

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

Volume 22 Number 49
Council Chambers, Pablo, MT

Held: April 12, 2022
Approved: April 19, 2022

MEMBERS PRESENT: Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy McLeod, Treasurer; Carole Lankford; James “Bing” Matt; Jim Malatare; Jennifer Finley; and Anita Matt.

MEMBERS ABSENT: Mike Dolson.

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 Mike McElderry.

The **Tribal Council Meeting Minutes** for April 7, 2022 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for April 7, 2022, with corrections. Seconded by Martin Charlo. Carried, 8 for; 1 abstention (Jennifer Finley).

The **agenda** was presented for approval.

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

Anita Matt announced that due to the weather the Dixon Agency cleanup was rescheduled to May 4.

Martin Charlo gave a COVID update. The numbers have improved. Martin reminded the public to be cautious while attending large events and consider wearing a mask if people are sick.

Martin Charlo gave a report on his trip to the Medicine Tree last week. It was a good event. The people that stopped for lunch were very thankful to tribal council for the meal.

Mike McElderry requested permission to use the CSKT's name on the Native Nations Chaplains Alliance placard card as a representative from our Tribes. **Council** expressed their support and appreciation for the service Mike provides to the community. **Carole Lankford** invited Mike to attend the Lake County Drug Court graduation. It was the **consensus** of council to allow the CSKT name on the portable sign on the NNCA vehicle.

Tony Isbell, Justice of the Peace Candidate, introduced himself to council and gave an overview of his background and experience and the responsibilities of the Justice of the Peace. Tony requested permission to post political campaign signs on tribal properties. It was the **consensus** of council to authorize Tony Isbell to post political campaign signs on tribal lands for his run as Justice of the Peace, with the proper permit from the Tribal Lands Department.

Monica Tranel, First Congressional District Candidate, introduced herself to council and gave an overview of her background and experience. Monica would like to develop a relationship with the Tribes. The new district covers 15.5 counties. **Council** discussed their issues of concern for the Tribes and membership.

Joe Durglo and **Dr. Garry Pitts**, Tribal Health Department, requested approval of a resolution supporting the submission of the Rocky Mountain Tribal Leaders Council COVID-19 Vaccine Promotion Fund application for \$25,000. Tribal Health will work closely with the Tribal Education Department.

MOTION by Bing Matt to approve the resolution supporting the submission of the Rocky Mountain Tribal Leaders Council COVID-19 Vaccine Promotion Fund application. Seconded by Jim Malatare. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-088

RESOLUTION SUPPORTING THE SUBMISSION OF THE ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL COVID-19 VACCINE PROMOTION FUND APPLICATION

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

WHEREAS, the CSKT Tribal Council is the duly-elected governing body of the Confederated Salish and Kootenai Tribes and is authorized to act on behalf of the CSKT Tribes; and the CSKT Tribal Council established the Tribal Health Department pursuant to Public Law 93-638 to administer and manage its healthcare programs and services per CSKT Tribal Ordinance 83; and

WHEREAS, the Confederated Salish and Kootenai Tribes consider the safety of tribal people to be one of the most important responsibilities of tribal government; and

WHEREAS, Rocky Mountain Tribal Leaders Council Epidemiology Center has announced the availability of the Covid-19 vaccine promotion funding; and

WHEREAS, the Tribal Health Department continues to support and provide activities related to COVID-19 vaccine;

NOW THEREFORE, BE IT RESOLVED that the CSKT Tribal Council approves the submission for the COVID-19 Vaccine promotion funding for a \$25,000.00 grant to support the Tribal Health Department's continued effort against COVID-19;

BE IT FURTHER RESOLVED, that the Tribal Council authorizes that Tribal Council Chairman the authority to execute any documents and agreements necessary as may be required to give effect to the transactions herein contemplated and to take such other actions as may be hereby necessary and appropriate to carry out the obligations there under; and that this resolution shall take effect immediately.

Steve McDonald, Tribal Forestry, presented a request for a data collection permit for the USDA USFS Rocky Mountain Research Station. The Rocky Mountain Research Station has 100+ inventory plots within the reservation boundaries and the permit has been granted for the past 20 years except during the COVID pandemic. 7 of the 11 plots would be approved. Access is denied to the plots located in areas that are closed to nonmembers.

MOTION by Martin Charlo to approve a data collection permit for the USDA USFS Rocky Mountain Research Station. Seconded by Anita Matt. Carried, unanimous (9 present).

Greg Spahr and **Ruth Swaney**, Financial Management, requested approval of modification 6 to the fiscal year 2022 Allocations for General Fund, Compacts, Contracts and Grants, Water Compact, and Settlement Funds.

MOTION by Carole Lankford to approve by resolution modification 6 to the fiscal year 2022 Allocations for General Fund, Compacts, Contracts and Grants, Water Compact, and Settlement Funds. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-089

RESOLUTION APPROVING MODIFICATION 6 TO THE FISCAL YEAR 2022 TOTAL BUDGET ALLOCATIONS FOR GENERAL FUND, DEDICATED TRUST, COMPACTS, CONTRACTS AND GRANTS, WATER COMPACT, AND SETTLEMENT FUNDS

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

WHEREAS, the total budget allocations need to be revised for increases and decreases for a net increase of \$16,052,634; and

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

Function	Mod 5 Revised Total 2/10/2022	General Fund Increase/ (Decrease)	Dedicated Trust Increase/ (Decrease)	Compacts, Contracts, and Grants Increase/ (Decrease)	Water Compact Increase/ (Decrease)	Settlement Fund Increase/ (Decrease)	Mod 6 Total Increase/ (Decrease)	Mod 6 Revised Total 4/12/2022
Government Services	\$16,768,393	\$70,000	\$0	\$819,254	\$0	\$0	\$889,254	\$17,657,646
Health & Human Services	\$86,186,316	\$294,681	\$0	\$8,987,001	\$0	\$0	\$9,281,682	\$95,467,998
Natural Resources	\$49,059,046	\$1,114,873	\$0	\$234,739	\$0	\$0	\$1,349,612	\$50,408,658
Government Operating	\$2,134,538	\$0	(\$80,500)	\$0	\$0	\$0	(\$80,500)	\$2,054,038
Education	\$13,042,300	\$0	\$0	\$2,419,480	\$0	\$0	\$2,419,480	\$15,461,780
Administration	\$19,282,372	\$40,000	\$0	\$106,160	\$0	\$0	\$146,160	\$19,428,532
Court/Probation	\$1,823,729	\$0	\$0	\$37,271	\$0	\$0	\$37,271	\$1,861,000
Law Enforcement	\$3,041,500	\$0	\$0	\$0	\$0	\$0	\$0	\$3,041,500
Legal	\$4,100,912	\$0	\$0	\$0	\$0	\$0	\$0	\$4,100,912
Forestry	\$5,672,438	\$0	\$0	\$2,018,842	\$0	\$0	\$2,018,842	\$7,691,279
Capital Programs	\$8,305,985	\$60,000	\$0	\$20,833	\$0	\$0	\$80,833	\$8,386,818
Per Capita	\$9,800,000	(\$90,000)	\$0	\$0	\$0	\$0	(\$90,000)	\$9,710,000
Indirect Costs	\$3,852,706	\$0	\$0	\$0	\$0	\$0	\$0	\$3,852,706
Tribal Earmarks	(\$310,752)	\$0	\$0	\$0	\$0	\$0	\$0	(\$310,752)
Total by Fund	\$222,759,482	\$1,489,554	(\$80,500)	\$14,643,580	\$0	\$0	\$16,052,634	\$238,812,116

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 6 to the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds for a net increase of \$16,052,634; and

BE IT FURTHER RESOLVED that the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water

Compact, and Settlement Funds are increased from \$222,759,482 to \$238,812,116; and

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

Greg Spahr and **Ruth Swaney**, Financial Management, requested to meet with council in **executive session** to discuss the fiscal year 2023 report of projected General Fund revenue.

Council reconvened into **regular session**.

MOTION by Ellie Bundy McLeod to accept the fiscal year 2023 report of projected General Fund revenue. Seconded by Anita Matt. Carried, unanimous (9 present).

Anita Matt asked Greg for an update on her request about a livestock feed program similar to what is being done with the Blackfeet Tribe to provide protein supplements. **Greg Spahr** spoke to Deb Dumontier and she is reaching out to her contacts in the organization to make sure she can give us some details. He also spoke to Patricia Hibbeler to get some contacts. Greg will accelerate his follow up and report back next Monday.

Jeanne Christopher, Early Childhood Services, requested approval to submit a grant application to the Department of Health and Human Services funding the Head Start/Early Head Start and Expansion Program.

MOTION by Martin Charlo to approve by resolution submission of a grant application to the Department of Health and Human Services funding the Head Start/Early Head Start and Expansion Program. Seconded by Jim Malatare. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-090

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FUNDING THE HEADSTART/EARLY HEADSTART AND EXPANSION PROGRAM

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

WHEREAS, the Confederated Salish and Kootenai Tribes are committed to improving the educational, health, training and employment opportunities of all children and families; and

WHEREAS, the Tribal Council has declared that the children of the Salish, Kootenai and Pend d'Oreille Tribes are our most valuable resource of the Flathead Indian Nation;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes support the application submitted to the Department of Health and Human Services for funds to support the Confederated Salish and Kootenai Tribes Early Childhood Services program for the children of the Flathead Indian Reservation; and

BE IT FINALLY RESOLVED, that the Tribal Council Chairman and/or his designated representative are authorized to negotiate and execute the grant documents and any amendments thereto.

Dan Decker, Mary Price, John Harrison, Stu Levit, Lynsey Gaudioso, and Melissa Schlichting, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Ellie Bundy McLeod to approve the chair's signature to the amendment to the opioid litigation contingent fee agreement. Seconded by Martin Charlo. Carried, unanimous (9 present).

MOTION by Martin Charlo to approve the land exchange letter, as amended, to the Secretary, with the addition of Rick Eneas as a contact person. Seconded by Bing Matt. Carried, unanimous (9 present).

MOTION by Anita Matt to approve the resolution to set up an account at Eagle Bank for the Friends of the Flathead Reservation. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-091

RESOLUTION AUTHORIZING OPENING OF EAGLE BANK ACCOUNT FOR THE FRIENDS OF THE FLATHEAD NATION: A Séliš Ksanka Qłispe FOUNDATION, INCORPORATED

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

WHEREAS, the Tribal Council may open new accounts to properly segregate and manage the funds associated with the Friends of the Flathead Nation: A Séliš Ksanka Qlispe Foundation;

WHEREAS, the following individuals are recognized by Tribal Council resolution to conduct business with Eagle Bank on behalf of the Friends of the Flathead Nation: A Séliš Ksanka Qlispe Foundation:

Name	Position/Title
Velda Shelby	CSKT Economic Development Director
Gregory Spahr	CSKT Cashflow and Investments Manager
Clayton Matt	CSKT Director of Resource Management

NOW, THEREFORE, BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves that the individuals listed above are authorized to act according to the description above expanding our relationship with Eagle Bank, opening new accounts, and transacting Tribal business with Eagle Bank; that all checks drawn on said accounts from Eagle Bank from the approved date of this resolution will be signed by two of the above Authorized Signers whose signatures shall be duly certified to said bank, and that no checks against said accounts shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual creditor any of the other officers or not. This resolution shall continue forth in the certification of an authorized representative, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Council reviewed a resolution authorizing the purchase of the Darlington (Lower Crow) parcel using BPA fish mitigation funding.

MOTION by Ellie Bundy McLeod to approve by resolution the purchase of the Darlington (Lower Crow) parcel using BPA fish mitigation funding. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-092

RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND AS RESIDENT FISH MITIGATION HABITAT

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES (“TRIBES”) THAT:

WHEREAS, the Tribal Council is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

WHEREAS, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein;

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402);

WHEREAS, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration (“BPA”), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation (“2019-2022 Third Amended Resident Fish MOU”), dated September 27, 2018 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat to help fulfill BPA’s duties under the Northwest Power Act, and specifically to partially mitigate the direct construction and inundation impacts of Hungry Horse Dam;

WHEREAS, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

WHEREAS, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

WHEREAS, a parcel of land referred to as the “Darlington (Lower Crow) Parcel” (described below) qualifies for acquisition with BPA funds pursuant to the 2019-2022 Third Amended Resident Fish MOU;

WHEREAS, William Darlington and Dana Stipe Darlington, own land and appurtenant natural resources containing resident fish habitat in and around Crow Creek as real property more particularly described as: the S1/2NW14, Section 14, Township 20 North, Range 21 West, P.M.M., Lake County, Montana.

WHEREAS, William Darlington and Dana Stipe Darlington have offered to sell all of their right, title, and interest in the above-described real property to the Tribes;

WHEREAS, William Darlington and Dana Stipe Darlington have agreed to grant the Tribes a 20’ access easement across their property to the east/southeast of the above-described real property;

WHEREAS, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

WHEREAS, BPA has agreed to provide funding for purchase of the above-described real property;

THEREFORE, BE IT RESOLVED, that the above-described real property be purchased from William Darlington and Dana Stipe Darlington and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the 2019-2022 Third Amended Resident Fish MOU for payment of land acquisition and closing costs;

BE IT FURTHER RESOLVED, that the Tribal Lands Department is authorized to submit to the Bureau of Indian Affairs an application for the Interior Secretary to take title to the above-described real property in the name of the United States in trust for the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968, Public Law 90-402 (82 Stat. 356); and

BE IT FINALLY RESOLVED, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

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

Lesia Evars and **Casey Peck**, Department of Public Health and Human Services, discussed issues regarding Medicaid. Patricia Hibbeler, Director of Tribal Member Services; and Joe Durglo, Tribal Health Department; were present for discussion. There are some new positions for provider relations and community faith-based programs. Lesia gave an overview of the revised organizational structure of the department. There is still a public health emergency and there are COVID-19 breakthrough cases. There has been a total of 42,800 confirmed breakthrough cases for vaccinated individuals, with 1,422 hospitalizations and 389 deaths. Lesia reviewed the Medicaid Expansion report. Lake County has 4,285 individuals enrolled in Medicaid Expansion and of that 2,031 identify as American Indian (47%). 10% of the overall population are enrolled in Medicaid Expansion. Medicaid Expansion sunsets in the next legislative session. **Len TwoTeeth** had questions about the Tribes having a nursing facility. Lesia provided information on the Medicaid rates for other tribes. Lesia provided a list of the Tribal task orders in the master agreement. The master agreement was renewed last year for a ten-year period. It will be determined this week if the public emergency status will end or be extended for another 60 days. The consultation session covered grant funding that Tribes can apply for. Casey went through the Medicaid Revenue report for the past 18 months. The Child Support

Tribal Council Meeting Minutes
April 12, 2022

Services Division has had some changes. There has been a focus on this program and the memorandum of understanding will be reviewed.

Bryon Miller, S&K Gaming Chief Executive Officer; **Troy Felsman**, **Carole Holyan**, **Francine Dupuis**, and **Pete White**, S&K Gaming Board of Directors; **Brian Upton**, Legal Department; **Velda Shelby** and **Janet Camel**, Economic Development Office; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Council discussed a request for a letter of disinterest for the Dyno Mart property.

MOTION by Len TwoTeeth to show disinterest in the Dyno Mart property. Seconded by Martin Charlo. Carried, unanimous (9 present).

Council **adjourned** at 2:34 p.m., and is scheduled to meet again on Thursday, April 14, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary