echoed what he said at the last meeting about the organizational chart. He felt the Kootenai tongue was cut out. It needs to be addressed and put back where it was. There's lots of discussion on recreation and white people doing commercial trampling of our grounds and he hears we need to close everything off, but the council should get a group together and go over the ordinance and strengthen them so the laws are stronger. We could have a herd of Law & Order and Fish & Game, but when they go to court they laugh their way out of court. We need to put some teeth into the ordinance to deter the activity. We are selling our reservation. Chief Cliff has a pictograph and mining encroachment keeps coming closer and closer. Francis took the Preservation staff up there to show them. There are some test digs close to the pictograph site. Recreation is diminishing our lands. Francis had his nephews put up a teepee at Big Draw and people were complaining about it. We were in a pandemic, and he put it there for people to do something for their people. He plans on doing that again. Francis wants to be able to access tribal lands and wants the right to be able to do that. He doesn't want to get kicked out of there because of some rancher or some horse raiser. We are fighting against ranchers and agriculturists out there. Francis wants both Culture Committees put back where they were on the organizational chart.

Vernon Finley stated that all this being discussed is the standard practice that the Tribes got used to was making plans and bringing in the cultural perspective after the plans were made. He gives credit to Forestry because they are trying. Tony Incashola, Jr. came to an elders meeting and took an earful. He came back and said he would include the elders in the planning phases of logging. That is why they scheduled trips up there. It is set for the logging rotation and a field trip will be scheduled with the elders to learn what the issues are. If the culture is really an important part of something, then it should be part of the discussion phase. If the council values the elders' opinion, then their discussions need to include the elders. As far as closing the lands, he does not understand where the hesitation is coming from. He visited his friends in the Pueblos and they live in a populated area. The Pueblos closed their lands to nontribal members. They are only granted access if they are accompanied by an enrolled tribal member. All visitors are made aware of that. **Leonard Michel** talked about firewood being

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cut down and he brought it up that they were hauling it out and thought they should be left for tribal members, and Steve McDonald addressed it. He appreciates Steve stepping up. Tribal members need that firewood. Larch is hard to come by. In the sales it should be specific that firewood be left to the Tribal membership. They dragged out three logs for us to cut up and he appreciated them doing that. It needs to be brought up to the full council. Leonard is not always happy with Forestry, but they're coming around and listening and took us on some tours and they are starting to hear what we have to say instead of just shaking their heads. They are having dialogue with us. We need to stay on top of the chart because we are the last ones, very few that keeps our culture alive and going. The culture needs to be taught to our kids. We need to be on top of the organizational chart. The expenses for the elders need to be more. We need to take our young kids with us when we go on tours.

Louis "Junior" Caye liked what is taking place with the Kootenai Culture Committee and elders getting to visit with our tribal council. He relates to what Francis said about our tongues getting cut from us; that didn't happen when council changed the organizational chart, it happened when the Kootenais only got one council seat out of ten. That's when this started. That's when this took place. He wants to talk about equality and how the Kootenai are not being treated fairly. From day one when the tribal government took off, the Kootenais had one voice. Today, we don't even have a voice. We have fifteen or twenty entities in our Tribe and that's how many offices should be up in Elmo. There's Kootenai, Salish and Pend' d'Oreille here. He asked the council how they can say the Kootenai are treated fairly. We will get millions of dollars and he asked council what they are going to do to put the people to work in Elmo, to put offices up here in Elmo, and housing. There should be a housing office in Elmo. We can talk and talk and talk about closing down recreation and doing this and that, but equality is pretty poor. He hears this Kootenai got fired over and over again. There is no equality here. Junior asked the council to tell him one good reason why the Kootenais shouldn't split from this tribal government. The council cannot tell him they are treated fairly, because they're not. Elmo should have someone represent them that'll stand up and get what we want in Elmo. For example, the permits at Ferry Basin. Elmo should get half of them. There might be one Kootenai that got a permit. He tries to listen to the council and see if they work hard for the people. In some respects they do, but the Kootenais are always left out. There is only one voice for the Kootenai people and sometimes not even that. Everyone talks equality when they are running for council but he never sees it. They talked about hiring ten more Game Wardens, and he wanted to know if there will be any Kootenai Game Wardens. He wants to have offices in Elmo. For every department that exists on the reservation, he wants an office in Elmo. They should know why he wants offices in Elmo. The Kootenais are not invisible. They have a heart and mind just like all of you do; we have our roots, footprints, and trails here, but they can't even use them anymore because of the rules we have. We put that on ourselves. It is hard to

