

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

Volume 21 Number 89
Zoom Meeting

Held: September 7, 2021
Approved: September 9, 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 9:00 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for August 31, 2021 were presented for approval. **Len TwoTeeth** asked if there was any follow-up on the Elders program from last week. **Rick Eneas** reported that he followed up. There were steps being implemented to put in place a time tracking device on the employees’ phones, but it had not been vetted by the department head, director, executive level, or Legal, so the program was asked to stop pursuing that and put together a proposal if they want to move forward.

Council met in **executive session**. **Rick Eneas**, Tribal Executive Officer, joined the discussion.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for August 31, 2021, with corrections. Seconded by Anita Matt. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (9 present).

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Donna Richard, Tribal Member, stated there was an injustice and allegations on August 17, 2021, against Councilwoman Carole Lankford. If the administrative policy was followed, we could have avoided the backlash. It was not just the membership who watched this dark day; it was witnessed by anyone with access to the internet. The damage done to the membership and the reputation of our tribal leadership is substantially humiliating. Donna read thousands of comments on social media and the overwhelmingly majority of them were outraged by the injustice that happened to Carole Lankford. Donna prepared a petition requesting that the Tribal Council take action to remove Shelly Fyant and Charmel Gillin. Donna also had a separate set of documents. Numerous employees feared retaliation, so they were reluctant to sign the petition. Donna saluted the courage of those individuals that did sign the petition. She presented 19 policy and election violations against Shelly Fyant and 18 policy and election violations against Charmel Gillin. Donna attached the documentation that supports the violations. Donna requested that the violations be investigated and acted upon. **Chairwoman Fyant** took the documents under advisement. **Martin Charlo** commented that as we do these, we need to be cautious, thorough, and not rush to judgment. These are allegations, and an actual impartial investigation would be good. **Len TwoTeeth** appreciated the work Donna did on this. It has been a very contentious issue, to say the least. He is glad that things have de-escalated before addressing the issue. Many of us have had time to think about where to go next. Len wanted to hear from Legal staff about what the next steps are so Donna will understand the process. **Rhonda Swaney** has the printed copy of removal documents. Resolution 03-83 outlines the uniform procedures to remove a Tribal Council member. All documents will be evaluated in accordance with Resolution 03-83. **Len TwoTeeth** asked if there is a time frame when this occurs. **Rhonda Swaney** advised that there no set timelines. The resolution talks about several steps and once the charges are presented, which have been, the council will evaluate and investigate the written charges. The council will have the Legal Department review the documents and present a report to the council. Council can take an initial vote to proceed. In order to remove a member of council, a two thirds vote is required, which is 7 members. Then after that initial step, if it is affirmative to move forward, the accused have an opportunity to present their defense, and then a final vote is taken whether or not to remove the individuals. **Donna Richard** asked if the two accused council members would be recused from voting on the removal request. **Rhonda Swaney** advised that council members are entitled to vote until removed from office, so Shelly and Charmel would be able to vote on it.

Chairwoman Fyant gave a shoutout to Cierra Jeppesen and Daniel Brown, who have been in the Salish Language Apprenticeship Program for three years, and Shelly signed their Class 7 certifications last week. They are the first certifications she has signed in two years.

Rick Eneas, Tribal Executive Officer; and **Jody Perez**, Salish Kootenai Housing Authority; gave a status of the ARPA funds. SKHA has a request that fits within the priorities passed by council that potentially fills the need for housing and is timely. The discussion continued in **executive session**. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

MOTION by Carole Lankford to show interest in the Leonard and Gail Piedalue property south of Ronan, containing 170.5 acres. Seconded by Martin Charlo. Carried, unanimous (9 present).

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

Ruth Swaney, Financial Management, requested approval of the fiscal year 2022 total budget allocations for General Fund, Self-Governance Compacts, and Settlement Funds.

MOTION by Martin Charlo to approve by resolution the fiscal year 2022 total budget allocations for General Fund, Self-Governance Compacts, and Settlement Funds. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-117

RESOLUTION APPROVING THE FISCAL YEAR 2022 TOTAL BUDGET ALLOCATIONS FOR GENERAL FUND, SELF-GOVERNANCE COMPACTS, AND SETTLEMENT FUNDS

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

WHEREAS, the projected FY 2022 General Fund revenues, negotiated funding amounts for the Self-Governance Compacts, and Settlement Funds are available to appropriate in FY 2022 to the programs, services, functions, and activities approved by the Tribal Council; and

WHEREAS, in addition to projected revenues and awarded funding in FY 2022, there are prior period earmarked BIA Compact and IHS Compact revenues, restricted Settlement Fund revenue, and unrestricted General Fund revenues that are available for appropriation; and

WHEREAS, the total allocations by Fund and by Function will be as follows:

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Function	General Fund	IHS Compact	BIA Compact	Settlement	Total by Function
Government Services	\$10,234,482	\$347,768	\$53,000	\$0	\$10,635,250
Health and Human Services	\$14,849,533	\$28,140,916	\$6,531,907	\$0	\$49,522,357
Natural Resources	\$3,614,660	\$0	\$23,007,834	\$3,624,465	\$30,246,959
Government Operating	\$2,134,538	\$0	\$0	\$0	\$2,134,538
Education	\$514,840	\$0	\$838,800	\$0	\$1,353,640
Administration	\$18,673,797	\$0	\$170,000	\$0	\$18,843,797
Court/Probation	\$688,000	\$0	\$637,621	\$0	\$1,325,621
Law Enforcement	\$0	\$0	\$2,608,953	\$0	\$2,608,953
Legal	\$4,100,912	\$0	\$0	\$0	\$4,100,912
Forestry	\$488,690	\$0	\$2,095,656	\$0	\$2,584,347
Capital Programs	\$3,800,000	\$0	\$4,167	\$0	\$3,804,167
Per Capita	\$9,800,000	\$0	\$0	\$0	\$9,800,000
Indirect Costs	\$0	\$2,280,982	\$1,571,724	\$0	\$3,852,706
Tribal Earmarks	\$0	\$0	\$0	\$0	\$0
Total by Fund	\$68,899,453	\$30,769,666	\$37,519,663	\$3,624,465	\$140,813,247

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve the Total Allocation of projected General Fund revenue, negotiated funding awarded through the self-governance compacts, prior period earmarked BIA Compact and IHS Compact revenue, restricted Settlement Fund revenue, and unrestricted revenues in the total amount of \$140,813,247; and

BE IT FURTHER RESOLVED that it is requested that Tribal funds on deposit in the United States Treasury be made available to finance the operations of programs and activities in the aforementioned budget; and

BE IT FURTHER RESOLVED that such funds be appropriated to and extend from the Confederated Salish and Kootenai Tribes' Flathead Agency I.S.S.D. Account (advance status), in addition to cash reserves from the Tribal Credit Program as may be approved by the Tribal Council, as designated for each program; 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.

Ruth Swaney, Financial Management, presented the third quarter financial report for April 1, 2021 through June 30, 2021.

MOTION by Martin Charlo to accept the report. Seconded by Bing Matt. Carried, unanimous (9 present).

Rhonda Swaney, Dan Decker, Michael Wheeler, Shane Morigeau, Stu Levit, Chelsea Colwyn, Jordan Thompson, and John Harrison, Legal Department, provided a legal update. Rhonda, Mike Wheeler, and Dan Decker were assigned to review the petition and allegations against Shelly Fyant and Charmel Gillin. Rhonda stated that she did not see anything new, though. The discussion continued in **executive session**. **Jami Pluff**, Policy Analyst, was present for discussion.

Clayton Matt, Tribal Services; **Mark Couture**, Tribal Lands Department; **Greg Wilson, Jace Smith, Rich Janssen, Scott Johnston**, Natural Resources Department; met with council in **executive session**.

Council reconvened into **regular session**.

***** Lunch *****

Patricia Courchane and **Mike Pierre**, Department of Human Resources Development, requested approval of a resolution supporting the submission of the fiscal year 2022 application for the Food Distribution Program on Indian Reservations (Commodity) Program.

MOTION by Len TwoTeeth to approve by resolution submission of the fiscal year 2022 application for the Food Distribution Program on Indian Reservations (Commodity) Program. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 1 not voting (Shelly Fyant out of the room).

RESOLUTION 21-118

RESOLUTION SUPPORTING SUBMITTAL OF THE FY 2022 APPLICATION FOR THE FOOD DISRIBUTION PROGRAM ON INDIAN RESERVATIONS (COMMODITY) PROGRAM

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

WHEREAS, the Confederated Salish and Kootenai Tribes have prepared a budget request for funds to continue to operate the Tribes Commodity Program; and

WHEREAS, the Tribal Council has created the Department of Human Resources Development (DHRD) to ensure that families receive the support necessary to achieve self-sufficiency including nutritional supports and the Commodity Program provides such supports, and

WHEREAS, the Department of Human Resources Development is the lead agency for continued operation of the Commodity Program and respectfully requests that the State of Montana, DPHHS, FDPIR, provide funds for continued operation of the program, as requested.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council Chair and her designated representative are authorized to negotiate and execute the grant and or contact documents and any amendments thereto.

Patricia Courchane and **Mike Pierre**, Department of Human Resources Development, requested approval of the FDPIR budget.

MOTION by Len TwoTeeth to approve the FDPIR budget, as presented. Seconded by Carole Lankford. Carried, unanimous (8 present – Shelly Fyant out of the room).

Tony Incashola, Jr. and **Steve McDonald**, Tribal Forestry, requested approval of a modification to the Sunny Side Up Logging Unit Contract No. F203C20023 to extend the cut and pay date for one month.

MOTION by Carole Lankford to approve by resolution a modification to the Sunny Side Up Logging Unit Contract No. F203C20023 to extend the cut and pay date for one month. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 1 not voting (Shelly Fyant out of the room).

RESOLUTION 21-119

RESOLUTION APPROVING MODIFICATION SUNNY SIDE UP LOGGING UNIT CONTRACT NO. F203C20023

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

WHEREAS, The Superintendent, Flathead Agency, Pablo, Montana approved Timber Contract No. F203C20023, Sunny Side Up Logging Unit, between the Confederated Salish and Kootenai Tribes, the Seller, and Dupuis Logging, the Purchaser; and

WHEREAS, Dupuis Logging, the Purchaser, has requested an extension of the cut and pay date on August 31, 2021, from September 1, 2021 to October 30,

2021. As stated in his request due work restrictions because of fires, he is requesting an extension; and

WHEREAS, the Superintendent and Seller agree with this request which will change Contract Section A5, Contract Cut & Pay Date to October 30, 2021 without penalty; and

NOW, THEREFORE, IT IS HEREBY AGREED THAT: Section A5 of the Sunny Side Up Timber Sale Contract be modified to change Section A5, Contract Cut and Pay Date to October 30, 2021 without penalty.

FURTHER, it is mutually understood and agreed that except as herein expressly specified, the Timber Contract shall remain in full effect and force, binding upon the parties thereto, and this Modification of Contract shall become effective upon approval by the Approving Officer.

Tony Incashola, Jr., Tribal Forestry, requested approval of modification 2 to the Eva Paul Del Logging to extend the cut and pay date and all other obligations.

MOTION by Martin Charlo to approve by resolution modification 2 to the Eva Paul Del Logging Contract No. F203C20021. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-120

RESOLUTION APPROVING MODIFICATION #2 EVA PAUL DEL LOGGING UNIT CONTRACT NO. F203C20021

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

WHEREAS, The Superintendent, Flathead Agency, Pablo, Montana approved Timber Contract No. F203C20021, Eva Paul Del Logging Unit, between the Confederated Salish and Kootenai Tribes, the Seller, and Lonepine Logging, the Purchaser; and

WHEREAS, Lonepine Logging, the Purchaser, has requested an extension of the cut and pay date and expiration date on August 31, 2021, from September 1, 2021 and December 31, 2021 to March 31, 2022 and June 30, 2022. As stated in his request due to the fire in the Jocko area, he is requesting an extension; and

WHEREAS, the Superintendent and Seller agree with this request which will change Contract Section A5, Contract Dates to March 31, 2022 and June 30, 2022 without penalty; and

NOW, THEREFORE, IT IS HEREBY AGREED THAT: Section A5 of the Eva Paul Del Timber Sale Contract be modified to change Section A5, Contract Dates to March 31, 2022 and June 30, 2022, without penalty.

FURTHER, it is mutually understood and agreed that except as herein expressly specified, the Timber Contract shall remain in full effect and force, binding upon the parties thereto, and this Modification of Contract shall become effective upon approval by the Approving Officer.

Tony Incashola, Jr., Steve McDonald and **Joe Vanderburg**, Tribal Forestry, discussed changes to the Timber Use Policy Statement. **Len TwoTeeth** wants the membership to know the logging and the mill costs if they use the timber policy. Tony will have estimated costs available for the membership. **Dan DePoe** commented on the proposed policy. He called Dupuis Logging and it was \$100 per hour. He believes these changes are needed to the TUPS.

MOTION by Charmel Gillin to approve the Timber Use Policy Statement, as presented. Seconded by Anita Matt. Carried, unanimous (9 present).

Tony Incashola, Jr. informed council that the local mills that are still in operation are Pyramid, TRL, Weyerhaeuser, and Sun Mountain. There are times that the department uses Hunt's Timber and Dupuis'.

Carole Lankford informed council that the PA systems at the Arlee and St. Ignatius Community Centers need to be replaced, and it would be nice if someone could identify funds to get those changed out.

Martin Charlo reported that Lake County is up 61 cases and there are now 174 active COVID cases. With the fall sports and larger gatherings indoors, it is important for people to wear a mask and get vaccinated if they so choose. Getting vaccinated could save your life. Martin was at an event last weekend and people were coughing on the people that were wearing a mask.

Council met in **executive session**. **Clayton Matt**, Tribal Services; and **Jami Pluff**, Policy Analyst; were present for discussion.

Mark Couture and **George Ducharme**, Tribal Lands Department; and **Rick Eneas**, Tribal Executive Officer; met with council in **executive session** to discuss a land issue. **Jami Pluff**, Policy Analyst, was present for discussion.

Council reconvened into **regular session**.

MOTION by Martin Charlo to advise Lands to prepare the specified counteroffer that we discussed. Seconded by Anita Matt. Carried, unanimous (9 present).

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

Mark Couture, Tribal Lands Department; **Michael Wheeler** and **Stu Levit**, Legal Department; requested to meet with council in **executive session** to review the Tribal Lands Ordinance. **Jami Pluff**, Policy Analyst, was present for discussion.

Council met in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

Anita Matt reminded everyone that there will be a meeting tomorrow night at the Dixon building at 6:00 p.m.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 3:33 p.m., and is scheduled to meet again on Thursday, September 9, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary