

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

Volume 24 Number 14
Council Chambers, Pablo, MT

Held: December 5, 2023
Approved: December 7, 2023

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

MEMBERS ABSENT: Ellie Bundy, Treasurer (Salish Kootenai Housing Authority Board of Commissioners Policy Review – Polson, Montana).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support.

The meeting was called to **order**. Quorum established.

The meeting was opened with a **prayer** by Bing Matt.

The **Tribal Council Meeting Minutes** for November 30, 2023 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for November 30, 2023, with corrections. Seconded by Mike Dolson. Carried, 8 for; 1 abstention (Jim Malatare).

The **agenda** was presented for approval.

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

Len TwoTeeth mentioned the council has assigned a lot of projects to the staff to try to complete and it’s been really difficult keeping track of those projects. One project council wanted to get off the ground is the Elmo store. He wants to assign Mr. Bible from SKBS to take the lead in the project and begin planning and keep council updated.

MOTION by Len TwoTeeth to appoint James Bible, S&K Business Services, to take the lead in doing the planning and developing a plan for the Elmo Tribal Plaza/Store. Seconded by Terry Pitts. Carried, unanimous (9 present).

Len TwoTeeth was contacted by a tribal member that told him for about 25-30 years he has not received a per capita payment due to being sued in Tribal Court for restitution for \$26,000.00. The restitution was not kept track off and he wants the staff to look into how much was paid and if he can start receiving his per capita now. The individual reached out to Tribal Court and got no response and the Defenders Office had no record of it. **Chairman McDonald** thought the Tribal Court would have those records. **Council** will look into it.

Carole Lankford asked on the Medicaid Part B if we are ready to direct Patricia Hibbler and the Tribal Health Department to initiate the process of paying the premium and reimburse members. It will be a process. Accounting will have to set up something and the membership will need to be educated. She wants to move forward on the development of it and be done as soon as those components can be done. It can be paid out of Third Party revenue. **Len TwoTeeth** was supportive of having an action on record showing we directed the staff to get it done and continue to follow up and let council know the results. Carole got a call yesterday wanting to know where the power reimbursement is from Kerr. She doesn't know if we will be helping the membership with that. They heard they can buy a thing at Costco that will help them save their power.

MOTION by Carole Lankford for a 90-day timeline to produce for review and approval all eligible members for Part B reimbursement at some level. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Carole Lankford wants to have a discussion at the next Tribal Health meeting about the T-HIP, Elders program, and DHRD. Everyone seems to be doing work for elders in the tribal community but she does not know if there's any organizational thing moving forward. The programs are doing their own thing. She wants a full discussion with programs that work for elders. She wants to know why they don't work together, and she doesn't know if their funding mechanisms allow them to do this. Carole wants them to work in concert to meet the needs of the membership. There needs to be discussion of how to serve the tribal elders. **Council** scheduled the meeting for next Monday.

Chairman McDonald is disappointed in the phone system. Tom does not receive a voicemail on his phone because it goes to his email account. He receives thousands of email per day and cannot access them all. He missed an important call from a reporter about Rick Shaney's wildlife bill and he missed the deadline because it was sitting on his computer and he did not receive a message on his phone. He has asked to get off the phone system because it is not working for him, but nothing changed. Tom wants to bypass the computer system log. The call should have rang to his phone but it went to the computer voice message and the only way he can retrieve it is through his email. He receives voice

messages on his cell phone. **Carole Lankford** was not aware they receive their voicemails in that manner until she opened an email.

Len TwoTeeth informed council they found a solution for a tribal member's house that burned in Evaro. Housing found placement for her in Arlee as soon as the application is completed. **Jim Malatare** said she needs everything and Patricia was going to check it out. Her application will be done tomorrow.

Lisa Shourds joined the meeting. **Chairman McDonald** told her about the phone messages going through the computers instead of his phone. When he misses a call he gets notified through an email and he wants to cease and desist from that practice and have his phone messages go directly to his phone. He missed an important message last night. Tom asked for that happen before but nothing happened. All of the council members want to be removed from the system. He wants people to opt out if they want to improve their communications. Lisa will follow up about that option with the IT Department. There was discussion about the microphones. Lisa said the staff went down there and had it set up for it to work so she wasn't sure why it didn't work. She will meet with Patty about the budget because it's not attached to the building to get that addressed. **Terry Pitts** said they get hot and then they don't light up and shut off.