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watch what's going on out there, but it doesn't benefit Elmo. Elmo has nothing. He asked how they expect them to live every day when they have nothing. Junior asked when the council is going to do something for Elmo. What little they have is taken away from them, so how are they are expected to grow and survive. The people are starting to leave Elmo because there is nothing there. That's what our representatives should be doing for us; our little town of Elmo should be booming but what little we have is taken from us, and here we are with nothing. He does not know why they should stay connected with the Salish and Pend d'Oreille. He used to work for our youth in Elmo. This year, he didn't see too much happening with the youth in Elmo. Junior hopes council sees where he's coming from. The council did something right by giving us a Kootenai Culture Committee and a Salish and Pend d'Oreille Culture Committee, but he wanted to know why they stopped there. He shouldn't have to get on his hands and knees and beg. Out of their heart they should realize what's taking place in Elmo and start changing it and helping them. They do it everywhere else, so why can't they do it for Elmo.

Chairwoman Fyant asked if Vernon received a copy of the language and culture resolution. Vernon said he received it. Shelly told him that they are involved in the planning stage, and she wants to dedicate the next session to that resolution and gain input from them on what they want for the community and how to incorporate the language and culture. They have talked about language classes, schools, sign language, and teaching our kids. She wants them to have their own discussion about it and at the next session they can focus on that along with any other current issues. Shelly asked Jennifer to send the resolution to Vernon. **Vernon Finley** stated that there is a THD group talking about this type of stuff, and they wanted them to prepare the cultural history and world view presentation for departments that anyone working for the Tribes what they should know about our history and culture, but that's still in the talking stages. Johnathan and the Tribal Health staff were having those meetings. Vernon was invited to the meetings, and they were talking about what it should look like. Shelly wants to think of youth activities, how to involve the elders, and visiting aboriginal places, etc. This is where we get creative and think outside the box to come up with some good ideas.

Leonard Michel asked if the Tribes have been staying up on the Hecla Mining two permits for the Cabinet Mountains. **Chairwoman Fyant** advised that nothing came before the council. Today Hecla talked about a reforestation project with the Troy Mine site that was going on for thirty years and they are having a field trip on Monday the 30th and invited people up there. She will pass on the details of that once she gets them. Shelly was not familiar with the Cabinet Mountains that Leonard is referring to. Leonard told her that Hecla Mining wants to mine there. They made a little video of it. Leonard had a tribal member call him wanting to know if the Tribes as a whole are keeping abreast of what they wanted to do and keep mining. He told that lady that he would ask council

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about it and relay the information back to her. Leonard talked about jobs. We have \$90 million sitting there and another \$90 million coming in October. He asked Ryan what they are doing about getting blue collar jobs for tribal members without people needing to have a degree. Ryan liked the idea and said he is following up on it. Leonard wants the jobs to be shovel ready for the membership to work on the Irrigation Project so it is not contracted out to nontribal members. It is imperative we start our own companies to do the work. They need to be good paying jobs. We need to be ahead of the game and be ready to go so our membership gets good paying jobs. This is their home and their land. It is sad that 90% of the irrigation lands are in nonmembers' hands. Our people need to be trained and be able to hit the ground running. Other reservations get their tribal members ready for highway projects when they come, and we need to do this with the Irrigation Project. It will help this reservation and the tribal members more than anyone, and we will all be better for it. **Chairwoman Fyant** will have Ryan Rusche provide an update. Ryan is working with the department on hiring the individuals for the restoration part of it for the wildlife and fisheries habitat. Ryan has had conversations with various people about workforce development and training. Another resolution passed by the council was supporting tribal member entrepreneurs.

Lloyd Irvine commented that he tried to get a planning department in place and it didn't work out. He suggested that council keep in mind to look into the possibility of putting a business council together for the Tribe and council. It would help speed things along rather than be a hit and miss by an individual. **Vernon Finley** discussed the Hecla Mining Company. They mined up in the Cabinet Mountains and left it. Montana had a Bad Actor law in place where the where the reclamation costs could come from that and then that company would be barred from doing more mining activities. So, they went to Idaho, and then they became interested in the Cabinet Mountains. Wilbert was a key part of where the group filed suit to force DEQ to enforce the Bad Actor law on Hecla and not let them mine the Cabinets. Thanks to Wilbert, they won, so DEQ joined and was going to stop Hecla from reopening their mining operations. That is an important cultural area to the Kootenais; that is why Wilbert was so involved. Governor Gianforte talked to the Attorney General and DEQ and withdrew the state's objection and forced DEQ not to enforce the Bad Actor law. He received an email from the environment group that wants to reorganize and file suit to force them to enforce the Bad Actor law. They asked if the KCC would join them in their part to prevent Hecla from mining in the Cabinets. It's the Earth Justice Group doing this. **Chairwoman Fyant** wants to see that film and have orientation on this. She'll reach out to Velda to get briefed on it so we can make a plan on what to do next. Vernon stated if there is no objection, he wants the KCC to join with them by expressing opposition to Hecla reopening mining in the Cabinet Mountains. **Leonard Michel** wants a formal motion to state that objection. **Chairwoman Fyant** advised that the council will get a briefing and

take action at the next meeting. The Kootenai elders meeting was closed with a prayer by Francis Auld.

Johnathan Owens, Chelsea Kleinmeyer, Patryce Caye, and Char Neal, Tribal Health Department, met with council for a Tribal Health Committee meeting. **Chelsea Kleinmeyer** reported that Lake County has 106 active COVID cases. One quarter of those are fully vaccinated individuals. THD is looking at testing capacity. There are at-home tests available. They are available at local stores. Booster vaccines were given to those considered to be moderately or severely immune compromised. That is being done at the THD Pharmacies. THD recommends people have a conversation with their primary care provider to see if that is the best option for them. They heard the Biden administration is recommending on September 20 to provide booster vaccines to the general population. THD needs to receive the authorization from the FDA before they can do that. The priority will be the health care workers, nursing homes, and long-term facilities; then the elders; and then the general public. THD is working on a rollout plan for the boosters.

Anita Matt asked what is going on with the Johnson & Johnson vaccine and asked if they are going to have a booster or have another J&J shot. Chelsea said it is under clinical trial whether there will be an additional shot of Johnson & Johnson or whether those people can receive a Moderna or Pfizer vaccine. We do not have authorization or guidance for the people that received the J&J vaccine. They are not eligible for a booster with Moderna or Pfizer at this time. **Bing Matt** asked about the boosters. Chelsea said September 20 is the projected date. We had the Moderna vaccine and borrowed some Moderna from Lake County Public Health Department. The THD has the Pfizer and Moderna vaccines on hand. THD will target the people that got the vaccine first. The general public needs a booster 8 months after their second dose. They have a list of who they vaccinated and offer a booster to them after the 8-month mark. THD will hold larger vaccine clinics in Arlee and Polson or SKC. They are still working on the logistics for it. **Charmel Gillin** asked about the breakthroughs. Chelsea said what we are experiencing here, and she wants to remind everyone when we started vaccinating, the point was to reduce or prevent hospitalization and severe disease. Although we have breakthroughs, it was projected. In most cases in Lake County the vaccine prevented people from being really sick or being hospitalized. **Anita Matt** saw on the news this morning about the Missoula hospital being full already. Chelsea looked up information on that. Providence Hospital is reporting being full. There's a variety of reasons they are full such as the Delta surge, and a staff shortage of doctors and nurses. They are full and are not accepting transfers at this time.

Char Neal gave a report on the number of individuals provided assistance and the cost associated with that assistance for emergency medical care for elders and minors. The program does not cover 100% of the cost for travel. The THD

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follows the State Medicaid rates for mileage and meals. There are eligibility criteria for people to use the program. The requests are evaluated individually. mileage is set at 33 cents. Meals are \$16.50 per day for patient and escort. If the patient is an inpatient then only the escort gets meals. Lodging accommodations are a room with two beds. If the patient can pay for their room themselves, they ask them to do that if the direct bill hotels do not have rooms available, and then THD will reimburse them at \$100 per night. **Carole Lankford** talked about the cost of hotel rooms. She hopes we figure out if an adjustment is needed for hotels and meal tickets due to the increased cost for those. She would like to know how that would impact the budget. Char said what's set aside for the travel program, they have gone through that amount already for this fiscal year and they have outstanding invoices that haven't come in yet. 38 children have been assisted this fiscal year. The cost for that was \$9,236 in fuel, \$3,103 in meals, and \$4,144 for lodging. 118 elders have been provided assistance. The cost for that was \$12,367 for fuel, \$5,755 for meals, and \$26,725.89 for lodging. THD asks the patients to apply at the Ronald McDonald House. THD has to purchase its own snow tires. There are three drivers, and they need studded snow tires. They have traveled 79,476 miles to date to transport patients to appointments. \$170,000 is the budget and the costs have exceeded the budget. The money comes from the Indian Health Service funding. Johnathan would like to open the program more for special situations with elders and children. Char has to make policy waiver requests to the chairwoman to provide service in some circumstances. **Carole Lankford** suggested giving that authority to THD so the chairwoman does not make those waiver decisions. Carole would like to get more staff hired so Char does not always have to work after hours and weekends/holidays. **Council** commended Char for the work she does and for responding to the council's calls. **Chairwoman Fyant** requested that the THD provide some proposed policy changes for council consideration.

Patryce Caye talked about the Montana Medicaid proposed changes to remove the 12-month continued Medicaid coverage. With the Medicaid expansion program, it provides them coverage who are not eligible for Medicaid for one year if they exceed the financial requirements. It is proposed to remove the 12-month continuous coverage; if that's approved we will see an increase in the uninsured population and lapses in coverage. Some of the current patients may lose coverage. We would have a population no longer eligible for the expansion but maybe look at options on the federally facilitated markets.

Johnathan Owens reported that THD conducted an assessment of health services with focus groups to get more information from the community on their needs and what they want to see from THD. Mary Dalton is willing to discuss this. She worked with the State and was helping tribes develop these programs. THIP will fund these activities. We want to give options to the youth and stop addiction. **Chelsea Kleinmeyer** has been learning about what Blue Bay

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consisted of. Some things they are looking at beyond the Blue Bay model is prevention in each community. They are looking to put presentation teams into each community. They are looking at best practices, prevention, and what made the Blue Bay model so successful. Johnathan hopes to get the feasibility study done on inpatient treatment and options to build the facility as soon as possible, as well as outpatient services that will be available for addictions and mental health. 8 CHRs will be hired. THD is looking to implement a 24-hour crisis hotline. That should be done very quickly. He can provide an update in October. THD is setting up a system to manage the grants so we spend our money wisely and irradicate addiction.

Johnathan Owens, Tribal Health Department, met with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Charmel Gillin to adjourn the meeting.

Council **adjourned** at 4:23 p.m., and is scheduled to meet again on Tuesday, August 24, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary