

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

Volume 23 Number 69  
Council Chambers, Pablo, MT

Held: August 15, 2023  
Approved: August 17, 2023

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

**MEMBERS ABSENT:** Jennifer Finley (Tribal Leaders Council Meeting – Billings, Montana); and Jim Malatare (Tribal Leaders Council Meeting – Billings, Montana).

**OTHERS PRESENT:** Jami Pluff, Tribal Council Support; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:07 a.m. Quorum established.

The meeting was opened with a **prayer** by Ellie Bundy.

The **Tribal Council Meeting Minutes** for August 10, 2023 were presented for approval.

**MOTION** by Martin Charlo to approve the Tribal Council Meeting Minutes for August 10, 2023, with corrections. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

The **agenda** was presented for approval.

**MOTION** by Ellie Bundy to approve the agenda, with changes. Seconded by Bing Matt. Carried, unanimous (8 present).

**Francis Pierre**, Tribal Member, wanted answers from the last time he met with the council on January 10, 2023, to discuss issues he has, including an issue with Mission Valley Power. The Tribal Council minutes indicated that Frank met with the council in executive session and that Dan Decker was present, but Frank did not request executive session and did not request assistance from Mr. Decker. Mr. Pierre requested meat from the Elders program and did not receive it until August 10. It has been two and a half years since the program was going to fix his door and it has not been done yet. Frank wanted to have a list of all

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their excuses for his records. Frank's issue with Mission Valley Power was never resolved. **Chairman McDonald** informed Frank that a new General Manager was hired at Mission Valley Power and he suggested that Frank meet with Mr. Camel regarding his concerns. **Mr. Pierre** does not like the generic answers the council gives him and he wanted to know when something would be done. **Chairman McDonald** explained that Mission Valley Power has been installing 8,000 new meters and they successfully installed Frank's new meter. The Elders program is dealing with a backlog due to a lack of staff and contractors to do the work. That is the reality for so many things we have, such as a number of houses that are sitting idle due to no workforce. The Tribes are trying to get more handyman workers out there and have Salish Kootenai College offer more vocational courses. It is frustrating when we have a need and have the funding, but we do not have a workforce to get the work done. **Carole Lankford** commented that if people are capable of coming up here to get the meat, they should do that; the Elders program has a lack of workers to deliver meat to the elders. We all need to do our part. **Mr. Pierre** asked Carole to step outside to settle this matter. **Chairman McDonald** told Frank that he expects the utmost decorum in council meetings and threats of violence will not be tolerated, and he asked Mr. Pierre to leave the meeting. **Mr. Pierre** was escorted out of the meeting.

**Rhonda Quequesah** and **Jordan Asencio** requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to extend Katrina Stevens's leave sharing for the remainder of the calendar year and include this pay period. Seconded by Bing Matt. Carried, unanimous (8 present).

**C.T. Camel**, Division of Fire, gave an update on local fires. At 5:00 p.m. they will in-brief both of the fires. The Division of Fire will take over the two northern fires. The fire danger remains high and high winds are expected this week, which is critical. The Big Knife fire remains at 4,952 acres and is 7% contained; the Mill Pocket fire is 2,135 acres and is 89% contained; and the Niarada fire is 20,365 acres and is 81% contained. A total of 616 personnel are working across all three fires. The program continues to use tribal member contractors.

**Tony Incashola, Jr.**, Tribal Member Resources, discussed the Bureau of Land Management Infrastructure and Good Neighbor Agreement. CSKT is a partner in the Good Neighbor Authority. The agreement was executed yesterday for \$250,000 to support seed collection, store, cleaning, white bark pine, native plants, and native food plants. CSKT will receive funding to collect for them and our reservation and store it at our facility. They are focusing on the Blackfoot River Watershed. They are working with Trout Unlimited, the Blackfoot group and The Nature Conservancy. It is a great partnership to restore some of our

aboriginal territories and waters. Tony is meeting with the partners tomorrow and they will hold a press conference.

**Carole Lankford** mentioned there seems to be a lot of turnover at the Fish & Game Department. **Tony Incashola, Jr.** spoke to Dan and he will provide a report back to council.

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

**Ann Miller**, Tribal Defenders Office; **Adelle Fontanet** and **Alisha Morrison**, Tribal Justice Team for the Center for Justice; gave an update on the continued adaptation and development of the Reentry Intake Assessment Tool through collaboration with the Center for Justice Innovation. The Tribal Defenders Office is transitioning to this tool as part of a pilot project. Ann requested approval of a resolution in support of the Tribal Defenders Office to participate in the validation of the Risk-Need-Resilience Assessment Tool developed by the Center for Justice Innovation.

**MOTION** by Martin Charlo to approve the resolution in support of the Tribal Defenders Office to participate in the validation of the Risk-Need-Resilience Assessment Tool developed by the Center for Justice Innovation. Seconded by Mike Dolson. Carried, 8 for; 0 opposed; 0 not voting.

#### **RESOLUTION 23-141**

#### **RESOLUTION IN SUPPORT OF THE TRIBAL DEFENDERS OFFICE TO PARTICIPATE IN THE VALIDATION OF THE RISK-NEED-RESILIENCE ASSESSMENT TOOL DEVELOPED BY THE CENTER FOR JUSTICE INNOVATION**

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

**WHEREAS**, the Center for Justice Innovation (CJI) is working on the development of a new tribal risk-need-resilience tool (RNR Tool) to be utilized in tribal courts and justice settings; and

**WHEREAS**, the Tribal Defenders Office wishes to continue to work with the CJI on an adaptation of the Flathead Reservation Reentry Program Reentry Intake and Assessment Tool and participate in the validation of the tribal RNR Tool; and

**WHEREAS**, there are no existing risk-need assessment tools that adequately meet the needs of tribal systems; and

**WHEREAS**, most existing risk-need assessment tools have never been studied

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within a Native American population; and

**WHEREAS**, over several years the CJI has developed the tribal RNR Tool with expertise from justice practitioners and expertise from across Indian Country and the United States; and

**WHEREAS**, once finalized the tribal RNR Tool will be freely and publicly available to all tribal systems and allow tribal systems to better assess for the risks, needs, and strengths of those criminally accused in tribal courts with the overarching goal of reducing incarceration and moving towards healing and justice; and

**WHEREAS**, the CJI wishes to accomplish the following:

- (1) Work closely with the Tribal Defenders Office and other relevant court or service stakeholders toward validation of the tribal RNR Tool;
- (2) Work closely the Tribal Defenders Office and other relevant court or service stakeholders to ensure collective engagement in both the assessment and the processes for data collection;
- (3) Provide the Tribal Defenders Office and the Confederated Salish and Kootenai Tribes with all of their de-identified data collected during the study at their site for their own research or reporting purposes;
- (4) The CJI will not use any data collected for any purpose other than developing the tribal RNR Tool and this specific research study; and

**WHEREAS**, the CJI is applying to the National Institute of Justice (NIJ) for validation of the tribal RNR Tool as part of the process to finalize the tribal RNR Tool; and

**WHEREAS**, the Tribal Council recognizes the importance and need for risk-need-resilience tools to help tribal justice systems better assess for the risks, needs, and strengths of the criminally accused; and

**WHEREAS**, the Tribal Council acknowledges that data resulting from this project will be archived on the National Archive of the Criminal Justice Data (NACJD) data repository and will be publicly available; and

**WHEREAS**, the Tribal Council generally supports initiatives that reduce incarceration of Native Americans and supports any progress towards the healing and justice of tribal communities; **NOW, THEREFORE**,

**BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby supports the Tribal Defenders participation in the

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validation of the RNR Tool that would result from CJI's award of funding from NIJ.

**Melinda Charlo**, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Minesinger Safety Improvement project. The construction project will realign the northbound and southbound left-turn lanes to the other side of the median for a positive offset with each other. Construction is expected to begin in the Spring of 2024.

**MOTION** by Mike Dolson to approve the project specific agreement with the Montana Department of Transportation for the Minesinger Safety Improvement project. Seconded by Ellie Bundy. Carried, unanimous (8 present).

**Chairman McDonald** discussed the Health Committee meeting scheduled for this afternoon. Item number 1 on page 2 needs to happen. Tom does not know why people are having to get approval. When people have Medicare A it is a guarantee and they have the money to pay the co-pay. The more people we get on Medicare Part B, the more money we can collect through Third Party and the more money we would save. Medicare Part B would be about a \$167 premium. People could drop their insurance and use Medicare completely. People could be reimbursed for the premium. It could be a pilot project and would be dependent on the funding available. There is a window for people turning 65 years of age to sign up for Medicare Part B and if the deadline is missed they must pay a penalty. **Council** will discuss further at the Health Committee meeting.

**Lynn Ducharme**, Natural Resources Department, discussed an acquisition opportunity containing 14 acres on the Jocko River. The parcel meets Bonneville Power Administration acquisition criteria.

**MOTION** by Martin Charlo to show interest in purchasing the Martin property and approve entering into a buy/sell agreement at the fair market value with resident fish mitigation dollars. Seconded by Bing Matt. Carried, unanimous (8 present).

**Lynn Ducharme**, Natural Resources Department, gave an update on a parcel of land that the Tribes showed interest in purchasing. Lynn did a site visit and she is working with the Tribal Legal Department to do the due diligence. There is a large barn on the east side of the land that is encroaching the adjoining property. There is access from the property and an encroachment agreement in place. If the structure were to fall down or be removed, it could not be replaced. There are also multiple other barns on the property. A spring is the current water source and the appraisal accounts for drilling a new well. There is sufficient funding to drill a well in the future. There is a lease in effect until November 15, 2023. The Tribes would get a prorated amount through the end of the lease term,

and then the lessee would remove the hay from the barn. **Council** directed Lynn to proceed.

**Amanda Spencer** and **Seth Makepeace**, Natural Resources Department; and **Melissa Schlichting**, Legal Department; discussed William Webster's application for Flathead System Compact Water from the lake near Blue Bay for his orchard and request for conditional approval to apply for UAMO prior to completing the design plan. The lease period for the use of Flathead System Compact Water will run concurrent with his lease for the parcel. It was the **consensus** of council to concur with the recommendation to move forward, contingent upon a completed application, successful negotiations for the water, and agreed upon negotiated lease terms that are acceptable to the Tribal Council that will be determined at a later date.

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

**Dan Decker**, **John Harrison**, **Melissa Schlichting**, **Brian Upton**, **Lynsey Gaudioso**, **Chelsea Colwyn**, and **Zach Zipfel**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to approve the July 2023 to June 2024 water funding agreement with the State of Montana. Seconded by Ellie Bundy. Carried, unanimous (8 present).

**MOTION** by Ellie Bundy to approve the resolution authorizing draw down of water compact funds to initiate activities related to compact implementation, specifically for funding of the Flathead Reservation Water Management Board. Seconded by Martin Charlo. Carried, 8 for; 0 opposed; 0 not voting.

## **RESOLUTION 23-142**

**RESOLUTION AUTHORIZING DRAW DOWN OF WATER COMPACT FUNDS TO INITIATE ACTIVITIES RELATED TO COMPACT IMPLEMENTATION, SPECIFICALLY FOR FUNDING OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD**

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

**WHEREAS**, the Tribes authorized the creation of the segregated account with Glacier Bank to manage the funds associated with the implementation of the Compact, the Law of Administration, and the Montana Water Rights Protection

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Act, and the Tribes are initiating activities associated with Water Compact Implementation outlined in Section 8 (h)(2);

**WHEREAS**, Section 8(e)(2)(B) of the Montana Water Rights Protection Act provides that any amounts deposited into the Salish and Kootenai Compact Account, “shall be available to the Tribes on the date on which the amounts are deposited for the uses described in [Section 8(h)(2)]”, which is for the administration, implementation, and management of the Tribal Water Right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the Law of Administration, and such infrastructure as is necessary to meet related programmatic needs; and

**WHEREAS**, the Compact and the Law of Administration establishes the Flathead Reservation Water Management Board (the “Board”), as the exclusive regulatory body for the regulation and administration of water rights within the Reservation [Compact, Article IV.I.1.]; and, the Compact and the Law of Administration provide that the expenses of the Board be shared equally between the State and the Tribes. [Compact, Article IV.I.2.h; Law of Administration, Section 1-2-105; § 85-20-1902, MCA.]; and

**WHEREAS**, Article VI, Section 1 (a), (c)-(f), and (n), and (u) of the Tribes’ Constitution and Bylaws, said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, authorizes the Tribal Council of the Confederated Salish and Kootenai Tribes to carry out activities related to the Compact, including the Law of Administration, and the Tribal Water Right;

**NOW, THEREFORE, BE IT RESOLVED**, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the transfer of the amount of \$663,000.00 to be drawn from the Tribes’ segregated Water Compact account with Glacier Bank to be delivered by wire, ACH, or a more efficient manner, to the Flathead Reservation Water Management Board Glacier Bank account in accordance with the attached Funding Agreement between the Montana Department of Natural Resources and Conservation, and the Board.

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

**Len TwoTeeth** left the meeting for the remainder of the day.

**Greg Spahr** and **Ruth Swaney**, Financial Management, requested to meet with council in **executive session** to review the fiscal year 2024 budget allocations.

Council reconvened into **regular session**.

**Greg Spahr** and **Ruth Swaney**, Financial Management, requested approval of

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the enactment of the fiscal year 2024 appropriations for General Fund, Third Party, Self-Governance Compacts, Water Compact, and Settlement Funds. **Carole Lankford** mentioned the need for having security at the Morning Star Apartments. The Tribal Defenders Office would need to request additional funding to add a security position. **Chairman McDonald** reported that we should be receiving the opioid settlement funds soon. We could set up a trust fund and operate on the interest by providing services. **Greg Spahr** suggested that when the settlement funds are received there should be a discussion about the amount received, segregate it as a separate line item on the audit report, the director of the division that is most suited to carry out the council's wishes should provide a workplan and budget, and then have the tribal council authorize the amount of funding to carry out that plan. There was discussion about a department that did not submit a workplan. The staff need to be held accountable. **Terry Pitts** was disappointed that fixing the entrance at the Morning Star Apartments was not included in the department's workplan. **Bing Matt** wanted to know where the Salazar money went. **Ruth Swaney** advised there is no Salazar fund and it is included in the Dedicated Trust Fund line item. CSKT is expecting to receive \$3.2 million in interest from the loans to S&K Gaming and Energy Keepers, Inc. Bing wanted to know what the money could be spent on, because when he brought it up he was told that the interest was being used to fund the language programs. Ruth explained that the council approved a resolution that authorizes up to 97% of the income annually can be spent but it does not include any restrictions on what the money can be spent on. It has been funding the language programs since 2015. CSKT received the Salazar settlement funds in 2012 and it was expended from the General Fund account for the per capita, NARF, and land acquisition. In 2013, that funding was moved to the Dedicated Trust Fund. There has never been a Salazar fund. **Jami Pluff** had questions about the Homelessness Coalition. There was a strategy session to determine how to move forward and have a secure place for people to go to that is staffed and monitored 24/7. If the Homelessness Coalition comes up with some ideas, she wanted to know where the funding would come from. **Greg Spahr** responded that as plans are made, his guidance would be an eye toward the expense of those items. As those ideas come to fruition, there are funds in a variety of different areas that can be earmarked that are at the discretion of the Tribal Council. **Mike Dolson** thought the agreement with Energy Keepers, Inc. was at the council's discretion and the terms could be changed at any time.

**MOTION** by Martin Charlo to approve by resolution the enactment of the fiscal year 2024 appropriations for General Fund, Third Party, Self-Governance Compacts, Water Compact, and Settlement Funds. Seconded by Mike Dolson. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 23-143**



**RESOLUTION ENACTING FISCAL YEAR 2024 APPROPRIATIONS FOR GENERAL FUND, THIRD PARTY, SELF-GOVERNANCE COMPACTS, WATER COMPACT, AND SETTLEMENT FUNDS**

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

**WHEREAS**, projected FY 2024 General Fund revenues, negotiated funding for Self-Governance Compacts, and Third Party, Water Compact, and Settlement Funds are available to appropriate in FY 2024 to the programs, services, functions, and activities approved by the Tribal Council; and

**WHEREAS**, in addition to projected revenues and awarded funding in FY 2024, there are prior period Indian Health Service and Indian Affairs self-governance funds and unrestricted General Fund revenues that are available for appropriation; and

**WHEREAS**, the requested appropriations are stated in Attachment 1, FY 2024 Enacted Appropriations; **NOW, THEREFORE**,

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to enact FY 2024 appropriations of projected General Fund revenue, negotiated funding awarded through the self-governance compacts, available Third Party, Water Compact, and Settlement Funds, prior period Indian Health Service and Indian Affairs self-governance funds, and unrestricted General Fund revenues in the total amount of \$213,957,930; and

**BE IT FURTHER RESOLVED** that the total appropriations include requests for Capital Equipment which are hereby approved as prepared by the Office of Financial Management; and

**BE IT FURTHER RESOLVED** that Tribal funds on deposit in the United States Treasury be made available to finance the operations of programs and activities in the aforementioned budget; and

**BE IT FURTHER RESOLVED** that such funds be appropriated to and extend from the Confederated Salish and Kootenai Tribes' Flathead Agency I.S.S.D. Account (advance status), in addition to cash reserves from the Tribal Credit Program as may be approved by the Tribal Council, as designated for each program; and

**BE IT FURTHER RESOLVED** that the Office of Financial Management is delegated authority to revise and reallocate the amounts for programs, services, functions, and activities within the Enacted Appropriations available in the aforementioned Funds.

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Council **adjourned** at 2:20 p.m., and is scheduled to meet again on Thursday, August 17, 2023, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Martin A. Charlo  
Tribal Council Secretary