Ruth Swaney, Financial Management, requested approval of modification 3 to the fiscal year 2024 Total Allocations.

MOTION by Len TwoTeeth to approve by resolution modification 3 to the fiscal year 2024 Total Allocations. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 24-019

RESOLUTION APPROVING MODIFICATION 3 TO THE FISCAL YEAR 2024 TOTAL ALLOCATIONS

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

WHEREAS, increases in Tribal Earmark Programs, adjustment to spending authority for Self-Governance Compacts, and increases in Contracts and Grants require modification to the FY 2024 Total Allocations; and

WHEREAS, an allocation of \$8,291, previously awarded under the CARES Act, is requested from the Indian Affairs Compact to make funds available for purchase of water for households due to issues with the Pablo Water System; and

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WHEREAS, the increases by Function and by Fund are reflected below for a total increase of \$6,607,777:

Function	Total Function Revised Mod 2 11/16/2023	Increase/ (Decrease) General Fund	Increase/ (Decrease) SG Compacts	Increase/ (Decrease) Contracts and Grants	Total Increase/ (Decrease)	Total Functions Revised Mod 3 12/5/2023
Government Services	\$21,781,207		\$24,000	\$27,196	\$51,196	\$21,832,403
Health and Human Services	\$67,217,778		\$2,803,291		\$2,803,291	\$70,021,069
Natural Resources	\$70,658,230		\$1,254,000	\$43,850	\$1,297,850	\$71,956,080
Government Operating	\$3,678,000				\$0	\$3,678,000
Education	\$1,609,041			\$415,378	\$415,378	\$2,024,419
Administration	\$23,590,866				\$0	\$23,590,866
Court/Probation	\$1,627,000				\$0	\$1,627,000
Law Enforcement	\$3,040,000		\$3,500		\$3,500	\$3,043,500
Legal	\$3,931,906				\$0	\$3,931,906
Forestry	\$5,269,710		(\$69,700)	\$895,386	\$825,686	\$6,095,396
Capital	\$3,604,000		\$2,000		\$2,000	\$3,606,000
Per Capita	\$12,150,000				\$0	\$12,150,000
Indirect Costs	\$4,400,000				\$0	\$4,400,000
Tribal Earmark	\$0	\$1,208,876			\$1,208,876	\$1,208,876
Total	\$222,557,739	\$1,208,876	\$4,017,091	\$1,381,810	\$6,607,777	\$229,165,516

Fund	Total Fund Revised Mod 2 11/16/2023	Increase/ (Decrease)	Total Fund Revised Mod 3 12/5/2023
General Fund	\$73,861,622	\$1,208,876	\$75,070,498
IHS Compact	\$35,160,000	\$2,580,000	\$37,740,000
BIA Compact	\$25,679,500	\$1,437,091	\$27,116,591
Contracts and Grants	\$15,410,282	\$1,381,810	\$16,792,092
Third Party	\$18,296,000		\$18,296,000
Settlement Funds	\$4,150,335		\$4,150,335
Water Compact	\$50,000,000		\$50,000,000
Total	\$222,557,739	\$6,607,777	\$229,165,516

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 3 to the FY 2024 Total Allocations for a total increase of \$6,607,777; and

BE IT FURTHER RESOLVED to allocate \$8,291 of previously awarded Indian Affairs Compact funds for purchase of water for households due to issues with the Pablo Water System; and

BE IT FURTHER RESOLVED that Modification 3 increases the FY 2024 Total Allocations from \$222,557,739 to \$229,165,516; 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 Allocations approved in the aforementioned Funds.

Ruth Swaney, Financial Management, discussed reimbursement for Medicare Part B. Tribal Health has been requested for quite some time to take a view on that. It's easy to compute the cost but the mechanics to implement it could be complex. Some folks are doing a plan already to supplement the Medicare because they are also Medicaid eligible so they are getting a portion of Part B back to them. Someone knowledgeable of the process needs to be involved in this. The Tribes cannot pay CMS directly for the premium so it has to be incurred on the side of the beneficiary. It would be Third Party or Indian Health Service Purchase Care that can do that. Tribal Health needs to take a long term view of this. The Third Party account has \$18 million and continues to grow rapidly. The coordination of elder care is important and she wonders how it is being executed.

Martin Charlo is getting questioned about a stimulus payment from the ARPA funds next year and wanted to know if it is possible to have one. Ruth Swaney advised that is at the decision and authority of the council. The elders benefit payment in January will need to be approved by the council and she will get that scheduled on the agenda at a later date. **Chairman McDonald** requested a status report of the ARPA funding. Medicare Part B is a complicated issue. He appreciates the fact that we created Third Party funding and he wants to expand services where we can receive reimbursement and expand the services to everyone for long-term sustainability. We have nice pharmacies and should provide that service to the entire community. **Jennifer Finley** thinks a 24-hour pharmacy would be a great service to everyone.

Jennifer Finley went to a NCAI listening session about the BIE funding formula. BIE is redoing the funding formula and is accepting comments. She did not know if Rodney put comments forward to them or if the Tribes should do that to help TERS and if the proposed changes are advantageous to us. **Ruth Swaney** stated ordinarily the consultation is vetted through the people with the expertise. Michelle might have seen that. Rodney can be invited to comment. She thought Rick Eneas had assigned that to his staff to take care of consultation comments on behalf of the Tribes. BIE funding is student enrollment based. TERS funding is based on a three-year rolling enrollment. The student count was 120 students

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the last she knew. At some point they were choosing to serve students that did not meet that eligibility. Ruth would be happy to look and offer thoughts to any comments Rodney wants to submit. Jennifer commented that the Tribes supplement their budget for the language program. The NCAI presentation explained how they give funding to BIE schools and it is a small percentage of their funding but in that category one of those is language. More money needs to be allocated to culture and language. TERS provides transportation to students. Jennifer did not know if it would be the Tribes or Rodney that should submit comments.

Steve Love, Charlo School District, presented the 2023 Indian Education Report for the Charlo School District. With the assessments the Native kids had a 10% increase in proficiency for ELA and a 16% increase in proficiency in Mathematics. The main reason for that is attendance has been better. The school has a full-time counselor now and she reaches out, does home visits, the SRO helped out as a liaison, they sent letters, do things from the teachers, and do parent of the quarter and parent of the month. The school recognized parents who are struggling but still managed to get their kids to school. There has been an effort to the Indian Education Committee going again. The school also brings in speakers when possible.

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

Melissa Schlichting, Legal Department; and **Greg Spahr**, Financial Management; gave an update on the Friends of the Flathead. The officers were employees of the organization, which were Greg Spahr, Clayton Matt and Velda Shelby. They filed the paperwork to make it an active and ongoing endeavor. It allows a gift of cash, security and donations from the public. **Carole Lankford** wanted to know why the Lands Department is not on there since we receive donations of land. Greg said there is growth and opportunity that need to happen in this 501(c)3. The mechanism is we want to engage with the donor to provide the right estate planning receipt so they could put that land into the name of the Friends of the Flathead and receive the appropriate tax benefit and for that to be held for a brief period of time before the title changes to the Tribes and it becomes part of the Tribal Lands portfolio. Tribes are treated as states for purposes of donations. Individuals can still receive a tax deduction if they gift the land to the Tribes or to the Friends of the Flathead. The first group that solicited funds was the Bison Range and after Vern Clairmont passed away the accepted donations on his behalf to the Friends of the Flathead and raised \$1250.00 from the endeavor. At some point the Bison Range staff will let council know of the donation and request approval to assign that money for a specific need or project. There is a plan to have a website for the Friends of the Flathead. Boiler plate language will be developed for estate planning. Greg requested input from the council. There is an opportunity to expand the board with people that have expertise in fundraising or giving to deepen the relationship in the public

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to create opportunities. Another priority is for the council to consider the position of the development of a director on contract for Friends of the Flathead. They will meet with the board of directors and come back to the council to amend the bylaws to address some of the gaps and add someone to the board with expertise with fundraising and working with nonprofits.

Greg Spahr, Financial Management, gave an update on the per capita. Last night the staff completed the check run and delivered it to the Property & Supply postal service and they are headed to Missoula for distribution tomorrow. The upload for the direct deposit is on schedule for tomorrow morning. This is the first time Wanda did the per capita run and Greg thanked for getting it completed and on time.

Dan Decker and **Legal Staff** requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Bing Matt to accept the Charlo annual report. Seconded by Mike Dolson. Carried, unanimous (9 present).

Council **adjourned**, and is scheduled to meet again on Thursday, December 7, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary