

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

Volume 23 Number 65
Council Chambers, Pablo, MT

Held: August 1, 2023
Approved: August 3, 2023

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

MEMBERS ABSENT: Carole Lankford (Health and Human Services Consultation – Denver, Colorado).

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 9:05 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for July 27, 2023 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for July 27, 2023, with corrections. Seconded by Bing Matt. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Ellie Bundy to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (9 present).

Justin Benn and **Dallas Hewankorn**, Department of Human Resources Development, discussed the new payroll system. They wanted to know what the ERL deduction was for and if it was a one-time deduction or if there will be a deduction in every paycheck. The other complaint was checks are coming from Wells Fargo now instead of Eagle Bank. They wanted to know if their information is secure with Wells Fargo. Only a few Summer Youth employees have been paid to date and the new system is causing a problem with getting paychecks to daycare providers. They would have liked to have had a one-month advance notice of the payroll changes so they could prepare for the change. Dallas

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thought they should have done a survey to see if this is something employees even wanted. Employees are discouraged because they have not been paid. **Len TwoTeeth** asked what the fee was that is being attached to all paychecks now. **Greg Spahr**, Financial Management, explained that staff is correcting any errors on the system and will address issues to make sure all vendors/employees are being paid. ADP does not link into the payroll system. The ADP system had a correction that was made. The first run for pay period 15 had an error with the ERL where the employer related portion of life insurance of \$5.20 was charged to the employee where historically it has been charged to the employer. On pay period 16 the \$5.20 was back on the employer side where it is being accounted for as an employee benefit paid for by the employer. The ERL deduction is for the employees that have an additional elected deduction for life insurance. Those charges were reversed and corrected during pay period 16. Dallas wanted to know when it was decided to change payroll systems. Greg responded in December of last year they had an irregularity in the pay process that was corrected. The legacy system was being used at that time and it had not been updated or supported by the software group called Microix. During that time period they looked for other alternatives to make the system more efficient, accurate and provide more benefits to employees who can now see up to three years back electronically. It eliminates the pay sheet and PTO, cultural leave, fitness time, etc., and it puts the responsibility on the employee and helps reduce the paper pass back. They looked at a variety of systems and selected the new system in February. They built a mirror from both systems from the legacy system to ADP and tested them so they could fix any irregularities. Dallas thought there should have been a heads up so it could have gone more smoothly. Justin was concerned about outsourcing our dollars by changing from Eagle Bank to Wells Fargo, and Dallas commented Wells Fargo has been investigated for fraud. Greg was aware that Wells Fargo was under investigation for retail banking practices and bad actors in the branches that acted on their own accord in order to duplicate and do retail banking fraud to benefit themselves. CSKT is not a retail business with Wells Fargo. Greg had detailed discussions with Andrew West at Eagle Bank and he is aware the Tribes want to do business with those internal businesses first when there is a competitive advantage. We sweep out the money owed to employees/staff to process direct deposits to create the checks. ADP delivers those checks without disruption to the pay date schedule. **Martin Charlo** brought up these concerns last Thursday. He asked Greg to be more communicative with staff, especially the timekeepers. There were reported issues with Tribal Credit. There were issues with retirement and people were losing interest. It would have been nice to have an email about the fee that was reversed. Martin asked Greg to do better. We are the backstop of everything, and Martin has been apologizing to tribal members and employees about this. The council has been assured the Summer Youth and employees will get their paychecks today. Dallas mentioned that the Summer Youth employees that were not paid for pay periods 15 and 16 were promised a \$200 incentive, but then she was told that the director put a stop to those checks. Martin responded that a

letter went out to the Summer Youth employees apologizing about the issues that happened with the paychecks. We need to learn from our mistakes and move on. Part of it is inputting personnel action forms in a timely manner. Martin asked Greg to find out if the \$200 incentive was something that was promised to the Summer Youth participants. **Greg Spahr** will follow up.

Tony Incashola, Jr. Tribal Resources Management, requested approval of a resolution declaring a state of emergency on the Flathead Indian Reservation to become effective immediately.

MOTION by Martin Charlo to approve the resolution declaring a state of emergency on the Flathead Indian Reservation to become effective immediately. Seconded by Len TwoTeeth. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-131

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:

WHEREAS, the Tribal Council hereby proclaims a State of Emergency exists on the Flathead Indian Reservation as a result of the extreme and catastrophic fires which are ongoing and pose an imminent danger to the lives and safety of residents of the Reservation; and

WHEREAS, over 15,000 acres have already burned and the fires have caused, and will continue to cause extensive property damage; and

WHEREAS, the preservation of public health, safety, Tribal property, wildlife and natural resources, and general welfare of the Tribes and people throughout the entire Reservation is among the highest priorities of the Tribes; and

WHEREAS, pursuant to this State of Emergency, authorization is granted to request federal, state and any other available assistance to mobilize the necessary resources to suppress, manage, and recover from the fires; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby issues the above-mentioned state of emergency on the Flathead Indian Reservation to become effective immediately.

Len TwoTeeth stated that some of the ranchers had their rangeland burned and now they do not have any hay. When FEMA dollars become available, he would like to get information out to them on how to access those dollars as soon as possible. **Mark Couture**, Tribal Lands Department, wants to find out more about the acres burned and plans moving ahead. They are having the staff meet with USDA to see what we have in effect for our ranchers to access emergency funding. They will get the information out to the ranchers who are directly

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affected and get information published in the Char-Koosta News to let people know to contact USDA for funding. Len wants weekly updates on the FEMA funds and if we need to come up with our own funds to help the agriculture producers.

C.T. Camel and **Ron Swaney**, Division of Fire; and **Tony Incashola, Jr.**, Tribal Resources Management; gave an update on local fires. Tony reported that Stage II fire restrictions went into effect last night. No camp fires, smoking, or operating off-road vehicles are allowed. Hoot owl hours are in effect from 1:00 p.m. to 1:00 a.m. People are required to remain onsite for two hours after working in the woods. We are now in extreme fire danger as of yesterday. **Chairman McDonald** sent out a support letter for the Governor's declaration of emergency. **Rita Henderson**, State Media Lead, has been here since Friday and continues to send out updates. If there is any feedback about the updates, people can reach out to the information line. **Len TwoTeeth** would like them to be specific with any information letting people know where they need to go in case of an evacuation. Ron wants to hand over that responsibility to Dale Nelson. The Division of Fire needs that position to fill the void. The evacuations will be handled by the Sheriff's Department and will involve Tribal Police. There was a brief lightning storm that caused more fires, such as the Middle Ridge fire. The fire is currently about 9,100 acres in size. Robert McCrea is the Incident Commander. It is extremely dry. Tony showed pictures of the Middle Ridge fire. They want to close the area from Sloan's to Buffalo bridge. The fire by Niarada was caused by lightning and is about 8,431 acres in size. It started east of the highway and pushed multiple directions. The fire jumped the highway and headed to the Hog Heaven area and is spilling into the old fire. The Mill Pocket fire was caused by lightning and is roughly 800 acres in size. It is located west of the Niarada fire. They need a lot of resources to hold the fire. There are cultural values but no timber values there. There are livestock implications. They think it is a wise choice to look at disaster relief and going to FEMA to declare an emergency. The Communications Butte fire is located across from the Bison Range and is about 1,500 acres in size. It is a human-caused fire and an individual was arrested. The matter is still under investigation. A power line was involved in that fire. The fire jumped the river in several spots. They worked with the Charlo Rural Fire Department and prevented it from entering the Bison Range. The Big Knife fire is now about 1,991 acres in size and is going uphill. It is starting to go back into Agency Creek. There is an Incident Management Team that is coming in this evening. They will take over the Big Knife, Niarada and Mill Pocket fires. The Elmo Pow Wow grounds will be used as the camp for these two fires and the Arlee Pow Wow grounds will be used to support the Big Knife fire. They are understaffed for all fires except for Big Knife. There are 410 crew members on the Big Knife fire. They will have about 700 people on the reservation fighting fires. The team will be briefed tonight at 1800 hours at the Community Center. Council was invited to attend the meeting and introduce the team. **Len TwoTeeth** requested that a fieldtrip be scheduled for the tribal council members

to fly the fires. **Terry Pitts** had received some complaints that there were no signs posted about the highway closure. **Tony Incashola, Jr.** will follow up to expand notification points of any closures.

Jody Perez and **Shanell Teigen**, Salish Kootenai Housing Authority, requested approval of a resolution to apply for the fiscal year 2023 Indian Community Development Block Grant for the development and creation of a Home Improvement Program forced account to benefit low-income tribal members by bringing substandard homes up to a safe and healthy living standard. A public comment period will take place and then SKHA will return for approval of a resolution certifying that.

MOTION by Martin Charlo to approve the resolution authorizing submission of an application for the fiscal year 2023 Indian Community Development Block Grant. Seconded by Len TwoTeeth. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-132

RESOLUTION CERTIFYING CITIZEN PARTICIPATION REQUIRED FOR SUBMISSION OF A FISCAL YEAR 2023 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes (“Tribes”) is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Reservation; and

WHEREAS, pursuant to Resolution No. 23-132, the Tribes approved and authorized the Salish and Kootenai Housing Authority (“SKHA”) to apply for a fiscal year 2023 Indian Community Development Block Grant (“ICDBG”) for the development and creation of a Home Improvement Program (HIP) forced account to benefit low-income tribal members by bringing sub-standard homes up to a safe and healthy living standard; and

WHEREAS, the Tribes, by and through SKHA, have solicited the views and comments of the tribal community about using ICDBG funds for this purpose and has considered the responses prior to the submission of the FY 2023 ICDBG application.

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that all requirements for Citizen Participation have been met

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according to 24 CFR part 1003.604 for the proposed fiscal year 2023 ICDBG project.

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

ShiNaasha Pete, Tribal Forestry; and **Tony Incashola, Jr.**, Tribal Resources Management; requested approval to accept a grant award from American Forests in the amount of \$10,000.00 for a WBP Tribal High School/College Greenhouse Student Intern and \$50,000.00 for a Seasonal WBP Forest Technician; and approval of a grant award from the National Forest Foundation for Greenhouse 2024 100-foot overhead infrastructure and 100-foot head house for culturally sensitive plants.

MOTION by Bing Matt to accept the grant awards from American Forests and the National Forest Foundation. Seconded by Jim Malatare. Carried, unanimous (9 present).

Rob McDonald and **Mark Simpson**, Natural Resources Department, requested approval of modification 4 to Contract No. 21-155 with WWC Engineering for an additional amount of \$19,800.00 to increase the not-to-exceed amount to \$348,100.00. WWC Engineering has been providing design work and consultation on both the 31A Canal Chute and Falls Creek projects. They developed the bid documents, project manual, and performed due diligence of the low bidder on the 31A Canal Chute along with wetland delineation work at Falls Creek. This work was previously authorized by a staff member via email before being performed by WWC Engineering and there was not a formal task order written for this work. The modification will address the payment for services already rendered and will settle this account.

MOTION by Martin Charlo to approve modification 4 to Contract No. 21-155 with WWC Engineering for an additional amount of \$19,800.00 to increase the not-to-exceed amount to \$348,100.00. Seconded by Ellie Bundy. Carried, 8 for; 1 abstention (Len TwoTeeth).

Jennifer Finley left the meeting for the remainder of the day to go to the State-Tribal Economic Development meeting in Billings, Montana.

Rob McDonald and **Mark Simpson**, Natural Resources Department, requested approval of modification 1 to Contract No. 23-139 with Core and Main. The modification changes the legal jurisdiction of disputes to Tribal Court, changes the point of contact information, and provides an increase in funding to cover transportation costs for the Schedule A piping of the Jocko K pipeline conversion. Bids for Schedule A pipe did not include transportation cost for the material. An increase of \$535,000.00 is requested for transportation costs, bringing the total value of the contract to \$6,566,327.65.

MOTION by Martin Charlo to approve modification 1 to Contract No. 23-139 with Core and Main. Seconded by Bing Matt. Carried, unanimous (8 present).

Len TwoTeeth would like the program to contact tribal member landowners or use tribal property for storage of equipment. **Mark Simpson** responded they are in the process of procuring a contract for 12 acres and are in talks with a landowner on Dumontier Road. **Mike Dolson** asked if there would be any projects happening on the west side. Mike had received a complaint from an individual that owns a trailer court northeast of Hot Springs and the irrigation canal is leaking and flooding his trailer court. **Len TwoTeeth** mentioned North Star is a tribal member owned security firm that would like to provide security services to the equipment being staged in various locations.

Melanie Piedalue, Personnel Department, requested to meet with council in **executive session** to discuss PayScale.

Yolanda Page, Lynsey Gaudioso and **Katie Jones**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Craig Couture**, Law & Order; and **Maylinn Smith**, Tribal Prosecutors Office; were present for discussion.

Yolanda Page, Lynsey Gaudioso and **Katie Jones**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Mike Durglo**, Tribal Preservation Office; **Sadie Stops** and **Thompson Smith**, Salish Pend d'Oreille Culture Committee; were present for discussion.

Yolanda Page, John Harrison, Brian Upton, Lynsey Gaudioso and **Katie Jones**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Zach Camel, Jeanne West and **Craig Morigeau**, Mission Valley Power; **Teresa Wall-McDonald** and **Michael McKee**, Mission Valley Power Utility Board; followed up on the contract that expires on September 30, 2023. Teresa requested approval of a letter to Brian Mercier requesting a modification to the contract for a two-year extension from October 1, 2023 through September 30, 2025 and a new negotiated contract or other mechanism that would be in effect on October 1, 2025. The goal is that new agreement mechanism would be agreed to and signed and come into effect on October 1. The Utility Board would like the Tribal Council and the Bureau of Indian Affairs to appoint internal teams within

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the next 60 days to develop options to renegotiate the basic contract. The second modification is related to power system operations regarding the portion of the contract that deems who is qualified at Mission Valley Power based on federal language with federal utilities. Mission Valley Power has a personnel issue related to licensure of staff, and Mission Valley Power is requesting that the Bureau of Indian Affairs leave that language and add a 2023 addition.

MOTION by Martin Charlo to approve the letter to Brian Mercier. Seconded by Ellie Bundy. Carried, unanimous (8 present).

Zach Camel, Jeanne West and Craig Morigeau, Mission Valley Power; **Teresa Wall-McDonald and Michael McKee**, Mission Valley Power Utility Board; requested to meet with council in **executive session** to provide an update.

Council met in **executive session** to discuss departmental matters.

Melanie Piedalue, Personnel Department, requested to meet with council in **executive session** to discuss PayScale.

Council met in **executive session** to discuss departmental matters. **Greg Spahr**, Financial Management, joined the discussion.

Rick Eneas, Tribal Executive Officer, met with council in **executive session** to discuss departmental matters.

Council reconvened into **regular session**.

Council **adjourned** at 3:51 p.m., and is scheduled to meet again on Thursday, August 3, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary