

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

Volume 22 Number 62
Council Chambers, Pablo, MT

Held: June 14, 2022
Approved: June 16, 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 Mike Dolson.

MEMBERS ABSENT: Anita Matt (Personal Time Off).

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 Stephen Smallsalmon.

The **Tribal Council Meeting Minutes** for June 9, 2022 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for June 9, 2022, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Ellie Bundy McLeod to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (8 present).

Martin Charlo joined the meeting.

Stephen Smallsalmon requested to meet with council in **executive session** to discuss a personal matter.

Council met in **executive session**.

Council reconvened into **regular session**.

Council reviewed a resolution to designate Tom McDonald as delegate and Ellie Bundy McLeod and Martin Charlo as alternates to the National Congress of American Indians.

MOTION by Mike Dolson to approve by resolution the designation of Tom McDonald as delegate and Ellie Bundy McLeod and Martin Charlo as alternates to the National Congress of American Indians. Seconded by Jim Malatare. Carried, 8 for; 0 opposed; 1 not voting (Ellie Bundy McLeod out of the room).

RESOLUTION 22-106

RESOLUTION APPOINTING DELEGATES TO THE NATIONAL CONGRESS OF AMERICAN INDIANS

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

WHEREAS, The Confederated Salish and Kootenai Tribes wishes to become a Member Tribe in good standing of the National Congress of American Indians; and

WHEREAS, The Confederated Salish and Kootenai Tribes meets all requirements for Tribal Membership pursuant to Article II, Section I, b of the Constitution of the National Congress of American Indians; **NOW, THEREFORE**,

BE IT RESOLVED that the Tribal Council, which is the official governing body of the above named Tribe, hereby authorizes Tom McDonald, who is the principal official of the Tribe, to take the necessary action to place the Tribe in membership in NCAI; and

BE IT FURTHER RESOLVED that based on membership of 7,944 persons, as verified by the records of the Flathead Agency the Tribe shall have 170 votes in accordance with Article IV, Section 3 of the NCAI Constitution; and

BE IT FINALLY RESOLVED that pursuant to Article V, Section 2 of the NCAI Constitution, the Tribe designates Tom McDonald as Delegate; and Ellie Bundy and Martin Charlo, as Alternates and instructs them to become individual members in good standing in order to fulfill their responsibilities as Official Delegates to the National Congress of American Indians.

Chairman McDonald informed council that the Tribal Gaming Commissioner vacancy was advertised and Bryan Bigsam was the only applicant.

MOTION by Jim Malatare to reappoint Bryan Bigsam to the Tribal Gaming Commission. Seconded by Bing Matt. Carried, unanimous (8 present - Ellie Bundy McLeod out of the room).

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

Greg Spahr, Financial Management, requested approval of a resolution authorizing the request for the indexing deposit distribution from second distribution of the mandatory funding from the Montana Water Rights Protection Act and an accompanying letter to Acting Superintendent Bryan Mercier.

MOTION by Carole Lankford to approve the resolution authorizing the request for the indexing deposit distribution from second distribution of the mandatory funding from the Montana Water Rights Protection Act. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-107

RESOLUTION AUTHORIZING THE REQUEST FOR THE INDEXING DEPOSIT DISTRIBUTION FROM SECOND DISTRIBUTION OF THE MANDATORY FUNDING FROM THE 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 116th 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 second 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.

Martin Charlo left the meeting to participate in the National Congress of American Indians Conference.

MOTION by Bing Matt to approve the accompanying letter to Acting Superintendent Bryan Mercier. Seconded by Jim Malatare. Carried, unanimous (8 present).

John Wheeler, Tribal Health Department, requested approval of a resolution supporting the Tribal Opioid Response Project for the Tribal Health Department and CSKT. The grant would provide funding in the amount of \$970,000 to be funded at \$485,000 per year over a two-year period.

MOTION by Carole Lankford to approve by resolution support of the Tribal Opioid Response Project for the Tribal Health Department and CSKT. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 22-108

RESOLUTION SUPPORTING THE TRIBAL OPIOID RESPONSE PROJECT FOR THE TRIBAL HEALTH DEPARTMENT AND CSKT

BE IT RESOLVED BY THE TRIBAL 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, on November 25, 2015, the Tribal Council declared the health and wellness of the people the number one priority; and

WHEREAS, the Tribes qualify for a 2 year funding. The proposal for funding will support Tribal Opioid Response through the CSKT Tribal Health Department

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(THD). THD successfully manages multiple funding sources to provide comprehensive array of health care services. This project is provided through funding announcement Grants-TOR- TI-22-006, is for two years at \$475,000 per year (950,000 in total), is due on June 27, 2022; and

WHEREAS, this grant will help gain vital statistical data, will distribute life-saving Naloxone medication to tribal members, will offer treatment and recovery support within an established CSKT MAT program, will expand the number of patients to be treated within the MAT program; will expand prevention efforts and community awareness on the dangers of opioid abuse; and

NOW, THEREFORE, BE IT RESOLVED, that the council authorizes the application for the grant TOR-TI-22-006; and

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

Tara Irvine, Tribal Lands Department, requested acceptance of the highest bids for fireworks sales for the 2022 season. The high bidders were Ginger Drake for the Ronan site and Brad Pluff for Allotment 1914-B in Polson.

MOTION by Jennifer Finley to award the bids for fireworks sales to the highest bidders Ginger Drake for the Ronan site and Brad Pluff for Allotment 1914-B in Polson, so long as all permitting requirements are followed. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Chaney Bell, Shirley Trahan, and Sadie Peone, Selis Qlispe Culture Committee, asked if the new COVID guidelines will affect the SQCC Language and Culture Camp. **Chairman McDonald** advised the safety protocols need to be followed, but the CDC guidelines do not prevent events from happening. Tom suggested having COVID-19 tests available. Chaney requested approval of a change of duty for tribal employees Frank Stanger, Salish Kootenai Housing Authority; Donald Stanger, Salish Kootenai Housing Authority; Willie Stevens, Natural Resources Department; Bob Woodcock, Facilities Maintenance; and Sile Pete, Early Childhood Services; to participate in the SQCC Language and Culture Camp June 21 – June 24, 2022.

MOTION by Len TwoTeeth to grant tribal employees Frank Stanger, Donald Stanger, Willie Stevens, Bob Woodcock, and Sile Pete a change of duty, with supervisor approval, to participate in the SQCC Language and Culture

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Camp June 21 – June 24, 2022. Seconded by Jim Malatare. Carried, unanimous (8 present).

Chaney Bell, Selis Qlispe Culture Committee, gave an update on the MILT grant and showed council the new signage. The Elders liked the new signs. The alphabet book was updated and the artwork was redone. It will be turned in to the MILT and Historical Society. **Chairman McDonald** suggested sharing the artwork with the Natural Resources Department. Chaney gave an overview of the new game they are working on that is called Who Am I. The flashcards for the storybook will be completed with this year's funding. There are 15 stories that will have flashcards. Some of the language materials will be provided to the schools.

Michelle Mitchell, Tribal Education Department; and **Loushie Charlo**, Three Chiefs Culture Center; requested approval of a 30-day waiver of the background check and drug testing requirement for the seasonal Sales Clerk position at Three Chiefs Culture Center to allow the employee to work while the Personnel Department proceeds with the testing for a temporary employment agreement. The position was advertised in March and Jamie Heavy Runner was selected.

MOTION by Carole Lankford to go along with the recommendation of the Three Chiefs Culture Center staff and approve a 30-day waiver of the background check and drug testing requirement for the seasonal Sales Clerk position at Three Chiefs Culture Center to allow Jamie Heavy Runner to work while the Personnel Department proceeds with the testing for a temporary employment agreement. Seconded by Bing Matt. Carried, unanimous (8 present).

Michelle Mitchell, Tribal Education Department, requested approval of a three-year contract with the Brazelton Touchpoints Center as the external evaluator for the CSKT Project AWARE. An RFP was advertised and Brazelton Touchpoints Center was the only respondent. Michelle applied for a five-year period but was funded for three years. If the department meets the goals and objectives of the grant it will be funded for an additional two years.

MOTION by Carole Lankford to approve a three-year contract with the Brazelton Touchpoints Center as the external evaluator for the CSKT Project AWARE. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Don Cline, Facilities Maintenance; **Lisa Shourds**, Administrative Services; **Ron Matt**, **Norrie Dusty Bull** and **Quennel Matt**, Arlee Celebration Committee; gave an update on the renovation at the Arlee Pow Wow grounds. The Maintenance Department has been unsuccessful with finding a contractor that can get the work completed in time for the pow wow. The bleachers, concession stands, handicapped area, dance pavilion, and announcer stand will be resurfaced and

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Maintenance will try to get as much work done as they can before the pow wow. **Bing Matt** was upset that the work is not done and that the Maintenance Department said they did not have the funding to do the work. All they had to do was talk to the finance manager about the need for more funding. There is mold in the concession stands and nothing has been done about it. It is usually advertised for contractors to apply for work instead of looking for contractors on Facebook. They have had three years to get the work done. All that has been done is the grass was mowed. **Carole Lankford** suggested approving a change of duty and have volunteers do the work like what was done at the Dixon Agency. **Jim Malatare** had concerns about the mold in the concession stands and the unsafe condition of the bleachers. **Lisa Shourds** wanted everything advertised and see what the staff could do on hand. She met with everyone on Thursday and IT was not happy about nothing being done. Lisa talked about the plan for next steps and directed that all the staff that was not doing emergent work orders needed to be at the grounds working. They were told to purchase all the supplies they need. Lisa was going to request a change of duty for employees to help with the cleanup and improvements. The boards need to be replaced in the bleachers. Nobody showed up yesterday and Lisa was not sure why the staff did not show up and follow her directive. Lisa had a timeline developed and planned on getting everything completed. **Len TwoTeeth** mentioned the department head was told time and time again from the Pow Wow Committee that the work needed to be done and nothing has been done. **Don Cline** was told the metal for the concession stands was ready to go. True Value has all the needed supplies on hand and those can be picked up today. **Lisa Shourds** will direct John Neiss to have his staff report to the Arlee Pow Wow grounds to get the work done. **Norrie Dusty Bull** thought the concession stands would need to be closed down if the mold is not addressed since mold is a health violation. **Bing Matt** suggested the committee contact Brian Crawford to see what needs to be done about the mold. **Carole Lankford** volunteered to head up the cleanup of the stands. **Chairman McDonald** suggested that Brian Crawford be contacted. He also recommended that the staff hours be flexed to work over the weekend and work additional hours. Tom supports usage of the pow wow grounds as much as possible. When the facilities are not used they fall apart. Use of the facilities brings constant maintenance and can generate some income. **Jennifer Finley** was supportive of renting the space for other events to generate revenue. **Chairman McDonald** commented that the mold, water sanitation, and safety of the bleachers need to be addressed immediately. Tom requested that Don Cline check the water system and identify any issues immediately. **Norrie Dusty Bull** mentioned several of the toilets do not work and leak water, the piping under the sinks leak, all of the showerheads need to be replaced, and some of the showerheads are missing.

MOTION by Carole Lankford to grant tribal employees a change of duty, with supervisor approval, to assist with the pow wow grounds. Seconded

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by Jennifer Finley. Carried, unanimous (8 present – Ellie Bundy McLeod out of the room).

Len TwoTeeth presented a request from James Fisher for the Tribes to donate the paper products for his son's feast. **Jennifer Trahan** commented the Tribes could provide nonmember burial assistance.

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

MaryRose Morigeau, Natural Resources Department, presented a request from Luke Basler for a collection permit for educational purposes on tribal lands in three sections of the Niarada area. Luke is a student in the Master of Science program at the University of Idaho, and he would like to do academic research on the Flathead Reservation in three locations in the form of sampling rocks and use the research as part of his thesis.

MOTION by Mike Dolson to grant Luke Basler a collection permit for educational purposes on tribal lands. Seconded by Jennifer Finley. Carried, unanimous (7 present – Len TwoTeeth out of the room).

Kari Eneas, Natural Resources Department, presented a request from Dalit Guscio, Clark Fork Watershed Education Program for a five-year collection permit to continue collaborations with the CSKT Natural Resource Department to monitor three osprey nesting locations, band chicks, and remove bailing twine from nests. The sites will be selected/coordinated with the CSKT staff.

MOTION by Mike Dolson to grant the Clark Fork Watershed Education Program a three-year collection permit to continue collaborations with CSKT Natural Resource Department to continue monitoring three osprey nesting locations, band chicks, and remove bailing twine from nests. Seconded by Jim Malatare. Carried, unanimous (8 present).

Kari Eneas, Natural Resources Department, requested approval of the 2022 Little Money bighorn sheep and Ferry Basin bull elk harvest quotas to be set at 6 rams, 3 ewes, and 6 FWP either sex off-reservation tags; and 30 bulls and unlimited cows.

MOTION by Len TwoTeeth to approve the 2022 Little Money and Ferry Basin harvest quotas. Seconded by Jennifer Finley. Carried, unanimous (8 present).

Craig Barfoot, Natural Resources Department, presented a request from Amber Steed, Montana Fish, Wildlife & Parks, for a collection permit to collect data on the suitability of Gray Wolf Lake (off reservation) to support a translocated population of Bull Trout. No data would be collected on the reservation, but the

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staff would need to cross tribal land or access the lake from tribal land, depending upon whether they would start from the Swan drainage or the North Fork Jocko River drainage.

MOTION by Ellie Bundy McLeod to grant Montana Fish, Wildlife & Parks a collection permit to collect data on the suitability of Gray Wolf Lake (off reservation) to support a translocated population of Bull Trout. Seconded by Carole Lankford. Carried, unanimous (8 present).

Seth Makepeace, Natural Resources Department, requested approval of an amendment to Contract 21-227 with McMillen Jacobs Associates in the amount of \$886,267.00, for a total not to exceed amount of \$1,155,921.00, to transition the North Fork Jocko River project complex from preliminary engineering to final design and construction commissioning. The project is a priority irrigation project rehabilitation and betterment project under the water rights settlement.

MOTION by Len TwoTeeth to approve an amendment to Contract 21-227 with McMillen Jacobs Associates in the amount of \$886,267.00, for a total not to exceed amount of \$1,155,921.00, to transition the North Fork Jocko River project complex from preliminary engineering to final design and construction commissioning. Seconded by Mike Dolson. Carried, unanimous (8 present).

Scott Johnston and **Rob McDonald**, Natural Resources Department; and **Donny Pfeifer**, DJ&A; gave an update on the US Highway 93 Ninepipes to Post Creek Nationally Significant Federal Lands Tribal Project grant application and requested approval of a letter of support to the Secretary of Transportation.

MOTION by Jennifer Finley to approve a letter of support to the Secretary of Transportation. Seconded by Bing Matt. Carried, unanimous (8 present).

Len TwoTeeth asked the status of the walking path in Big Arm. **Donny Pfeifer** stated the application for transportation alternative funds has not been pushed forward but it may qualify for the Safe Streets For All. **Chairman McDonald** hit a deer on Polson Hill over the weekend and he recommended extending wildlife fencing wherever possible.

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

Council reconvened into **regular session**.

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MOTION by Jennifer Finley to approve a change of duty for employees to attend the 2022 Indigenous Peoples Celebration and Border Walk on July 21, 2022, in Canada, with supervisor approval. Seconded by Carole Lankford. Carried, unanimous (8 present).

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 3:15 p.m., and is scheduled to meet again on Thursday, June 16, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary