

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

Volume 22 Number 29  
Council Chambers, Pablo, MT

Held: February 1, 2022  
Approved: February 3, 2022

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

**MEMBERS ABSENT:** Carole Lankford (Amerind – Albuquerque, New Mexico).

**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 9:01 a.m. Quorum established.

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for January 27, 2022 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 27, 2022, with corrections. Seconded by Anita Matt. Carried, unanimous (present).

The **agenda** was presented for approval.

**MOTION** by Martin Charlo to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (9 present).

**Cora Neumann**, U.S. Congressional Seat Candidate, introduced herself to council and gave an overview of her background and experience. Cora ran for the Senate during the last cycle. She has been engaged with COVID relief the last two years. Cora honors the leadership of the Tribes. Cora has been involved with the revitalization of indigenous knowledge and supporting culture, health, knowledge, and language. Cora would like tribal leaders to be at the table during conversations regarding tribal issues. **Len TwoTeeth** informed Cora that the Tribal Council supports her but the council took action to not formally endorse political candidates.

**Martin Charlo** gave a COVID update. Lake County is in the middle of a surge. There are 357 active cases, 91 deaths, and 5,842 total cases. There have been 58 new cases since the last reporting. Martin sent his condolences to the families that have lost loved ones. Martin encouraged everyone to get the vaccine, to wear a mask, and stay home if people are sick. The vaccine is another layer of protection.

**Cora Neumann** requested authorization to post political campaign signs in the usual and accustomed places on tribal property. It was the **consensus** of council to authorize Cora Neumann to post political campaign signs in the usual and accustomed places on tribal property, with a permit from the Tribal Lands Department.

**Council** met in **executive session**. **Rick Eneas**, Tribal Executive Officer, was present for discussion.

Council reconvened into **regular session**.

**Greg Spahr**, Financial Management, requested approval of the Water Compact 2021 Mandatory Indexing letter to Shana Radford, Bureau of Indian Affairs Superintendent, affirming calculation and requesting payment and a resolution authorizing the request for the true-up indexing deposit distribution from 2021 Montana Water Rights Protection Act.

**MOTION** by Martin Charlo to approve the Water Compact 2021 Mandatory Indexing letter to Shana Radford, Bureau of Indian Affairs Superintendent, affirming calculation and requesting payment and a resolution authorizing the request for the true-up indexing deposit distribution from 2021 Montana Water Rights Protection Act. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

#### **RESOLUTION 22-067**

#### **RESOLUTION AUTHORIZING THE REQUEST FOR THE TRUE-UP INDEXING DEPOSIT DISTRIBUTION FROM 2021 MONTANA WATER RIGHTS PROTECTION ACT**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes ("CSKT" or "Tribes") are a federally recognized, sovereign tribe residing on the Flathead Indian Reservation in western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

**WHEREAS**, the 116<sup>th</sup> U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

**WHEREAS**, by Resolution 21-046 the Tribal Council of the Confederated Salish and Kootenai Tribes approves and elects to carry out the Section 7(b) activities on the Flathead Indian Irrigation Project under the Montana Water Rights Protection Act; and

**WHEREAS**, Section 9 of The Act requires the Secretary to provide a supplemental payment to the Tribes' account for the indexing calculation agreed to between the Tribes and the Secretary and to elect how they wish to direct the allocation of the indexing amounts; and

**WHEREAS**, the indexing amount may be allocated in the same manner and on a pro-rata basis, consistent with The Act's Section 9 (b)(1) (A-C) allocation of the indexing calculation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Salish and Kootenai Tribes submit the attached letter affirming their calculation methodology and indexing calculation for their first payment and elect that the funding deposit received into the Trust Fund in Fiscal Year 2022 be allocated equally between the Compact Account and the Settlement Account.

**Jean Matt**, Mission Valley Power General Manager; **Chuck Courville**, **Cindy Benson** and **Richard Erb**, Mission Valley Power Utility Board; presented the Fiscal Year 2021 Annual Report for Mission Valley Power, as required by the 93-638 contract. MVP has 76 employees, and 71 are tribal members. There is 1 manager and 5 supervisors. The Utility Board is comprised of 5 members appointed by the Tribal Council for three-year terms. Mission Valley Power is governed by a Consumer Council comprised of 7 members. MVP is committed to selling the most reliable, cost effective, and safe electric power to its customers. The lobby remains closed to the public due to COVID-19. MVP is an essential service and remained fully staffed during the pandemic. A graph was shown on the historical rate increases. The rates went down in 1997 for residential service. Tiered rates will be implemented. In 1937 we went into the 638 contract; it has been 34 years operating the utility under a 93-638 contract. There was a \$1.3 million net increase in operating reserve. There was a \$3 million increase in unpredicted funds that came in this past year due to increased sufficiency and new services. Jean showed the council a slide of all the rebates available. Chairman McDonald asked questions about the rate increase, costs of service, and an emergency fund. Jean explained that it is a discrete line item in the 93-638 contract. There is a \$4.5 million reserve fund that is held locally in case of emergency. There was already a rate increase in place when he

Tribal Council Meeting Minutes  
February 1, 2022

came on board as the General Manager. This is the first rate increase in 10 years. Costs have increased exponentially, and in some areas it has quadrupled. Community meetings were held regarding the rate increases. Tiers for rate increases were put in place for residential services. Chairman McDonald asked if the \$400,000 for capital improvements is a normal amount. Jean stated that is the normal amount under the 639 contract. MVP can only designate a portion of 25% of the budget back to expenses. Jennifer Finley asked if MVP has COVID protocols and if the lobby will be opened for customers. Jean advised that he would continue to visit with the Utility Board regarding the COVID policy and protocols. MVP is an essential service, and he does not know who is or is not vaccinated. MVP has kiosks and a drive-through window for any interactions with staff. The utility is running with a skeleton crews due to staff getting COVID-19. Chairman McDonald asked if MVP is eligible for any funding from the Bipartisan Infrastructure Law. Mr. Matt responded that three years ago MVP did a strategic plan with the Bureau of Indian Affairs. That plan was a guide to let MVP know that there is \$23 million in deferred maintenance that needs to be accomplished. Transformers and substations can cost up to a half-million dollars. MVP would be eligible for \$1 million from the bill. If that does happen, it would be the first time the utility ever received funding from the federal government.

**MOTION** by Anita Matt to accept the Fiscal Year 2021 Annual Report for Mission Valley Power. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

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

**Mark Couture**, Tribal Lands Department; **Brian Upton**, Legal Department; and **Clayton Matt**, Tribal Resources Director; requested to meet with council in **executive session**.

**Dan Decker**, **Melissa Schlichting**, **Brian Upton**, **Stu Levit**, **Michael Wheeler**, and **John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Tony Incashola, Jr.** and **Patrick Amborn**, Tribal Forestry, requested acceptance of the high bid from Bitterroot Contracting, LLC, for the Boulder Fire Salvage Lower Cable Logging Unit timber sale. There were no tribal member bidders for this sale.

**MOTION** by Ellie Bundy McLeod to accept the high bid from Bitterroot Contracting, LLC, for the Boulder Fire Salvage Lower Cable Logging Unit timber sale. Seconded by Bing Matt. Carried, unanimous (8 present – Len TwoTeeth out of the room).

**Tony Incashola, Jr.** and **Patrick Amborn**, Tribal Forestry, requested acceptance of the high bid from Courville Logging for the Sunny Slope 5 & 10 Combined Logging Unit timber sale.

**MOTION** by Bing Matt to accept the high bid from Courville Logging for the Sunny Slope 5 & 10 Combined Logging Unit timber sale. Seconded by Jim Malatare. Carried, unanimous (8 present – Len TwoTeeth out of the room).

**Tony Incashola, Jr.** and **Patrick Amborn**, Tribal Forestry, requested acceptance of the high bid from Bras Logging for the Magpie Aspen Enhancement Logging Unit timber sale.

**MOTION** by Ellie Bundy McLeod to accept the high bid from Bras Logging for the Magpie Aspen Enhancement Logging Unit timber sale. Seconded by Anita Matt. Carried, unanimous (8 present – Len TwoTeeth out of the room).

**Tony Incashola, Jr.** and **Patrick Amborn**, Tribal Forestry, requested acceptance of the high bid from Pyramid Mountain Lumber, Inc. for the Boulder Fire Salvage Upper Cable Logging Unit timber sale.

**MOTION** by Martin Charlo to accept the high bid from Pyramid Mountain Lumber, Inc. for the Boulder Fire Salvage Upper Cable Logging Unit timber sale. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present – Len TwoTeeth out of the room).

**Josephine Drennan-Beck**, Department of Human Resources Development, requested approval of the PL 102-477 CCDF Fiscal Year 2019 – Fiscal Year 2022 Plan Amendment of Section 6 to increase the CSKT provider rates to match the State of Montana’s provider rates. The Child Care Block Grant helps low-income families cover childcare expenses except for a monthly co-pay. The CCBG and State of Montana match their rates since providers are State licensed. The State increased their provider rates in July, so there are tribal members having to pay the difference in addition to the 5% copay they are required to pay. DHRD could not increase it last year due to budget constraints.

**MOTION** by Anita Matt to approve by resolution submission of the proposal documents to the United States Department of Health and Human Services, Administration for Children and Families, for adoption of the updated State of Montana provider rates. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

**RESOLUTION 22-068**

**RESOLUTION APPROVING THE SUBMISSION OF PROPOSAL DOCUMENTS TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)/THE ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) FOR ADOPTION OF THE UPDATED STATE OF MONTANA CHILDCARE PROVIDER RATES**

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

**WHEREAS**, the Confederated Salish & Kootenai Tribes (CSKT) receive Childcare and Development Fund (CCDF) funding as part of the approved Public Law 102-477 Plan; and

**WHEREAS**, the Tribal Council created the CSKT Department of Human Services Development (DHRD) to administer the CCDF funds to eligible participants of the Flathead Indian Reservation; and

**BE IT RESOLVED**, the CSKT Department of Human Services Development is authorized to submit the July 1, 2021 HHS/ACF Provider Reimbursement Rates proposal documents with its updates and revisions to further carry out the purposes of the amended plan request, and to integrate and implement into the CCDF P.L. 102-477 plan;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the submission of the CSKT Department of Human Services Development P.L. 102-477 program proposal documents to amend the 2019-2022 P.L. 102-477 Plan to incorporate the State of Montana updated Childcare Provider rates and authorizes the Tribal Chair and his designated representative to negotiate and sign all documents and execute this contract on behalf of the Tribes.

**Chairman McDonald** mentioned winter snowplowing and sanding. It seems we had a few folks requesting sanding on roads due to the winter season. **Scott Johnston** has been addressing it when people call in. People usually ask for sanding but they do not know if it is the Natural Resources Department, Salish Kootenai Housing Authority, or the County that sands the roads. The Natural Resources Department provides services for 23 miles in 19 different locations. Phone calls can be referred to Scott and he can refer them to the appropriate agency. **Bing Matt** wanted to know whose responsibility it is to take care of the roads in the homesites, especially when there is so much ice that the school bus cannot pick up school kids from the Schley Homesites. Scott advised it is his department that takes care of the homesites and they have had people plow and sand the roads every day. Bing commented that the school bus is dropping kids

Tribal Council Meeting Minutes  
February 1, 2022

off at the lower road because the road is icy and is not sanded into the Schley Homesites. Scott will address the issue to keep that road sanded. The department has five plows and operators and each plow is equipped with sanding devices. **Anita Matt** has received the same complaints at the Dixon Agency. The roads are icy and treacherous, and she would like the department to make sure the road is graveled.

**Rich Janssen** and **Scott Johnston**, Natural Resources Department; **Donny Pfeifer**, DJ&A Engineering/Project Manager; Ed Toavs, Montana Department of Transportation; and Takami Clark, Public Involvement/Stakeholder Engagement Manager; gave an update on the US 93 National Significant Federal Lands Tribal Project grant application. DJ&A Engineering is working with CSKT and MDT to prepare for the next funding opportunity for the NSFLTP grant for the Post Creek and Ninepipes sections. The program was unsuccessful in being awarded the funding last year. CSKT can apply for up to \$100 million. This federal grant funding can be used for Highway 93. **Donny Pfeifer** gave an overview of the project schedule. The application will be ready by early April and work would be ready to begin in January. **Rich Janssen** commented this is a long process. These projects are the last two major segments to complete The People's Way.

**MOTION** by Anita Matt to adjourn the meeting.

Council **adjourned** at 1:56 p.m., and is scheduled to meet again on Tuesday, February 6, 2022, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Martin A. Charlo  
Tribal Council Secretary