

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

Volume 21 Number 72
Zoom Meeting

Held: June 29, 2021
Approved: July 8, 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 9:10 a.m. Quorum established.

The meeting was opened with a **prayer** by Charmel Gillin.

The **Tribal Council Meeting Minutes** for June 22, 2021 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for June 22, 2021, with corrections. Seconded by Len TwoTeeth. Carried, 9 for; 1 abstention (Shelly Fyant).

The **agenda** was presented for approval.

MOTION by Charmel Gillin to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (10 present).

Iris Caye, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Mark Couture**, Tribal Lands Department; and **Rhonda Swaney**, Legal Department; were present for discussion.

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Fred Matt requested to meet with council in **executive session** to discuss a personnel matter. **Rick Eneas**, Tribal Executive Officer, was present for discussion.

Council reconvened into **regular session**.

Carole Lankford discussed the number of complaints she has received regarding the LIHEAP program. The staff member's voicemail is full, and nobody can get a response from staff. Carole asked Rick to handle the issue. The weather is hot, and people need air conditioning. Carole has called the staff and did not get a call back for several days. She mentioned issues from some tribal members regarding the program. **Rick Eneas** will follow up and requested a full list of complaints Carole has received.

Carole Lankford informed council that William Browning bought a home from Tribal Credit, and it has black mold. There was insurance purchased for a home inspection. The family got ill after they moved into the home, so Mr. Browning had to send his children to Oregon. Carole does not want Tribal Credit to sell a home in this condition unless it is devalued and the condition of the home is disclosed to the purchaser. This is the second time someone has purchased a home from Tribal Credit that was in bad shape. The insurance states that Tribal Credit is the purchaser. **Rick Eneas** will follow up.

Zachary Conko-Camel, Central Accounting, requested approval of a resolution authorizing American Rescue Plan Act economic relief payments to CSKT members. The resolution allocates \$16.1 million from the ARP funds to make a \$2,000.00 economic relief payment to tribal members on July 16, 2021. Individuals that are enrolled tribal members as of June 29, 2021 are eligible for the payment.

MOTION by Anita Matt to approve the resolution authorizing American Rescue Plan Act economic relief payments to CSKT members. Seconded by Charmel Gillin. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-080

RESOLUTION AUTHORIZING AMERICAN RESCUE PLAN ACT ECONOMIC RELIEF PAYMENTS TO CSKT MEMBERS

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

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WHEREAS, the Confederated Salish and Kootenai Tribes received funding under the American Rescue Plan Act (ARP) Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the Tribal Council has determined that significant economic hardships continue to be experienced by the Tribe and its members as a result of the COVID-19 pandemic; and

WHEREAS, on June 22, 2021, the Tribal Council approved the use of ARP Act Fiscal Recovery Funds of an estimated total of \$16.1 million for an Economic Relief Payment to individual CSKT members; and

WHEREAS, the payments shall be disbursed in accordance with the Treasury Interim Final Rule published May 10, 2021; and the requirements of the Tribal General Welfare Exclusion Act of 2014 so that the payments be non-taxable, and in compliance with the Single Audit Act (2 CFR Part 200) now, therefore

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve the disbursement of ARP Act Fiscal Recovery Relief Funds for Economic Relief Payments to CSKT members and said payments to be disbursed on July 16, 2021, to those who are eligible; and

BE IT FURTHER RESOLVED that those who are eligible meet the criteria of being enrolled at CSKT as of the date of this Resolution's approval and are living when checks are dispersed July 16; and

BE IT FURTHER RESOLVED the payments shall be disbursed in accordance with the Treasury Interim Final Rule published May 10, 2021; and the requirements of the Tribal General Welfare Exclusion Act of 2014 so that the payments be non-taxable, and in compliance with the Single Audit Act (2 CFR Part 200); **NOW, THEREFORE**,

BE IT FURTHER RESOLVED that said payments shall not be subject to judgments or holds ordered by any court; and

BE IT FURTHER RESOLVED that the Director of Financial Management is the designated official to implement the ARP Act Economic Relief Payments to CSKT Members as approved by the Tribal Council and he/she is authorized to establish processes and procedures for disbursement and accounting of funds.

Julie Cajune requested approval to utilize the CSKT Flathead Reservation Land Status Map series in a teacher presentation for the Smithsonian National Museum of the American Indian. The presentation will be filmed and posted on NMAI's Native Knowledge 360 website. **Martin Charlo** asked who would own the rights to the presentation. Julie believed it will be owned by the Smithsonian.

Rich Janssen, Natural Resources Department, advised that the maps are located at the Natural Resources Department. The maps are owned and copyrighted by the Tribes. Using the maps in a public forum should not be an issue and they have been shared many times. Julie needs to work with Peter Gillard to get the maps. It was the **consensus** of council to authorize the use of the CSKT Flathead Reservation Land Status Map series in a teacher presentation for the Smithsonian National Museum of the American Indian.

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

Ryan Rusche, Chief of Staff; **Ron Catlett** and **Jake Santee**, Senator Daines' Office; met with council for a meet-and-greet. Jake was recently hired as the Field Representative. Jake is based in Kalispell, and he covers Lake County. **Len TwoTeeth** mentioned that an issue with the water settlement is that it is agreed upon by the government and the Tribes that the state lands would be transferred to the Tribes; however, there was a process laid out. Len wants the Tribes to take over those properties rather than go through the evaluation process, because that would take years. There are proposed mining projects that may be let soon within the reservation boundaries, and he does not want those activities to take place before we take ownership of those properties. He wants the senator to assist us with that process. Even though it is a decision for the State Land Board, he would like the congressional delegates involved in those decisions to help us. There is a proposed mining plan for the Hog Heaven drainage. **Carole Lankford** asked what the Senator's stance is on the Infrastructure Bill. **Mr. Catlett** commented that Senator Daines is cautiously optimistic that they will make a bipartisan deal. The president said he would not sign unless there is a social based infrastructure plan passed. It remains to be seen at this point. This stuff should start moving in Congress in July or August. If they get a deal for infrastructure, they want to see the Tribes at the table and their needs met.

Carole Lankford discussed the legalization of marijuana. That is a big question that is still up in the air. There is so much collateral damage that goes on with the use of marijuana, such as people losing their scholarships and getting evicted from their homes. There is a hang up as far as legalizing it and allowing tribes to decide for themselves which way to go because of the federal law. If the law does change, the Tribes can change it here to help the tribal members who are incarcerated for using marijuana. Carole is involved in the Lake County Drug Court, and she has seen how marijuana helps people with their medical issues. It is something we need to straighten out soon. Economically it could strengthen this state and bring in revenue to help people with medical issues. Carole read an article where Clarence Thomas asked if we need these federal laws anymore. **Mr. Catlett** responded that regarding the marijuana issue in general, Senator Daines opposed its legalization and the initiative in Montana, but it did pass overwhelmingly. Senator Daines recognizes that, and he recognizes other states

are moving toward legalization. The Safe Thinking Act requires legitimate business licensing. If marijuana is legalized statewide, the Tribes as sovereign entities need to be able to make decisions. If there are issues the CSKT is having, they will work toward solutions. **Carole Lankford** mentioned that the HUD rules state that tenants can be evicted for having a pipe in their home. This has happened where a child brings home a pipe from school, and families and elders have been evicted due to that occurring. If the feds loosen the rules, then the Tribes could have discussions about moving forward on the issue.

Charmel Gillin commented that as Senator Daines serves on the Senate Indian Affairs Committee, she thinks he should consider the impacts to Indian Country of not legalizing marijuana because it affects our ability to house tribal members and employ tribal members under certain federally financed programs. Indian Country is debilitated by the federal stance on marijuana and in isolated areas, held hostage in many ways, as marijuana is legal around us. It is important for Senator Daines to understand that by coming here to discuss impacts with tribal leaders to find solutions to how he can support our ability to better access housing and jobs. **Ryan Rusche** discussed a comparable bill to the Safe Thinking Act for tribes to prohibit the Department of Interior and HUD from taking action against tribal members. Ryan spoke about that with Senator Daines' staff, and they were going to have democrats carry that legislation.

Chairwoman Fyant attended the National Congress of American Indians virtual conference last week. One of the focus areas is climate change. We had hoped for an infrastructure bill to facilitate our work in addressing climate change. Shelly heard from an Alaska village who is getting displaced, as well as the east and west coasts. The CSKT wildfire funding was not available last year. Our equipment contractors did not get paid, and Senator Daines' staff had to help facilitate those payments. Another issue is protection of our voting rights. It is crazy what is going on in the country, such as in Arizona and Georgia, and those states that are dealing with voting rights. Shelly was involved in the listening session on Protecting Voting Access for Native Americans and is active in the Montana Redistricting Commission meetings. The state legislature was not very kind to us this last session. Shelly discussed the boarding school initiative that Secretary Haaland announced at NCAI to investigate the boarding schools' historical records and do some ground truthing for children that did not come home from the Ursulines in St. Ignatius. There are unmarked graves and families have had to live with that pain. There are two generations of our people that suffered abuse at the boarding school and how that is played out is people abuse substances and have mental health issues. Those are two projects we identified as priorities in the American Rescue Plan funding, including a treatment center and more mental health care. This generation is using heroin, opioids, fentanyl, etc. and that is a huge area of concern for us. The CSKT has to address the subject head on and undertake a huge healing process which will be long and painful in order for us to fully heal and get back on a level ground.

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The National Indian Board School Coalition has resources and advocacy out there and a researcher did some preliminary research in Mission. That is coming up soon. Shelly hopes to address it with the Elder Advisory Committees next month. Chairwoman Fyant wants those issues relayed to Senator Daines.

Jake Santee asked if there was anything specific about voting rights that the Tribes wants to go to the senator. **Chairwoman Fyant** discussed a bill to restrict ballot collection. Here on the Flathead Reservation, not everyone has a vehicle or gas money to get to the voting polls. Voters living in Sanders County must go to Thompson Falls, voters living in Missoula County must go to Missoula, and the voters in Lake County must go to Polson. The CSKT hired a Get Out The Vote Coordinator to organize volunteers to collect those ballots and deliver them to the polls. The bill restricts ballot collection to five ballots. The other issue is the same day registration and voting was cut out. That is another effort our Get Out The Vote staff did was getting our people to the polls to do same day registration and voting. Mr. Santee thought there was a body that hosted a feed in Pablo, and that event was successful. He received many comments on that. Shelly stated that our volunteers were creative last year. We did a drive-through Indian taco feed and collected ballots, but now it would be restricted.

Len TwoTeeth would like a timeframe for when Senator Daines' office will respond to our issues. In the past we had staff visiting with us on issues and we bring issues forth, but sometimes we never hear from Senator Daines' office at all on the issues we bring up. **Chairwoman Fyant** stated that another issue on climate change was we were funded through the BIA for a Type 2 Initial Attack crew, and that funding ran out. We applied to the BIA again this past year when they had some end-of-year funds, and we were funded at a nominal amount. We have already had two fires on the reservation. One of the fires was caused by Montana Rail Link and the other fire was caused by lightning. She is concerned about the Initial Attack crew. We do not have many people. We have a regular fire crew and some Forestry staff that can jump on these things. We are in the Northern Rocky zone. She was concerned about this weekend coming up with fireworks. It is very dry, and it is also a low water year. **Carole Lankford** discussed our aging staff. This crew brings up a lot of people that go in the field nationally and help out the nation. It would be helpful if we could send them the information that has been sent to the Regional Office to assist Senator Daines' staff to further this endeavor. Carole will ask Ryan to send him the information. **Len TwoTeeth** announced that the Arlee Pow Wow Committee is planning a memorial event to honor the memory of people we lost due to the COVID pandemic. The event will take place on July 4 at the Arlee Pow Wow grounds, and he extended an invitation for them to attend. There will also be a veteran honoring, which includes honoring Native American and non-Native veterans. **Mr. Catlett** commented on the water compact settlement that passed last year. He worked on the settlement and was personally involved in the discussions. He thanked the CSKT for their willingness to work on this. There were some hard

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decisions that had to be made by the Tribal Council. It is a difficult issue and not everyone got everything they wanted in the negotiations. He appreciates getting it through congress. Senator Daines is proud of this; it benefits all residents in the state of Montana. He promised to get the settlement properly implemented and funded. **Chairwoman Fyant** appreciated the senator's support. We could not have gotten the settlement without Senator Daines' support.

Johnathan Owens and **Dr. Garry Pitts**, Tribal Health Department, requested approval of a contract with R&R Construction for a not-to-exceed amount of \$375,000.00 to do upgrades to the HVAC systems in the Polson and St. Ignatius Clinics. Carole Lankford asked if this work includes the KHJCC Fitness Center. Dr. Pitts advised that it does not include the KHJCC Fitness Center. Dr. Pitts is not sure where that project is at this time. **Bing Matt** commented that there are always AC issues on the third floor in the southeast corner. He hopes that can be fixed. **Dr. Pitts** will follow up. **Martin Charlo** commented that the contract indicates the 3% Indian preference fee is not included. He asked if that fee would be paid. **Charmel Gillin** expected that it would be paid. If the bid does not include it, that does not negate the fee; a waiver would be a separate matter of business.

MOTION by Charmel Gillin to approve a contract with R&R Construction for a not-to-exceed amount of \$375,000.00 to do upgrades to the HVAC systems in the Polson and St. Ignatius Clinics. Seconded by Martin Charlo. Carried, unanimous (10 present).

Lissa Peel, Contracts & Grants, informed council that the way they used to do it was the department paid it so the contractor did not benefit from the fee. That might be a factor. It depends on the funding source.

Whisper Camel-Means, Natural Resources Department, presented for approval a collection permit for University of Montana researchers to continue a multi-year ecotoxicology study on Osprey in western Montana. They have sampled FIR birds for many years with the Wildlife and Pesticides program.

MOTION by Martin Charlo to grant the University of Montana researchers a collection permit to continue a multi-year ecotoxicology study on Osprey in western Montana. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Whisper Camel-Means, Natural Resources Department, presented for approval the 2021-2022 Gray Wolf Hunting & Trapping Regulations. The trapping dates were changed to not conflict with grizzly bears. **Len TwoTeeth** asked if there are any confirmed cattle kills due to wolves. Whisper is not aware of any on the reservation. Len asked how many wolves have been taken. Whisper reported in

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2020 there was one taken in the northern zone and this year two were turned in from the southern zone. **Bing Matt** asked about the activists that are suing the state for the trapping issues. Whisper commented that she has not seen anything. Our plan has been in effect for many years. There have been concerns about timing and location, and those were adjusted.

MOTION by Martin Charlo to approve the 2021-2022 Gray Wolf Hunting & Trapping Regulations. Seconded by Bing Matt. Carried, 8 for; 2 opposed (Shelly Fyant and Len TwoTeeth).

Shelly Fyant, for the record, "I understand the ranchers' and hunters' concerns, but I've been instructed by some elders to not support the taking of any wolves, so that's why I opposed."

Rhonda Swaney, Brian Upton, Jordan Thompson, John Harrison, Michael Wheeler, Stu Levit, and Daniel Decker, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Les Evarts, Rusty Sydnor, and Tom McDonald**, Natural Resources Department; **Greg Spahr**, Cash Flow & Investments; were present for discussion.

Rhonda Swaney, Brian Upton, Jordan Thompson, John Harrison, Michael Wheeler, Stu Levit, and Daniel Decker, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Due to the volume of Bison Range restoration-related activities for which Tribal staff immediately became responsible upon the legislative restoration of 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 in the absence of immediately-effective Tribal rules/regulations governing activities at the Bison Range, the Council found that there is an imminent peril to Tribal, public, and wildlife health, safety, or welfare within the meaning of Part IV, § 8(6) of the Tribal Administrative Procedures Ordinance (Ordinance 86B). The Council accordingly adopted the emergency rules/regulations, dated March 30, 2021, for the Bison Range.

MOTION by Mike Dolson to approve this written finding regarding Council adoption of the Bison Range Emergency regulations on March 30, 2021. Seconded by Charmel Gillin. Carried, unanimous (10 present).

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

Rick Eneas, Tribal Executive Officer; and **Ryan Rusche**, Chief of Staff; followed up on the American Rescue Plan initiatives and priorities. The process began on

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the highest priority, which is an individual economic relief payment of \$2,000.00 to be distributed to tribal members on July 16, 2021. The priorities were ranked. (1) individual economic relief payment to tribal members. (2) Economic relief subsidiary to tribal members to alleviate the adverse impacts and provide leverage to the income-based assistance they may be available in other agencies and programs. (3) Mental health services including providing activities that support and encourage community engagement. (4) Family Drug Court or Wellness Court. (5) Homeowners and water/sewer system issues. (6) Emergency home assistance for roofs, windows, water pumps, septic pumps, etc. (7) Address the homelessness issue. (8) Premium pay for essential workers. (9) Supportive housing. (10) Youth engagement and childcare capacity increases. (11) Investing in underfunded or low-funded schools. (12) Business owner assistance grant program. (13) Address health disparity on tribal populations, such as fresh produce and physical activities. (14) Fiber infrastructure, specifically the potential for fiber ring buildout. (15) Larger community-based water and sewer infrastructure systems. (16) COVID safety issues, such as PPE, funding to support adjusted work schedules, and teleworking. (17) Revitalizing the economic sectors most heavily hit by the pandemic, such as tourism. (18) Improve public access to services and programs, rebuilding public sector capacity, meaning replacing lost workers or replacing the services that needed to be discontinued or was somehow hampered due to the pandemic. (19) Replace tribal revenues pursuant to the portion of the American Rescue Plan to offset revenues that decreased as a result of the pandemic. (20) Payroll benefits for healthcare and COVID-related workers. **Martin Charlo** would like to focus on initiatives that can be sustainable. **Charmel Gillin** liked where this is headed. She would like some research and policy development to alleviate issues regarding unemployment and homelessness. **Ryan Rusche** drafted a resolution proclaiming homelessness as a risk to the health, security, and general welfare of the Tribes and directing necessary resources. Defining the scope and cause of homelessness will take some time. The priorities will require multiple programs and staff to accomplish. **Mike Dolson** would like to see more of these types of resolutions drafted. **Chairwoman Fyant** scheduled a roundtable meeting for July 7, 2021, at 9:00 a.m., for further discussion.

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

Bryon Miller, S&K Gaming Chief Executive Officer; **Troy Felsman**, **Pete White**, and **Francine Dupuis**, S&K Gaming Board of Directors; **Shelly Cottet**, S&K Gaming Chief Financial Officer; **Rhonda Swaney**, **Jordan Thompson**, and **Daniel Decker**, Legal Department; and **Tara Matt**, Tribal Gaming Commission Executive Director; discussed the amendment to the Articles of Organization for S&K Gaming, Big Arm fee-to-trust application status, and off-site gaming operations. On May 5, 2021, S&K Gaming received council approval of the amendments pending legal review. **Jordan Thompson** reviewed the proposed edits and confirmed that what they are doing is legal. S&K Gaming has been

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excluded from programs, so it would be advantage to have S&K Gaming Hospitality as a separate business model. **Bryon Miller** requested final approval and signature of the amendment to the Articles of Organization. Council pointed out some grammatical corrections. **Mr. Miller** will make the final edits and submit for signature. Bryon discussed the development of subsidiary companies. The concept underwent legal review. **Jordan Thompson** reviewed the proposed concept to develop the subsidiaries and found it to be a legal concept. The next step would be for SKG to draft the Article of Incorporation and other corporate documents and submit to the shareholder for review. **Bryon Miller** informed council that S&K Gaming would like to roll out smaller gaming operations. The Tribal Council would need to approve a notice of intent to license a facility. That process would help alleviate any legal issues with the National Indian Gaming Commission. A recommendation from the NIGC Regional Director is to submit the notice of intent to license the facility and then answer any questions that may arise. S&K Gaming would start out with having a small gaming operation at The Barbershop in Hot Springs.

MOTION by Len TwoTeeth to submit the letter of intent to the National Indian Gaming Commission. Seconded by Martin Charlo. Carried, unanimous (9 present).

Bryon Miller discussed the Big Arm fee-to-trust application. S&K Gaming is moving along to open it up and the gaming piece is a few weeks out. The Tribal Legal Department was provided all the current listings and future listings of what they plan to use the property for. **Troy Felsman** mentioned that S&K Gaming has been investigating the Polson West property for an expansion. An environmental assessment needs to be done before a lease site can be offered to S&K Gaming, and Troy asked if the Tribal Council could advance that NEPA process. **Velda Shelby**, Economic Development Office, commented that all clearances are being followed, but she did not plan to fast-track anything. There is a meeting with the City of Polson this afternoon, and Velda would like to meet with the S&K Gaming Board. The NEPA clearances were not addressed by the consultants. **Chairwoman Fyant** stated that it could be investigated further.

Charmel Gillin left the meeting for the remainder of the day.

Mark Couture, **Holly Hitchcock**, and **Tara Irvine**, Tribal Lands Department, requested to meet with council in **executive session** to conduct a Land Committee meeting. **Rick Eneas**, Tribal Executive Officer, was present for discussion. **Rhonda Swaney**, **Michael Wheeler**, and **Stu Levit**, Legal Department; **Clayton Matt**, Tribal Services; and **Pete White**, Tribal Credit Office; joined the discussion.

Council reconvened into **regular session**.

Mark Couture and **Tara Irvine**, Tribal Lands Department, requested approval of an RFP to bid out the Ronan Smoke Shop as a commercial lease.

MOTION by Martin Charlo to approve the RFP to bid out the Ronan Smoke Shop for commercial use. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).

Mark Couture and **Tara Irvine**, Tribal Lands Department, presented a request from Vincent Bird-Webster for a revocable permit to utilize Tribal Tract T1354-A located on the Pow Wow Grounds in Arlee for a one-day three-on-three youth basketball tournament and hip-hop concert on July 17, 2021. Options presented were: (1) approve a one-day permit as long as all permitting requirements are met, including \$0 rent and \$15 administrative fee; required insurance; cleanup crew; and security in place; (2) approve a one-day permit as long as all permitting requirements are met, including a \$100 fee; required insurance; cleanup crew; and security in place; (3) deny the request; and (4) hold further discussion. The Tribal Lands Department recommended approving option 2.

MOTION by Anita Matt to go with option 1 and include a \$100 bond. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).

Mark Couture and **Tara Irvine**, Tribal Lands Department, presented a request from Taylor Privett, Buzy Bean Espresso, for a one-year revocable permit to operate a coffee stand on Tribal Tract T1351-B located in Arlee. Options presented were: (1) grant a one-year revocable permit, so long as all permitting requirements are met, including rent of \$350 per month, required insurance, required bond, and a water tank that will need to be hauled and dumped in designated area; (2) deny the request; and (3) hold further discussion. Lands recommended option 1.

MOTION by Ellie Bundy McLeod to go with option 1. Seconded by Martin Charlo. Carried, unanimous (8 present).

Mark Couture and **George Ducharme**, Tribal Lands Department, discussed an offer from James & Wendy Halvorson for the Tribes to purchase Allotment 2051, containing 25 acres. If the Tribes do not show interest in purchasing the property, the Halvorsons would like a letter of disinterest so the property can be placed into fee status and sold on the open market. The offer was presented to the Land Committee on September 28, 2020, and the recommendation was to show interest. Options presented were: (1) approve the purchase; (2) show disinterest in the purchase; and (3) hold further discussion. The Lands Department recommended going with option 1.

MOTION by Anita Matt to purchase the Halvorson property at the negotiated rate. Seconded by Bing Matt. Carried, 7 for; 1 abstention (Mike Dolson).

Mark Couture and **George Ducharme**, Tribal Lands Department, discussed the offer from Shannon Burke for the Tribes to purchase her 1/5th interest in Allotment 3014. The Tribal Lands Department recommended showing disinterest.

MOTION by Len TwoTeeth to purchase Shannon Burke's 1/5th undivided interest in Allotment 3014. Seconded by Anita Matt. Carried, 4 for (Len TwoTeeth, Anita Matt, Shelly Fyant, and Martin Charlo); 3 opposed (Mike Dolson, Bing Matt, and Fred Matt); 1 abstention (Ellie Bundy McLeod).

Mark Couture and **George Ducharme**, Tribal Lands Department, discussed a request from Leroy Morin to do a land exchange with the Tribes. Mr. Morin would like to exchange his 80 acres of fee property located in the Valley Creek area for Tribal Tract T1337-B, containing 20 acres, Tribal Tract T7003, containing 40 acres, and Tribal Tract 1336, containing 20 acres. Options presented for consideration were: (1) show interest in the land exchange and order the Yellow Book appraisals; (2) show disinterest in the land exchange; and (3) hold further discussion. Lands recommended showing interest in the land exchange.

MOTION by Fred Matt to proceed with showing interest in the land exchange with Leroy Morin. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).

MOTION by Mike Dolson to update the meth cleanup policy to remove the words "substantially". Seconded by Fred Matt. Carried, unanimous (8 present).

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

Rhonda Swaney, **Shane Morigeau**, **Michael Wheeler**, and **Jordan Thompson**, Legal Department; **Jody Perez**, Salish Kootenai Housing Authority; **Dr. Desiree Fox**, Tribal Health Department; and **Ken Clairmont**, Probation Office; discussed the decriminalization of marijuana. **Shane Morigeau** informed council that he visited with Vernon Finley. Vernon mentioned the elders were in favor of decriminalization, and they wondered why the Tribes were not looking at the business side of it. There will be a zoom call with the Kootenai Culture Committee on July 14 at 1:00 p.m. The attorneys will contact Tony Incashola, Sr. to see if the Salish Culture Committee wants to provide any input. Shane had a discussion with the Missoula Housing Authority. Under federal law, their participants are not supposed to have marijuana in the units, but they do not

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actively look for it in the units. **Jody Perez** informed council that on March 2 the Salish Kootenai Housing Authority Board of Commissioners discussed this and decided not to entertain any changes of our criminal drug related activity at this time. The Board wants to know what the Tribal Council, HUD, and Montana legislature was going to do. There has been no movement on regulation revisions by the Housing Board. Some of the families were roadblocked from the Transitional Living Center during the pandemic due to THC use. The purpose of the policy was for meth use, not other drugs. They are looking into other drug panels that do not include THC, but no changes have been made yet and SKHA is bound to follow the zero-tolerance policy and comply with the federal laws. SKHA anticipates having some movement, but the Board is not comfortable doing anything until they do some thorough homework. **Ken Clairmont** informed council that the Youth Code would need to be amended for the offense to become a status offense under the laws with sentencing guidelines. Very few drug cases are referred to the Probation Office from the Tribal Court, so there would not be much change needed. **Dr. Desiree Fox** spoke to a number of her peers at Tribal Health to get a perspective of the Tribal Health Department as a whole to get a broad representation of the department. All but one person she spoke to supported decriminalization. The person that did not support it had concerns of the drug use on the reservation and felt decriminalization would contribute to it. The support of decriminalization outweighed the concerns. The Mental Health and Pharmacy staff had concerns regarding the evidence of effects of cannabis of the brain on adolescents, marijuana use increases anxiety, and brain development happens through the age of 21. Other comments were given its current schedule one status, what implications would there be to funding sources if the change happens; providers do not provide medical marijuana prescriptions pursuant to federal law; what changes would there be for Tribal Health staff since they are required to be drug tested; there were comments about the general lack of research due to ethical constraints of marijuana; would the Tribal pharmacies operate as dispensaries; there could be a spike in use and abuse; it could encourage problematic use and there should be access to treatment instead of jail and fines; it is a tool to avoid the root causes of mental health issues and it could be used to mask the mental health issues; staff has seen people with addictions abstain from dangerous substances by using marijuana only; is it a means of revenue on the reservation and it should stay on the reservation instead of making outsiders rich; since it will be legal in the state, there is no reason to keep it illegal and setting up tribal members for increased contacts with law enforcement. The Tribal Health Department is generally supportive of decriminalization. If approved, it was suggested there be increased education on the use of marijuana, revisit the policy for staff and Tribal Health recipients, and review the opioid use agreements. **Shane Morigeau** asked if the council wants more information and more stakeholders to visit with the Tribal Council. There are 240 medical marijuana providers and those providers have the first option to sell marijuana recreationally in addition to serving medical marijuana patients. They will have the market for 18 months, and then

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other providers can go into business. **Martin Charlo** would like to hear from the marijuana providers. He has heard some dispensaries will not sell to tribal members. **Martin Charlo** attended the last Salish Elders meeting and told them we were looking at this and the council wanted advice from them. Tony Incashola, Sr. told Martin he would have to schedule an additional meeting since the elders already adjourned for the summer. There is a meeting set for the afternoon of the 20th and in the morning on the 22nd.

Dale Nelson, Disaster Emergency Services, presented his monthly report for June. We are getting into some hot weather, and it is difficult to tell how severe the weather will get. The Jocko River/Flathead River corridor will be the main area of concern. Dale spoke to Tribal health about the possibility of getting an increase of people coming into the clinics for heat relief. Many people do not have air conditioning, and we may need to set up a shelter. They are looking at the Arlee Center for a shelter. The Red Cross is willing to set up cots for people to lay down, if needed. Dale continues his relationships with local, tribal, state, and national committees. Some boats were stopped that were infested. He would like to know how those boats are getting here without being stopped. Dale reviews land permit requests for Janet Camel. He held a spill response training at the KwaTaqNuk Resort for the marina workers. Dale responded to two water-related vehicle crashes; no spill response was needed.

MOTION by Fred Matt to adjourn the meeting.

Council **adjourned** at 5:17 p.m., and is scheduled to meet again on Friday, July 2, 2021, at 9:00 a.m., for the quarterly council meeting.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary