

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

Volume 23 Number 17  
Council Chambers, Pablo, MT

Held: December 29, 2022  
Approved: January 3, 2023

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

**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.

**Jim Malatare** left the meeting for the remainder of the day to attend a funeral.

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for December 20, 2022 were presented for approval.

**MOTION** by Martin Charlo to approve the Tribal Council Meeting Minutes for December 20, 2022, with corrections. Seconded by Mike Dolson. Carried, 8 for; 1 abstention (Ellie Bundy).

The **agenda** was presented for approval.

**MOTION** by Ellie Bundy to approve the agenda, with changes. Seconded by Jennifer Finley. Carried, unanimous (9 present).

**Jim Adams**, Tribal Member, requested that the Tribes waive the criminal background check and allow him to be considered for a Door Monitor position. The deadline for Jim to be allowed to be considered for the position is today. **Chairman McDonald** offered to be a character witness for Jim; he would like to use Jim as an example of an outstanding customer service employee. There may be an issue of where Jim would be placed, but Tom saw no issues placing him in the main complex. **Jim Steele, Sr.** recruited Jim for the position and supported the hire. **Carole Lankford** commented this is not the first time this has happened, and she was supportive of waiving the background check for Jim. **Ellie Bundy** stated she had zero hesitation having Jim out front and she

supports him. **Jennifer Finley** does not think people should be defined by their mistakes and she appreciates the work Jim does. **Mike Dolson** stated culturally when people have done their time the issue should be done and gone.

**MOTION** by Len TwoTeeth to waive the personnel criminal background policy and allow Jim Adams to apply for the Door Monitor position. Seconded by Ellie Bundy. Carried, unanimous (9 present).

**Jason Adams** and **Josie Adams** requested to meet with council in **executive session** to discuss a personal matter. **Pete White**, Tribal Credit Office; and **Jordan Thompson**, Tribal Executive Office; were present for discussion.

**Council** met in **executive session**. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Council reconvened into **regular session**.

**Virgil Dupuis** and **Doug Dupuis**, Salish Kootenai College Extension, discussed the Flathead Lake Flowering Rush Controls Project Finding of No Significant Impact. The SKCE has been investigating flowering rush, an invasive aquatic plant in Flathead Lake and River, for the past 10 years. The Tribal Council has previously approved herbicide trials, the development of a biological control agent, formation of a Flathead Lake Flowering Rush Controls Project, and conduct an environmental analysis. The Bureau of Indian Affairs issued a finding of no significant impact in January 2021. The Natural Resources Department and Preservation Department provided input for 2023 implementation. Flowering Rush creates a vegetatively closed water habitat from previously open water habitat that favors invasive fish over native fish, interferes with recreation, and impedes irrigation water movement. Other yet to be documented impacts include altered macroinvertebrate populations, siltation, increased water temperatures, and cascading ecological degradation. Virgil requested the CSKT accept the finding of no significant impact and concur with commencing herbicide treatments starting in April 2023. The treatments will be done in 100 spots consisting of approximately 24 acres. Approximately 100 landowners have agreed to participate in the project. There are 200 other sites they would like to consider in the future. Funding from the United States Army Corp of Engineers and the Montana Department of Natural Resources will pay for treatments, monitoring, and administration. An applicator will be contracted and the contract will be reviewed by Contracts & Grants.

**MOTION** by Carole Lankford to accept the finding of no significant impact and concur with commencing herbicide treatments starting in April 2023. Seconded by Martin Charlo. Carried, unanimous (9 present).

\*\*\*\*\* **Break** \*\*\*\*\*

**Lisa Shourds**, Administrative Services; and **Greg Spahr**, Financial Management; requested to meet with council in **executive session** to discuss the PayScale implementation process. **Jordan Thompson**, Tribal Executive Office; **Patricia Hibbeler**, Tribal Member Services; and **Renee Joachim**, Personnel Department; were present for discussion.

\*\*\*\*\* **Break** \*\*\*\*\*

**Jordan Thompson** and **Shane Morigeau**, Tribal Executive Office; **Lynsey Gaudio** and **Lana Page**, Legal Department; and **Ryan Rusche**, Sonosky Law Firm; requested to meet with council in **executive session** to discuss legal matters. **John Harrison**, **Katie Jones**, and **Melissa Schlichting**, Legal Department; and **Gwen Lankford** were present for discussion.

Council reconvened into **regular session**.

\*\*\*\*\* **Break** \*\*\*\*\*

**Shane Morigeau**, Tribal Executive Office; **James Lapotka**, Lake County Attorney; and **Steve Stanley**, Lake County Commissioner; met with council to discuss county/tribal issues. **Jordan Thompson**, Tribal Executive Office; **Lana Page**, **Lynsey Gaudio**, **Michael Wheeler**, **Stu Levit**, **Chelsea Colwyn**, **John Harrison**, **Katie Jones**, and **Melissa Schlichting**, Legal Department; **Louis Fiddler**, Law & Order; and **Gwen Lankford** were present for discussion. **Mr. Stanley** gave a report on the improvements that were made to the court house. \$800,000 of improvements were made to the detention facility. Lake County wants to meet with the cities and Tribes to address animal control. He commented on the importance of having all the animal control ordinances the same. Funding is another issue. The Lake County Solid Waste went to a tag system. People that use it need to pay for it. A new Solid Waste Director was hired and there will be some changes made. **Chairman McDonald** mentioned taking a tour of the Missoula Animal Shelter. CSKT is interested in working together to address animal control issues. **Mr. Stanley** will contact the director of the animal shelter to get the tour scheduled. There is 30 acres by the sewage lagoons. The county has been discussing the ability to have in-house treatment for drug offenders. The county would like to involve those folks in animal control by working with the animals and staffing the facility. **Mike Dolson** would like to involve Sanders County with the animal control issues. **Mr. Stanley** agreed with involving them and he has had contact with the Sanders County Office.

**Mr. Lapotka** discussed the county jail being overcrowded. They are trying to get the chemical dependency assessments done on inmates as soon as possible. It is an ongoing problem getting those evaluations done. There are funding-based hurdles. The county would like the Tribal Health Department to conduct the

assessments of tribal members in the county jail. The delay in assessments affects treatment options for inmates. Individuals are being sent to treatment facilities in Spokane, Arizona, and eastern Montana. There is definitely a need for a treatment facility here. James expressed his thanks to Ann Miller for all the work she does. He hopes to be able to work with the Tribal Drug Court. Molly Owen replaced Jim Manley on the Lake County Drug Court. **Carole Lankford** talked about the chemical dependency assessments. This issue was discussed a year ago and she would like to have an update on that. Carole was supportive of working with the county on assessments and the treatment of tribal members. Carole would like the executive team to work on this issue. **Louis Fiddler** stated the tribal jail gets the inmates an assessment right away and they send daily rosters to the Tribal Defenders Office. There appears to be a delay in getting the assessments done for the individuals after they are released from jail. **Lana Page** advised it is a funding issue that needs to be evaluated. Lake County has a legal responsibility to provide those services for inmates in the Lake County jail. The Tribes can do the assessments once the individuals are out of jail. **Mr. Lapotka** talked about his concerns regarding funding that affects the services provided to the inmates. He would like the inmates to get out of jail as quickly as possible with a roadmap to success. James believes having more sober houses would be helpful. Sober living and aftercare programs are important for their success. Judges are not requesting CD assessments so the defense attorneys are ordering them. The funding mechanism for inmates goes through the defense attorney's office. The defense attorney must apply for the funding through their agency and the state will pay the going rate. That process is a barrier.

**Mr. Stanley** discussed gravel pits. Lake County is working on permitting an existing pit east of the Arlee school. The volume is not there to do a large project. They are working with the Tribes for the county to crush some gravel to improve Jocko Road. That road needs a tremendous amount of gravel and there is not enough funding to get it done. **Martin Charlo** stated the animal population will continue to increase if we do not offer spay/neuter clinics. There is a site at KHJCC that could be used for a clinic. Martin would like to partner with the county to offer a clinic. **Mr. Stanley** stated there has not been any unified effort between the county, cities, and Tribes. The goal must be to bring the groups together and create a vision. **Mr. Lapotka** talked about the problems the county has about handling animal control issues for tribal member owners of animals within the city limits since the city has no jurisdiction over the animal. There are times that an animal is picked up but then a tribal member will say they own the animal and then the county cannot prosecute the case. Having a uniform policy would be helpful. He is worried about dogs killing someone and he would like to try to divert it before such a situation occurs. **Chairman McDonald** mentioned an incident where his wife was attacked and injured by a dog and his dogs were nearly killed in the attack. Nothing could be done about it because nobody had jurisdiction. **Martin Charlo** is well aware of the dog issue and he would like to work together to address animal control issues. **Jennifer Finley**

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commented on the growth in the county. There has been a struggle with not having the necessary infrastructure. She would like a public/private partnership to collaborate on animal control. **Mike Wheeler** worked with Stu Levit to draft a reservation-wide animal ordinance based off the Ronan City and Missoula County's ordinances, which included references to the retrocession agreement to address the jurisdictional issues.

**Mr. Lapotka** mentioned the retrocession agreement will be up for renewal in 2023. He would like to see some changes made to the document to better reflect the way things happen on the ground between law enforcement officers. He would like to establish a working group with the relevant agencies to meet about it this next year and identify things. Part of the agreement that says the tribal police can issue MIP citations to nontribal members and vice versa, but it does not say felony drug citations. James would like to include animal control in the agreement. James wants to set up a meeting with the Prosecutors Office, Law & Order, and the Undersheriff to start working on it.

**Lance Jasper**, Attorney for Lake County, echoed what has been said regarding Public Law 280. The goal is to continue that process through all the times we have met and consulted to try to make it better; the goal is to make it better. Funding, the condition of the detention center, and the lack of getting needed evaluations and treatments are an issue. Public Law 280 funding will be a topic during this legislative session. The county wants to make it a better system under Public Law 280 and having a united front between us can make it work better. Lance was told the Tribes needed a letter from Lake County regarding consultation and he wanted to know more information on what that entails. Having adequate funding would provide for a better and safer place for everyone and help the people who are struggling with addiction. The county wants the necessary funding to continue Public Law 280. Lance believes there has been continued consultation with the Tribes. The consultation needs to occur by January 3, 2023. **Chairman McDonald** responded about consultation. The Tribes want to make sure they cover that and engage it with the decision-making people that have the authority. The Tribes want to do its due diligence on Public Law 280. This is a very important issue for tribal members and it is not possible for the consultation to happen before January 3. **Mr. Lapotka** understands the importance of having proper consultation with the Tribes and he was willing to help facilitate the process and work with the Tribal Legal Department. Regardless of what happens with Public Law 280 he is here to fulfill his obligations to Lake County and he is dedicated to his role of public safety. James has worked on the reservation most of his career and he is committed to making it work as good as possible. He would like the county to get more funding so they can do a better job. **Lana Page** advised the Tribes have not received any notification that Lance Jasper is the County's point of contact. Lynsey Gaudio will be the Tribes' point of contact. The county needs to provide a letter requesting consultation with the tribal government before it can happen.

**Ellie Bundy** asked about the county's plan regarding fentanyl. **Mr. Lapotka** commented that the fentanyl epidemic is an international problem. The drug is being made in Asia, being funneled through international borders, and then coming here. The county is seeing a lot of people purchasing pills in Spokane to be sold in Montana. The highway patrol has been doing a good job patrolling the state border. The drugs are continuing to kill people. The county has warrants that are being quashed because the defendants are dying. That is happening with increased regularity. James would like to have a local children's advocacy center. There is a need to have more drug detectives.

\*\*\*\*\* **Break** \*\*\*\*\*

**Lana Page, John Harrison, Michael Wheeler, Stu Levit, Katie Jones, Lynsey Gaudioso,** and **Chelsea Colwyn**, Legal Department; **Jordan Thompson** and **Shane Morigeau**, Tribal Executive Office; requested to meet with council in **executive session** to discuss legal matters.

**Jordan Thompson** and **Shane Morigeau**, Tribal Executive Office, requested to meet with council in **executive session** to discuss legal matters. **Lana Page, Stu Levit, Katie Jones, John Harrison,** and **Chelsea Colwyn**, Legal Department; and **Patricia Hibbeler**, Tribal Member Services; were present for discussion.

**Jordan Thompson** and **Shane Morigeau**, Tribal Executive Office; and **Patricia Hibbeler**, Tribal Member Services; met with council in **executive session** to discuss various departmental matters.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to approve the resolution supporting the 2022 Letter of Intent to be considered for inclusion in the Bureau of Indian Affairs Tiwahe Initiative deadline December 31, 2022. Seconded by Ellie Bundy. Carried, 9 for; 0 opposed; 0 not voting.

#### **RESOLUTION 23-039**

**A RESOLUTION SUPPORTING THE 2022 LETTER OF INTENT TO BE CONSIDERED FOR INCLUSION IN THE BUREAU OF INDIAN AFFAIRS (BIA) TIWAHE INITIATIVE DEADLINE DECEMBER 31, 2022**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes' ("CSKT" or "Tribes") Tribal Council has the power and duty to protect the health, economy, security, and general welfare of the Tribes, their membership and thereby all the residents of the Flathead Reservation; and

**WHEREAS**, the Tribes' mission is to adopt traditional principles and values into all facets of tribal operations and services; and

**WHEREAS**, the Tribes have a network of departments that aim to best serve our Tribal members and our Tribal children; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes are striving to break down silos in our network of departments and programs to provide more coordinated and comprehensive services to support our Tribal families and children in alignment with our Tribal values; and

**WHEREAS**, the Tribal Council, through issuance of eight priority resolutions, see the importance of improved coordination of service delivery for CSKT by grounding tribal values and principles and increasing access to family and social services, creating alternatives to incarceration, improving links to prevention, intervention and treatment opportunities, improving case management services and improving partnerships amongst local, tribal, county, state and federal providers; and

**WHEREAS**, the BIA invited tribes to submit a Letter of Intent to be considered for the Tiwahe Initiative, which is an initiative that offers funding for tribes with the flexibility to design programming and services to address the gaps and needs of its communities and focus on improving coordination across Tribal core programs;

**NOW, THEREFORE BE IT RESOLVED**, that the Tribal Council hereby approves submission of a Letter of Intent to the BIA to be considered for inclusion in the Tiwahe Initiative;

**AND BE IT FURTHER RESOLVED**, that the Chairman of the Tribal Council or his designated representatives are authorized to negotiate and execute the Tiwahe Initiative on behalf of the Tribes if CSKT is selected.

**MOTION** by Len TwoTeeth to appoint Kevin Howlett to the S&K Technologies Board of Directors. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Lisa Shourds**, Administrative Services; and **Renee Joachim**, Personnel Department; discussed modifying the COVID-19 Pandemic Leave Policy to extend it for another calendar year. From April through June 76 employees used

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COVID-19 leave and from July through September 111 employees used the leave. **Martin Charlo** wanted to know where the funding for the 80 hours per employee was coming from since the CARES Act and ARPA funding are no longer available. **Carole Lankford** suggested requiring employees to use their PTO if they get COVID-19 and only allow the employees with small children to use COVID-19 leave.

**MOTION** by Len TwoTeeth to approve by resolution the modification to the Temporary COVID-19 Pandemic Leave Policy to extend the leave through calendar year 2023. Seconded by Bing Matt. **MOTION AND SECOND WITHDRAWN**. The matter was tabled until the costs and funding source are determined.

**Lisa Shourds**, Administrative Services; and **Renee Joachim**, Personnel Department; discussed the Leave Sharing Policy. The maximum amount of time for an employee to be on leave sharing is 60 days, which is the time it takes for the employee to be eligible for disability. Renee informed council that employees accrue PTO based on their years of service, which ranges between 21 and 31 days per year. It was recommended that the language be changed to be based on hours worked. The ordinance will need to be amended.

**Jennifer Finley** left the meeting for the remainder of the day.

**Lisa Shourds**, Administrative Services; and **Renee Joachim**, Personnel Department; discussed the employee service awards. There is no established award for employees with 50 years of service. **Chairman McDonald** recommended revising the policy to increase the award amount by \$250 every five years after 25 years of service, with a maximum of \$1,500 at 50 years of service.

**MOTION** by Mike Dolson to change the employee award program to \$250 incremental gift certificate from 25 years of service every five years from thereon. Seconded by Ellie Bundy. Carried, unanimous (8 present).

**Council** met in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 3:50 p.m., and is scheduled to meet again on Tuesday, January 3, 2023, at 9:00 a.m.



**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Martin A. Charlo  
Tribal Council Secretary