

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

Volume 21 Number 69
Zoom Meeting

Held: June 10, 2021
Approved: June 15, 2021

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

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 Bing Matt.

The **Tribal Council Meeting Minutes** for June 8, 2021 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for June 8, 2021, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Ellie Bundy McLeod to approve the agenda, with changes. Seconded by Bing Matt. Carried, unanimous (10 present).

Council met in **executive session**.

Martin Charlo out of the room.

Laurence Kenmille, Tribal Member; and **Enos Kunoto**; requested to meet with council in **executive session** to discuss a personal matter. **Mark Couture**, Tribal Lands Department; and **Rhonda Swaney**, **Dan Decker** and **Michael Wheeler**, Legal Department; **Rick Eneas**, Tribal Executive Officer; were present for discussion.

Council reconvened into **regular session**.

Tribal Council Meeting Minutes
June 10, 2021

MOTION by Fred Matt to table this issue until staff has a chance to go through the intricate details of the violation of subletting the property and come back for a decision, including putting a hold on all activity, including enforcement, until we have more information. Seconded by Anita Matt. Carried, 8 for; 1 opposed (Carole Lankford – opposed to stopping the enforcement); 1 not voting (Martin Charlo out of the room).

Martin Charlo returned to the meeting.

Art Caye, Tribal Member, met with council to ask when the membership would get a stimulus payment from the ARP funds. **Chairwoman Fyant** told him that a payout to the membership was one of twenty priorities identified by the tribal council, and those priorities will be ranked this afternoon.

Council reviewed a letter to the DNRC that on June 10, 2021, the CSKT appointed Martin Charlo as delegate to the Upper Columbia Conservation Commission.

MOTION by Anita Matt to approve the letter to DNRC that on June 10, 2021, the CSKT appointed Martin Charlo as delegate to the Upper Columbia Conservation Commission. Seconded by Ellie Bundy McLeod. Carried, 9 for; 1 abstention (Martin Charlo).

Chairwoman Fyant presented a request from SKC to add an insert into the next per capita payment. **Martin Charlo** asked who would pay the cost of the printing. **No action taken.** The request was placed on hold for further information. **Charmel Gillin** suggested the SKC program insert in the per capita highlight the degrees and certifications that would support employment needs upcoming at the Flathead Irrigation and Bison Range.

Chairwoman Fyant requested approval of a letter to Peter Buttigieg, Office of the Secretary of Transportation, expressing the Tribes' support for Lake County Montana's application to the RAISE program for funding for a road reconstruction project.

MOTION by Martin Charlo to approve a letter to Peter Buttigieg, Office of the Secretary of Transportation, expressing the Tribes' support for Lake County Montana's application to the RAISE program for funding for a road reconstruction project. Seconded by Anita Matt. Carried, unanimous (10 present).

Constance Morigeau and **Dan Alder**, Department of Human Resources Development, requested approval for the \$2,950.00 that was generated from the sale of three salvaged vehicles to be retained in the program budget.

MOTION by Carole Lankford to authorize the \$2,950.00 that was generated from the sale of three salvaged vehicles to be retained in the program budget. Seconded by Fred Matt. Carried, unanimous (10 present).

Martin Charlo would like to look at funding for the Elders program so they can purchase vehicles instead of purchasing excess vehicles from other departments. **Carole Lankford** asked if this went through the process of being reviewed by Rick Eneas. If the money went into the general fund, we could appropriate funds to purchase new vehicles. **Ruth Swaney** explained that the Procurement Policy addresses excess vehicles. When a program receives money and it is federally funded, it must go back to the program to be used for similar services. This was purchased from tribal funds through the Property & Supply excess equipment auction, so that is why it requires council action. Any capital equipment request in excess of \$5,000.00 must go through the budget process. No budget request was submitted by the department for capital equipment. **Constance Morigeau** advised that she received approval from her department head to bid on a 2010 Ford Ranger pickup that SKHA had up for bid. Dan Alder went through the vehicle and its background to review its condition. DHRD submitted a bid of \$4,999.99, so it was not a capital equipment purchase. DHRD was the successful bidder and the \$2,950.00 will go towards that purchase. The balance will be paid from the budget.

Constance Morigeau and **Dan Adler**, Department of Human Resources Development, requested a waiver of policy for an employee to continue working prior to the background check being completed. The individual already began employment for one week on a 29-day emergency hire, but the program was notified by the Personnel Department that he could not begin working until the background check was completed. It should take about three weeks to get the background check done through the DMV. DHRD has three people in this situation that are doing chores for the elders and mowing lawns. They are required to drive, and they all have a driver's license. **Shelley Grenier**, Personnel Department, informed council that the DMV check has been taking up to 30 days to complete. It is a requirement to have the background information prior to employees beginning to work. **Martin Charlo** wanted to know why it was a 29-day contract instead of a 30-day contract and he would like the program to get all the information before sending people to the elders' homes. We need to have the background checks done. **Cynthia Matt**, Personnel Department, joined the meeting. The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to waive the DMV background check policy under 69D for these two specific positions. Seconded by Anita Matt. **MOTION NOT CARRIED**, 2 for (Len TwoTeeth and Anita Matt); 8 opposed (Ellie

Bundy McLeod, Mike Dolson, Charmel Gillin, Fred Matt, Bing Matt, Martin Charlo, Carole Lankford, and Shelly Fyant).

Constance Morigeau informed council that she did a 29-day emergency hire contract because she was waiting for the background check to come back. DHRD cannot plan ahead to hire these positions earlier in the year because she does not have the money in her budget.

Ruth Swaney, Financial Management, requested approval of modification 5 to the fiscal year 2021 Total Budget Allocations for General Fund, Self-Governance Compacts, Contracts and Grants, and Settlement Fund.

MOTION by Martin Charlo to approve by resolution modification 5 to the fiscal year 2021 Total Budget Allocations for General Fund, Self-Governance Compacts, Contracts and Grants, and Settlement Fund. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-078

RESOLUTION APPROVING MODIFICATION 5 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 21-055 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 \$236,847,764; 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 \$46,493,333 as detailed on the following table:

Function	Revised Total by Function 4/13/2021	Increase/ (Decrease) in Contracts and Grants Allocation	Increase/ (Decrease) in All Other Funds Allocation	Revised Total by Function 6/10/2021
Government Services	\$40,276,886	\$39,037,096	\$684,000	\$79,997,981
Health and Human Services	\$79,564,969	\$4,793,537	\$74,589	\$84,433,094

Tribal Council Meeting Minutes
June 10, 2021

Natural Resources	\$45,460,786	\$3,750	\$471,515	\$45,936,051
Government Operating	\$1,613,950	\$0	(\$5,500)	\$1,608,450
Education	\$12,925,815	\$1,802,406	\$0	\$14,728,221
Administration	\$16,394,837	\$0	\$0	\$16,394,837
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	\$12,879,096	\$27,545	\$282,896	\$13,189,537
Capital Programs	\$5,456,000	\$0	(\$662,500)	\$4,793,500
Per Capita	\$9,800,000	\$0	(\$16,000)	\$9,784,000
Indirect Costs	\$3,363,761	\$0	\$0	\$3,363,761
Tribal Earmarks	(\$2,059)	\$0	\$0	(\$2,059)
Spending Authority - Earmarks	\$0	\$0	\$0	\$0
Total by Fund	\$236,847,764	\$45,664,334	\$829,000	\$283,341,097

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 \$46,493,333; and

BE IT FURTHER RESOLVED that the Total Allocations are increased from \$236,847,764 to \$283,341,097; 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.

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

Randy Ashley, Natural Resources Department, requested approval to submit the Appendix D-6 form for the Volkswagen settlement and participate in the last round of funding allocations.

MOTION by Fred Matt to authorize submittal of the Appendix D-6 form for the Volkswagen settlement and participate in the last round of funding allocations. Seconded by Mike Dolson. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Scott Johnston, Natural Resources Department, gave an update on the county bridge on St. Mary's Lake Road. The bridge is owned and maintained by Lake County. The bridge has deteriorated, and residents are concerned about access

Tribal Council Meeting Minutes
June 10, 2021

across the bridge. It was on the 2021 schedule but was delayed due to right of way issues. Irrigation flows through this canal at a high capacity, making the work more difficult. Scott contacted Lake County and the Federal Highway Administration. One option is to close the bridge for repairs for a quick fix. It would not be eligible for the Tribal Transportation funds, and it is up to the county to do the maintenance. The second option is to install a temporary bridge alongside or over the existing bridge. That would not be eligible for Tribal Transportation funds, and it would be up to the county to do the maintenance. The third option is to install a temporary bridge in the locations identified in the preliminary plans. That would require a temporary easement and fencing to be moved. It would require the procurement of a contractor to do this work. It would be a temporary fix until the bridge replacement project is completed. Tribal Transportation funds can be used for this option. Option three would take about three weeks. Lake County is looking for some help from the Tribes to fix the bridge. **Martin Charlo** would like to fix the bridge as quickly as possible. **Ryan Rusche**, Chief of Staff, discussed a letter to the Montana Attorney General from the Lake County Commissioners about this bridge. The letter was signed by Bill Barron, Gale Decker, and Dave Stipe. There is no language in the act that changes ownership on the reservation or in Lake County except for the specific transfers authorized for the Bison Range and applicable school sections. The letter indicates there was a meeting about the bridge and included Lt. Governor and the Director of Indian Affairs. We explained the situation to the county. It is assumed that their letter was requesting an opinion on the state of the law. Tribal Transportation funds and settlement funds cannot be used to repair the bridge. **Martin Charlo** commented on the poor condition that the Mollman Pass culvert is in. If the county does not want to manage them, the Tribes should take them in our inventory. **Council** asked Scott Johnston to follow up with Lake County and bring back further information. Council is concerned about public safety. There is only one way in and one way out on the Jocko side and the fire danger is critical.

Rich Janssen, Tom McDonald, Lester Bigcrane, and Dan McClure, Natural Resources Department, discussed a proposal to provide additional enforcement of nontribal members on tribal lands. The revenue from the permit licensing program funds the Game Warden's budget. There are two Game Warden positions funded from the Dam Mitigation budget. A fee was attached to fishing licensing to enforce the AIS regulations, and that revenue helps fund the Aquatic Invasive Species positions. There are some one-time costs, such as buying a vehicle. **Dan McClure** reported that the budget needs are for six additional staff members and they would need 10 additional staff members if the council wants daily patrols on the rivers and lakes. It would be \$115,000. That includes equipment, training, gear, and vehicles. After that initial cost it would be wages and maintenance. The annual cost would be \$48,500.00 for wages. **Fred Matt** would like some tribal lands designated as tribal member use only. **Len TwoTeeth** would like to increase our fee schedule. **Anita Matt** commented that

Tribal Council Meeting Minutes
June 10, 2021

it is time to put a stop to it if the nontribal members are not going to respect our tribal lands. That is all we have left. There is a lot of traffic on our lands by nontribal members. **Chairwoman Fyant** commented it is not just visitors trashing our lands. Unfortunately, it is also our tribal members. Shelly's family spends time in those areas and her family always cleans the bathrooms and picks up trash in the campsites and woods. Shelly supports helping the program as much as possible. These are sacred areas to us. **Tom McDonald** commented that our tribal members are competing with nontribal members to recreate on tribal lands, and he suggested prohibiting camping to nontribal members. Our lands have hit their capacity. Tom recommended establishing a council subcommittee to work on these issues. **Carole Lankford** would like to hear from John Carter on a court case. Tom mentioned that the case is on a stay. We sued the State because they issued fishing licenses on waterbodies that they have no jurisdiction on. The Tribes have jurisdiction to do that, and it was a double licensing issue. The Cooperative Board was set up to do rulemaking on the areas where it is allowed. Tom discussed increasing the fees. That is done every two years and he was going to recommend that the camping fee be increased to \$100.00. People cannot enter Glacier National Park without an advance ticket. Blue Bay is on the largest natural lake west of the Mississippi and we manage the entire fishery and own half of it. We need to make this a place where tribal members can go camping and enjoy the landscape. Enforcement of our regulations is a challenge. We have limited criminal jurisdiction over nontribal members, which is a challenge, so we need to have partnerships with other agencies to prosecute nontribal members in State Court. **Chairwoman Fyant** would like an action plan that includes fee schedule options, work schedules, closure of areas, and increased Fish, Wildlife & Parks presence.

MOTION by Charmel Gillin to request a budget and funding action plan to add 10 positions over a feasible amount of time. Seconded by Anita Matt. Carried, unanimous (10 present).

Lester Bigcrane commented that there needs to be an increased budget for the Wildland Recreation program for maintenance and manpower needs due to impacts to the resources. Summer Youth workers are hired through the Department of Human Resources Development to help maintain the lands. The vendors that do the work are short-handed. It was the **consensus** of council to add those costs into to the action plan. **Rick Eneas** commented that the vast majority can be handled through the budgeting process, so he suggested that staff do that. **Charmel Gillin** would like Tom to ask about the Villa Site access points. **Ellie Bundy McLeod** volunteered to participate in any of the meetings. Tom will set up a planning meeting. We need to consider how prohibiting camping by nonmembers affects tribal member immediate family members.

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

Rhonda Swaney, Shane Morigeau, Michael Wheeler, and Jordan Thompson, Legal Department; **Jim Taylor,** Tribal Prosecutors Office; **Louis Fiddler,** Law & Order; and **Ann Miller,** Tribal Defenders Office; discussed marijuana. **Michael Wheeler** discussed the status of the law on the reservation regarding marijuana and decriminalization. He stated that medicinal purposes is not allowed by tribal members on the reservation. Montana law states that any conduct that constitutes an offense has to be in the code or adopted state law. In possession related code for the tribes, that causes problems for drug violations. With the HB 701 changes, the State does not deal with misdemeanors anymore. The code will need to be updated. The paraphernalia statute is vague. It references it in the MCA. If the Tribes decriminalize marijuana, we should update the statute. There are some youth offenses that would need to be updated. MCA and HB 701 are for cardholders for marijuana, and we need to figure out how that applies. **Shane Morigeau** discussed state law. Montana passed a ballot initiative regarding the use of marijuana. Montana made it legal in 1929 until 2004 when Montana passed a marijuana initiative. Between then and today we had a lot of pieces of legislation and legal fights over medicinal marijuana in Montana. I-182 restored the status to where we were in 2004 and included new provisions for marijuana providers to see more than one provider and allowed dispensaries to not be capped at three people. In 2020, there were two ballot initiatives to legalize marijuana and amended the constitution for adults 21 and older to be allowed to possess marijuana. I-191 set up testing and licensing processes. That was dealt with in HB 701. The misdemeanors in those statutes were struck out completely. The regulatory landscape for the sale of marijuana will happen in January 2022. There is a moratorium for providers to have the first shot at the industry for 1.5 years, and then others will have the ability to enter into the medical and recreational industry. The legislation created an opt in. The counties that did not vote for it need to be opt in for businesses to sell marijuana. The counties that passed the initiative are already included and able to sell under the legislation. It is not legal to drive and use marijuana products. A combined use for tribes was created for reservations and \$500,000 in healing and addiction grant monies was created under the legislation. There is uncertainty as to how much revenue will be created by recreational use sales. Montana brought in \$1.8 million for the first 18 months. The Crow Tribe is looking at entering into the recreational marijuana industry. The Blackfeet Tribe decriminalized medical use in 2018. Their resolution or ordinance was not signed off on by the Bureau of Indian Affairs.

Jordan Thompson discussed the federal law. In the early 20th Century, it was readily available. After the prohibition era it was looked at. In 1952 congress provided for mandatory sentences and then passed it as a schedule one drug. The federal government provided guidance through a series of memos. 2010 was the AG Holder memo. In 2013 another AG memo said they would not use federal resources to prosecute drug-related crimes in the states so long as the states provided a mechanism to protect those things. Jeff Sessions rescinded the

Tribal Council Meeting Minutes
June 10, 2021

Obama era guidance. The acting AG issued another memo rescinding the Trump memo saying that the Holder memo was still in place. Once permanent appointments are made, they will look at it further. Montana Acting AG Leif Johnson stated in an interview that the feds have the discretion to prosecute such a violation of federal law. **Louis Fiddler** stated that the department will enforce the law whatever it is. The biggest concern is unfair treatment of tribal members versus nontribal members. If a vehicle is pulled over, the tribal member goes to jail and the nonmember does not get charged with a crime. The patrol staff would need to go to training. The officers look at this as losing ground. The legalization of marijuana is to the point where the street patrol guys are making contacts with people with personal use of other drugs, such as heroine. Marijuana is still a drug in their eyes. There may be an increase in crimes and traffic accidents due to the passage of marijuana use. The use of marijuana in teens and young adults would increase. In correlation of that is the lack of treatment we have for drug addicted folks on the reservation. **Fred Matt** discussed the unfairness of employment and he wanted to know if anyone did that research. It is hard to fill jobs because people cannot pass a drug test due to marijuana use. Shane said that is in another piece that will be brought to council. Today we are focusing on the general status and decriminalization aspect in Montana. There is a piece of legislation that addresses employment. Regardless of what we do, we will see more marijuana in the state whether we address it or not. **Len TwoTeeth** thinks decriminalization would make things easier. Shane confirmed that marijuana is still classified as a schedule one dangerous drug under federal law.

James Taylor commented that marijuana is here, and we need to deal with it. Equal protection consideration as far as fair treatment, Lake County has expressed concern about vehicle stops where a tribal member is driving, and the problems that could cause in a vehicle search. If the Tribes adopted the changes in the MCA, that would have already addressed decriminalization. We are a PL 280 jurisdiction and we should not get in any federal issues if we adopt Montana law. Jim proposed that the Tribes use the same language in Title 61 in that all amendments of the MCA will amend this code until tribal law provides otherwise. That way the Tribes could review the amendments every session. **Ann Miller** raised several issues that were already raised. We have more pressing matters to deal with in Tribal Court and underlying issues to deal with. Mental Health disorders is one of those. We provide services for co-occurring treatment to clients for harder substances. Trauma is the gateway to addiction. Marijuana is not something we need to deal with. A marijuana or paraphernalia charge can lead to a jail term which starts a cycle, and can lead to eviction, child cases, and loss of a job. We should not add another reason to allow people to cycle through the system, especially when we talk about it applying only to tribal members and not nonmembers. It seems fundamentally unfair that nonmembers can and tribal members can't. This just adds to the disparity of tribal members in the state system. We have 375 tribal members who are incarcerated or supervised

Tribal Council Meeting Minutes
June 10, 2021

by the Department of Corrections. This leads to probable cause for tribal members to be pulled over and searched. In the big picture, decriminalizing marijuana would be a good first step in better justice practices.

Ellie Bundy McLeod asked if SKHA would still evict tenants if we decriminalize marijuana. Shane responded that Jody Perez told him that the Housing Board said they will stand firm until the Tribes make a decision and they will adjust if the Tribes adjust. SKHA is following the zero-tolerance policy and evict based on drug allegations without a conviction. **Michael Wheeler** advised that they need to get a clear statement from HUD. Shane told council that will be another piece of this discussion. The grant programs are another segment that will be discussed. **Anita Matt** commented that liability is another issue she wants more information on. We could have employees go smoke marijuana on lunch break and then drive a vehicle, which would be a liability. Shane said those are policy decisions that will need to be made. **Martin Charlo** commented that propaganda exists throughout the membership if you look at our history as a tribe where we hide behind federal funding is so important to us, and that has been the argument. Now that the argument is gone, we should move on. Tribal members with a medical card are a criminal on the reservation. Some of the dispensaries will not sell to tribal members with a card. Tribal members use this for medical purposes. We are using lots of old data. There are a lot of negative effects of alcohol, and we allow that. It is a double standard that is based on propaganda. Cannabis has been shown to work to get people off meth, heroine, opioids, and alcohol. We have an opportunity to use this for good and heal our communities. We should use the good and negate the bad. **Fred Matt** thinks the part missing is the health folks. When talking about statistics, alcohol is the highest percentage of deaths and car accidents. Legalizing marijuana is not going to allow people to go out on lunch break and smoke a joint, the same way we do not allow employees to go out on lunch to drink alcohol and return to work. Alcohol is the number one evil we deal with. **Chairwoman Fyant** stated that if we get to the root of the problem, it is trauma. A resolution is on next week's schedule to discuss a treatment facility and treating it as a public health issue. **James Taylor** commented that the department deals with many domestic abuse, sexual violence offenses, and other issues. Dealing with marijuana does not move the needle for them. There are bigger issues for them to deal with.

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

Rick Eneas, Tribal Executive Officer; **Zachary Camel**, Central Accounting; **Ruth Swaney**, Financial Management; **Katie Miller**, Contracts & Grants; discussed council priorities. Once the priorities are set, the staff will determine where the funding source would come from, such as the American Rescue Plan funds. **Len TwoTeeth** stated that his number one priority is the membership, and he wants to get a stimulus payment out to the membership. **Charmel Gillin** stated that her first priority is an inpatient treatment center. **Mike Dolson** thinks it is

difficult to prioritize the list because they are all needs of the membership. He has a list of things for recovering from COVID. **Rick Eneas** wants to focus on the council discussing the things they want to see right now that we can prioritize putting together a plan or program to bring back when they bring back the fully ranked hierarchy of priorities. We have three years to spend this funding, so there is time for planning. Some of the priorities cannot be done right now because they will take some time. The staff can bring back a plan based on the ranking priorities. **Mike Dolson** ranked his top priorities as (1) assistance to workers and families; (2) small business support; (3) addressing health disparity; (4) speed recovery to impact industries; and (5) individual economic relief stimulus payment. **Charmel Gillin** ranked her top five priorities as (1) inpatient treatment; (2) a family drug court and wellness court; (3) supportive housing; (4) retro pay for essential workers; and (5) a relief stimulus payment for the membership. **Anita Matt** ranked her top priorities as (1) mental health and support community engagement; (2) economic development to identify any manner other than grants for COVID-affected industries; (3) individual emergency home assistance; and (4) economic stimulus payment to the membership. **Chairwoman Fyant** ranked her top priorities as (1) youth engagement and promoting healthy environments; (2) a drug court and family wellness court to work on restorative justice; (3) inpatient treatment center; and (4) assistance with roofs, septic pumps for people who do not qualify for housing programs. **Ellie Bundy McLeod** ranked her top priorities as (1) inpatient treatment center; (2) mental health services; (3) economic relief payment to the membership; and (4) family drug wellness court. **Bing Matt** ranked his top priorities as (1) assistance to homeowners with their homes; (2) premium pay for essential workers; and (3) supportive housing projects. **Martin Charlo** ranked his priorities as numbers 15, 14, 3, 4, and 11. **Carole Lankford** ranked her top priorities as (1) allocation of ARP for economic relief to the membership; (2) mental health; (3) family drug court; (4) investment to housing and water and sewer repairs; and (5) gymnasium in Elmo. **Fred Matt** ranked his top priorities as (1) individual economic relief payment to the membership; (2) assistance to workers and families; (3) inpatient treatment center; (4) mental health services; and (5) supportive housing projects.

Jordan Thompson, Legal Department; **Rick Eneas**, Tribal Executive Officer; and **Ryan Rusche**, Chief of Staff; discussed council roles and expectations. **Jordan Thompson** reviewed the Vision and Mission Statement that was approved by Tribal Council in May 1996. The Tribal Constitution contains the powers and duties of the Tribal Council, which has three main categories, which are governance, land, and economy. Jordan reviewed the Bylaws. The duties of all appointed boards or officers of the organization shall be clearly defined by resolution of the council at the time of their creation or appointment. Ordinance 66-A was passed in 1978 and clarifies the role of the Tribal Council. The Corporate Charter is to further the economic development of the CSKT. Resolution 06-48 is the Code of Conduct. There is also the Tribal Chair Position

Tribal Council Meeting Minutes
June 10, 2021

Description which lays out the roles and obligations for the chairperson. Jordan could not find any documents setting the council meeting schedule. **Fred Matt** stated that it evolved over time. There used to be a meeting on Tuesdays. Once in a while there would be a Thursday meeting. Over time, it ended up being every Tuesday and Thursday. He asked if there is any documentation that tracks if the council members are full-time employees. **Rick Eneas** stated that when he went down this path before there is nothing specifically saying council is full or part time. The additional meetings happened during the growth of the Tribes and council's role evolved over that period of time. Council pay is a separate issue of whether they are full time or part time, and the council sets their pay and terms around the pay. The council is always available, so by definition they are more than full time. The question about what it means in terms of official commitments is one thing we need to clarify, because it will make a difference in how the council spends its time. The transition from quarterly to special meetings, to one day a week to two days a week and then to five or seven days a week, there are minutes that track transitions. There are more minutes, but there is no official documentation moving from part time to full time. The council members are elected officials and are not employees. **Chairwoman Fyant** commented that the council used to get paid by the meeting instead of being on a salary. **Fred Matt** commented that the chair's meeting has evolved over the years. When he got back on council he noticed the council was delving into the business aspect of the organization instead of being decision makers. **Charmel Gillin** commented that the council needs to have more dialogue to come to a consensus as much as possible on issues. Johnny Arlee told her that is what the chiefs used to do. **Carole Lankford** thinks the position is what the council members make it. She would like the guidebook accessible. **Jim Steele, Sr.**, Sergeant at Arms, informed council that in the late 70s and early 80s the complex was moved to Pablo from the agency. He was on the tribal council and they only got paid for meetings they attended plus mileage. There was no set day of the week for meetings. Somewhere down the line Tuesday was set, and then they said Tuesday and Friday. The debate was we had council members who were newly elected that served in two roles. Jim was an advocate and a council member, and that created a conflict, so he resigned because he should be an elected council member or an employee. Members in congress are paid a salary because they are 24/7. The Tribes had stopped scheduling meetings, so he was not getting paid. The council is on salary and not employees of the Tribes. Jordan asked if these documents answer the question of what roles and responsibilities does the council have. **Chairwoman Fyant** advised that the council reviewed the code of conduct, constitution, and bylaws during a strategic planning session, but then the pandemic happened. She would like to begin that discussion again. She wants clarification on whether our obligations stop during an election. **Charmel Gillin** would like to have a procedural guide to enhance interpretation of the CSKT reorganization and Council roles. **Chairwoman Fyant** would like the website updated to make it easier to research documents. She would like council to respect each other's diverse opinions and

Tribal Council Meeting Minutes
June 10, 2021

try to reach a consensus on issues. She liked the idea of having a comment section on the website. **Ryan Rusche** suggested that issues be better vetted prior to going to the council. **Carole Lankford** would like the departments to vet their issues with their supervisor and provide options to council. **Rick Eneas** commented that the council needs to collectively decide how and when to engage in a discussion. **Martin Charlo** commented that social media is the new world we live in. We cannot ignore social media; that is sometimes the public's only means of communicating with the council. People need to realize we are not always going to agree on issues. **Ellie Bundy McLeod** thinks a lot of damage can be done on social media. If we put it to rest with the truth, we save all the people from jumping on the bandwagon and making it worse. **Martin Charlo** wants to be made aware of any high-level decisions that are made. Information is critical. It feels like the council is not getting enough information. **Len TwoTeeth** let Rick know he likes how things are going now and he appreciates Rick following up quickly. **Carole Lankford** did not like being unaware of the hiring of an individual. The council should be aware of issues. **Ryan Rusche** reviewed the to-do list based off today's discussion. Everything will be flushed out and they will come back with recommendations to be put in a user-friendly guide.

Rick Eneas, Tribal Executive Officer, requested approval of a mutual termination of the attorney contract between Ryan Rusche and CSKT.

MOTION by Fred Matt to approve the mutual termination of the attorney contract between Ryan Rusche and CSKT. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Fred Matt announced there will be a memorial mass for Stacey Courville at 10:00 a.m. this Saturday at the Mission Catholic Church.

MOTION by Fred Matt to adjourn the meeting.

Council **adjourned** at 4:22 p.m., and is scheduled to meet again on Tuesday, June 15, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary