

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

Volume 22 Number 66
Council Chambers, Pablo, MT

Held: June 28, 2022
Approved: July 12, 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; Mike Dolson; and Anita Matt.

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; 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 Jim Malatare.

The **Tribal Council Meeting Minutes** for June 23, 2022 were presented for approval.

MOTION by Bing Matt to approve the Tribal Council Meeting Minutes for June 23, 2022, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Iris Caye met with council on behalf of John Denton regarding a personnel matter. John had been working with DHRD since March. **Carole Lankford** stated that this issue needed to go through the supervisor and the chain of command needed to be followed. Council does not get involved in personnel matters. **John Denton** informed council that a nontribal member was hired over a tribal member and he believes it is due to retaliation. He won the job and he does not understand how that could be overridden. **Chairman McDonald** explained that Personnel Ordinance 69-D delegated the authority to hire nontribal members at the department level so the Tribal Council is not involved in the hiring process. Tom has received other complaints about the hiring process and he suggested

the policy be revisited. The Tribes have an Indian preference hiring policy and the Tribal Council can have the Executive Team follow up to make sure the due diligence was done. Iris thinks the Tribes need to hire CSKT members and provide them training. **Len TwoTeeth** thanked John and Iris for bringing in this issue and for calling out the council. The issue needs to be addressed. **John Denton** will be writing a letter to the Char-Koosta News, The Leader, and The Missoulian. **Ellie Bundy McLeod** mentioned the grievance policy and chain of command. The council does not want to hinder that avenue for John by having him discuss his personnel issue with them. **Martin Charlo** would like the personal procedure looked into. **Chairman McDonald** wants to make sure the Personnel Ordinance is reviewed and empowers the Personnel Department to make sure the protocol was followed on hiring a nontribal member over a tribal member. The Personnel Department is responsible for policing that process. The council needs to make sure the policy is being followed and they can strengthen the ordinance if need be. Department Heads should write a justification as to why a nontribal member was hired over a tribal member and the Personnel Department should review it. **Carole Lankford** stated the departments can contract with nontribal members if they are more qualified than tribal members. She would like the language in the ordinance reviewed. **Council** will have further discussion.

Ruth Swaney, Financial Management, requested approval of modification 8 to the fiscal year 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds.

MOTION by Martin Charlo to approve by resolution modification 8 to the fiscal year 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-112

RESOLUTION APPROVING MODIFICATION 8 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 \$5,318,136; and

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

Tribal Council Meeting Minutes
June 28, 2022

Function	Mod 7 Revised Total 5/26/2022	General Fund Increase/ (Decrease)	Dedicated Trust Increase/ (Decrease)	Compacts, Contracts, and Grants Increase/ (Decrease)	Water Compact Increase/ (Decrease)	Settlement Fund Increase/ (Decrease)	Total Increase/ (Decrease)	Mod 8 Revised Total (Date)
Government Services	\$17,826,150			\$184,085			\$184,085	\$18,010,235
Health and Human Services	\$98,381,572			\$527,020			\$527,020	\$98,908,592
Natural Resources	\$51,197,147			\$11,750			\$11,750	\$51,208,897
Government Operating	\$2,120,724						\$0	\$2,120,724
Education	\$15,662,352						\$0	\$15,662,352
Administration	\$19,428,532						\$0	\$19,428,532
Court/Probation	\$1,861,000						\$0	\$1,861,000
Law Enforcement	\$3,041,500						\$0	\$3,041,500
Legal	\$4,100,912						\$0	\$4,100,912
Forestry	\$9,731,097			\$4,595,281			\$4,595,281	\$14,326,378
Capital Programs	\$9,142,918						\$0	\$9,142,918
Per Capita	\$9,630,000						\$0	\$9,630,000
Indirect Costs	\$3,852,706						\$0	\$3,852,706
Tribal Earmarks	(\$310,752)						\$0	(\$310,752)
Total by Fund	\$245,665,858	\$0	\$0	\$5,318,136	\$0	\$0	\$5,318,136	\$250,983,994

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 8 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 \$5,318,136; 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 \$245,665,858 to \$250,983,994; 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.

Martin Charlo reported on the number of COVID cases. Lake County has 66 active cases and 64 new cases. Martin encouraged everyone to be safe at public gatherings and protect the vulnerable population.

Council reviewed the quarterly council agenda. Council agreed to livestream the July quarterly council meeting. **Bing Matt** informed council that Brian Lipscomb called him last night about providing a report on the trip to Norfolk,

Virginia. Bing did not see anything about that on the quarterly agenda. **Chairman McDonald** will follow up with Brian.

Council met in **executive session**.

Council reconvened into **regular session**.

Mike Durglo, Preservation Office, requested approval to apply for a Tribal Climate Resilience grant through the Bureau of Indian Affairs. CSKT developed a climate change strategic plan and is continuing to work on implementation and update of the plan based on new models and science. The grant would provide funding to reinstitute the EAGLES program. Mike plans to hold a local, regional, and national summit, and eventually hold an international summit. **Chairman McDonald** asked about the funding to hire a Climate Coordinator. Mike explained it would be an FTE position for two years. Chairman McDonald followed up on a previous request for a resolution. In the future, Tom wants to develop material that would be streamlined to the Bison Range Visitor Center. Mike is working with Gwen to draft the resolution. He is working on a four-year grant for the America The Beautiful initiative. The grant will cover invasive species and include \$40,000 for four years for lands to eradicate white top on roadways. **Carole Lankford** mentioned that Tom Wolfe was at the aquatic invasive species meeting and Tom thinks we need to work on yellow iris. Mr. Wolfe will be invited to meet with the Tribal Council.

MOTION by Carole Lankford to approve by resolution submission of the Tribal Climate Resilience grant through the Bureau of Indian Affairs. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-113

RESOLUTION TO APPROVE TRIBAL CLIMATE CHANGE GRANT FUNDING APPLICATION TO THE DEPARTMENT OF THE INTERIOR'S BUREAU OF INDIAN AFFAIRS

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

WHEREAS, The Confederated Salish and Kootenai Tribes are a federally recognized tribe, recognized by the United States Government and all of its Governing bodies and agencies; and

WHEREAS, there is overwhelming scientific evidence of climate change driven in part by the release of greenhouse gases into the atmosphere, the effects of which may significantly affect environment, natural and cultural resources, and infrastructure on which the Tribes have traditionally relied; and

WHEREAS, inaction in the present may yield negative social, environmental, cultural, and economic consequences in the future; and

WHEREAS, the Tribal Preservation Department will oversee and coordinate the Tribal Collaboration to address Climate Change and the EAGLES programs; and

NOW, THEREFORE, BE IT RESOLVED that the chairman of the Tribal Council and his designated representative are authorized to negotiate and execute this grant on behalf of the Tribes' Tribal Council.

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

Rich Janssen and **Kari Eneas**, Natural Resources Department, requested approval of the 2022-2023 Wolf Hunting & Trapping Seasons and Regulations. **Martin Charlo** questioned the total number of wolves and packs. There is no total count on the number of wolves. The staff typically collars one wolf from each pack so their movements can be monitored. One female was harvested on the reservation last year and three or four were harvested the previous year. There is at least one pack in each zone. The Mission zone has two different packs, the south zone has two or three, and the northwest zone has at least one pack. **Council** pointed out some typos that need to be corrected.

MOTION by Ellie Bundy McLeod to approve the 2022-2023 Wolf Hunting & Trapping Seasons and Regulations, with corrections. Seconded by Martin Charlo. Carried, unanimous (10 present).

Rich Janssen, **Whisper Camel-Means** and **Dan McClure**, Natural Resources Department; **Mark Couture** and **Tara Irvine**, Tribal Lands Department; informed council that Tammy Fragua sold the Flathead Raft Company and discussed a request to transfer the Flathead Raft Company's group use recreation permit and contract to the new owner, Jonel Kallowat, for the term of 2022 - 2025. The activities included in the contract are rafting and safety clinics, white water kayaking and lessons, camping, and fishing. The lake kayaking activity was removed from the contract since Tammy will continue operating that business. All other contract terms are the same, except the fee schedule. **Chairman McDonald** stated in the past the three-day licenses were prorated so the individuals paid one-third of the cost for a one-day activity. He advocated the fee schedule is not applicable to this business. It is a controlled recreation and the Tribes can regulate the number of visitors the raft company has through the contract terms. The previous owner never engaged in fishing, but the new owner and associates may do more float fishing. The contract terms can be revisited if issues arise. Tom had questions about rides to Wild Horse. He also had questions about insurance and asked if the business provides a certificate of insurance indemnifying the Tribes and what the amount of insurance coverage

is. **Whisper Camel-Means** advised the terms will be reviewed/modified in May of each year. Whisper requested that rides to Wild Horse be included in the activities since it was left out of the contract due to an oversight. **Mark Couture** advised the Flathead Raft Company is required to provide proof of liability insurance in the amount of \$1 million. The new owner is currently operating under the previous owner's permit and contract. A mutual termination of contract has not been signed by the previous owner and the new owner has not completed the required paperwork, but the transfer of the business already took place. The lessee is in violation for subleasing, so the Tribal Lands Department is attempting to get the parties to respond. The staff has reached out, but the parties have not responded or corresponded with the Tribes. The business is currently in trespass. The Tribal Lands Department will be trespassing the business if they do not come into the office and comply with the process.

MOTION by Ellie Bundy McLeod to transfer the Flathead Raft Company's group use recreation permit and contract to Jonel Kallowat for the term of 2022 – 2025, with the terms stated, including the change of adding the Wild Horse tour, and making sure the tribal member is 51% owner. Seconded by Mike Dolson. Carried, 9 for; 1 opposed (Carole Lankford).

Carole Lankford, for the record, "I would just like to see all the parties in the room for the discussion. It feels piecemealed and I'm not sure we are all on the same page."

Whisper Camel-Means informed council that Tammy Fragua will continue to operate the sea kayak business at the south end of Flathead Lake. Tammy previously had approval to go through the tribal park down below to get to the lake. Her renters were not allowed to have a picnic or hang out there. Whisper can include that language in the contract or permit if the council wants to allow it and there will be a separate contract for sea kayak only to drag kayaks through the tribal park. The business would be assessed a \$35.00 administrative fee. The Snow Cone Shack is an active lease with Tammy and that lease is in effect through 2025. It does not change any of her licensing and the insurance needs to stay the same. **Chairman McDonald** requested that the staff submit an issue paper with all the relevant information.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Round Butte Mill/Fill project. The project is estimated to be completed by August 2023.

MOTION by Martin Charlo to approve a project specific agreement with the Montana Department of Transportation for the Round Butte Mill/Fill project. Seconded by Bing Matt. Carried, unanimous (10 present).

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

Council reconvened into **regular session**.

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

Dan Decker and Melissa Schlichting, Legal Department; and **Ryan Rusche**, Sonosky Law Firm; requested to meet with council in **executive session** to discuss legal matters.

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

Mark Couture, George Ducharme, Zanen Pitts, Tara Irvine, and Holly Hitchcock, Tribal Lands Department, requested to meet with council in **executive session** for a Land Committee meeting.

Council reconvened into **regular session**.

MOTION by Anita Matt to show interest in purchasing the trust property in Evaro containing 2.813 acres. Seconded by Jennifer Finley. Carried, unanimous (10 present).

MOTION by Anita Matt to approve a letter of disinterest for individual trust property A3314, containing 10 acres, for a fee patent. Seconded by Mike Dolson. Carried, unanimous (10 present).

MOTION by Bing Matt to show interest in purchasing individual trust parcels 4795 and 4401D. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

MOTION by Anita Matt to show disinterest in the Elmo land exchange containing .032 acres. Seconded by Jennifer Finley. Carried, unanimous (10 present).

MOTION by Anita Matt to show disinterest in the road easement request to access fee property in Big Arm. Seconded by Bing Matt. Carried, unanimous (10 present).

MOTION by Mike Dolson to show disinterest in the road easement request to access individual fee property in the White Swan Villa. Seconded by Jim Malatare. Carried, unanimous (10 present).

Tribal Council Meeting Minutes
June 28, 2022

MOTION by Mike Dolson to proceed with a fair market value road easement in Blue Bay. Seconded by Jim Malatare. Carried, unanimous (10 present).

MOTION by Bing Matt to show interest in purchasing the Browns Meadow Road parcel. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

MOTION by Anita Matt to show disinterest in authorizing a temporary road use permit in the St. Mary's Lake area. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

MOTION by Bing Matt to advertise the former Collins house in the Evaro/Schley area at a minimum bid rate of \$20,000. Seconded by Jim Malatare. Carried, unanimous (10 present).

MOTION by Jim Malatare to show disinterest in the 440-acre parcel south of Ronan. Seconded by Anita Matt. Carried, 8 for; 2 opposed (Tom McDonald and Bing Matt).

MOTION by Mike Dolson to approve the advertisement of the Hot Springs commercial property. Seconded by Jennifer Finley. Carried, unanimous (10 present).

Brenda Richey, MSU Extension Office, discussed the advertisement of an additional FRTEP Agent position. Brenda's workload is full and she cannot take on any other additional duties. There is funding available for 50 percent of the payroll and fringe and Brenda requested that the CSKT pay the other 50 percent of costs. Two FRTEP professional development trainings are coming up, and Brenda is unable to attend the upcoming training session scheduled for July because she has other commitments. She plans on attending the training in the fall. Brenda gave a PowerPoint presentation showing what the FRTEP program does and why an additional position is needed. **Mark Couture**, Tribal Lands Department, supported the request for an additional FRTEP Agent. Brenda requested authorization to continue working with the Tribal Health Department to seek funding. **Council** had no objection to Brenda working with Tribal Health and suggested she also work with Jordan Thompson with Food Sovereignty. Council suggested she work with as many programs as possible.

Julie Cajune, WILD Foundation, informed council of a funding opportunity through the America The Beautiful grant for climate change. The US Fish & Wildlife Service is the liaison for tribal initiatives and would support the Tribes. The deadline to apply is approaching soon. We are stronger when we are not a single voice. **Chairman McDonald** suggested she visit with Whisper Camel-Means. **Martin Charlo** commented we need to do as much as we can and have

Tribal Council Meeting Minutes
June 28, 2022

a strong voice. **Jennifer Finley** commented on the importance of conservation issues. She knows how fragile our communities are and she appreciated Julie bringing in this information.

Council **adjourned** at 4:25 p.m., and is scheduled to meet again on Friday, July 1, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary