

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

Volume 23 Number 46
Council Chambers, Pablo, MT

Held: May 2, 2023
Approved: May 4, 2023

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

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 Chairman McDonald.

Chairman McDonald announced there will be no afternoon council session on May 23 because the council members will be meeting with the Missoula County Commissioners.

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

MOTION by Ellie Bundy to approve the Tribal Council Meeting Minutes for April 27, 2023, with corrections. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

The **agenda** was presented for approval.

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

Len TwoTeeth discussed an issue regarding Wain Lefthand needing a waiver of the personnel policy to allow Wain to exceed 360 hours of leave share.

MOTION by Len TwoTeeth to extend Wain Lefthand’s leave share until he has completed his disability insurance or returns to work. Seconded by Martin Charlo. Carried, unanimous (10 present).

Bing Matt informed council that he has continued to receive many phone calls and text messages about the Salazar money and the Cobell money. It has also been posted all over Facebook and the membership is expecting a payout. Greg Spahr brought in a presentation last week and Bing wishes that document could be distributed so the membership knows there is no mandate for the funds to be distributed to them on a per capita basis. He further commented that there should be enough money from the dividend checks from the corporations to cover the interest for this money, and he would like the money paid out to the membership. It would be about \$1,000 per tribal member. **Chairman McDonald** commented the balance of that money is being used to fund the language programs. **Carole Lankford** mentioned the importance of everyone understanding the impact of doing that. Carole understands the membership is in need, but she was reluctant to spend those funds and put our future generations at risk. **Greg Spahr**, Financial Management, joined the discussion and clarified that the dividends received from the tribal corporations are already earmarked and allocated to specific budgets in the current fiscal year. We rely on reserves and dividends to fill the gap in the General Fund budget expenditures. The interest from the loans generates \$2.3 million each fiscal year. The interest earnings budget funds Nkwusm, Kootenai Language Program, Salish Adult Language, Communications, contingency for emergency, Pow Wows and Celebrations, donations, Salish Language Conference, Kootenai Language Conference, Two Eagle River School supplement, Get Out The Vote, and Bison shipping/processing, for a total of \$2,743,350.00. If the funding was taken away from these programs, other program budgets would need to be cut. CSKT earns \$2.3 million earned income versus a budget of \$2.7 million. The funds are invested and removing any principal would eliminate income, so we would need to find the needed funds elsewhere. **Martin Charlo** agreed with Carole. We cannot mortgage our future for a short-term gain. We paid out a lot of money over the past three years and the membership is now expecting it. As leaders, the Tribal Council needs to explain to people how these impacts affect our future generations. This does not work on a long-term basis. Martin was not willing to take money from our grandchildren's future. Things will suffer if we do not have funds to invest in the future. **Jennifer Finley** commented that the money funds our cultural programs. We talk about how important our culture is and we all have different ways of supporting our culture. She wants to support decisions that help support the cultural bearers of our community; they need to pay their bills, and so much depends on them. COVID-19 had a financial impact on all of us. We must look at what is best for everyone as a tribe. It would be nice to pay out \$1,000.00, but she wants to support our cultural programs. **Mike Dolson** asked what the principal payback is. Greg advised the principal from Energy Keepers, Inc. is between \$600,000 and \$700,00 per year. EKI has made discretionary principal payments of \$1 million and \$1.5 million the last two years. **Len TwoTeeth** commented Bing would not be doing his job if he did not address it; his constituents want him to address it and that is what he is doing. **Jim Malatare** agreed with Len. Jimmy seconded the motion because he is

getting the same phone calls and the Salazar money has been an issue for a long time. Jim would like this issue resolved one way or another. **Terry Pitts** asked if all the money was lent out. Greg explained that the entire portfolio, except a specific portion, is invested as mandated as part of the investment strategy. Bing thought the \$2 million earned in interest per year on the loans would be enough interest to cover those programs funded from the Dedicated Trust Fund. **Chairman McDonald** was not on the council when the Salazar money was paid out, but he would have preferred to use those funds to set up a retirement program for our membership instead of paying it out. It is our responsibility as the leadership to spend the money as wisely as possible. It is critical to our annual budget and he is opposed to paying out that small amount based on its impact. The council increases the per capita when they can afford to do so. The Tribes have paid out \$79 million in the past two years in direct payments to the membership from the CARES Act, ARPA funding, and increased per capita, and that is not sustainable. Tom agreed that Greg needs to develop an explanation to be published in the Char-Koosta News.

MOTION by Bing Matt to have the remaining balance of the Salazar money paid out to the membership by July 1, 2023. Seconded by Jim Malatare. **MOTION NOT CARRIED**, 4 for (Bing Matt, Jim Malatare, Mike Dolson, and Len TwoTeeth); 6 opposed (Tom McDonald, Martin Charlo, Ellie Bundy, Carole Lankford, Jennifer Finley, and Terry Pitts).

Ellie Bundy, for the record, *"While I recognize the need and would love to make a \$1000 payout to the membership, I feel like it is fiscally irresponsible to do so at this time because we have not identified a way to supplement the funding that would be cut from Nkwusm, our Salish and Kootenai Language Programs and our annual powwow budgets, to name only a few. Should we spare those programs, we have no idea which programs, positions, and services would get cut in order to supplement the budget but it has to come from somewhere. Those are things we should fully understand and explore before making such a hasty decision. Once it's gone...it's gone. If upon a diligent review, we are comfortable with a payout, then I would support but we simply do not have enough information at this time. Additionally, we should explore more sustainable alternatives like increasing per capita again which has a longer lasting effect for our membership."*

Martin Charlo, for the record, *"I opposed this because I do not want to jeopardize any programs that are not federally funded. The cultural programs that these funds are for are important to our Tribes' continued existence. Our former leaders made this decision when the original funds were paid out and I respect that decision."*

Martin Charlo informed council that Indigenous Peoples' Day is October 9 and the Downtown Association wants to do a cultural event each year and offered to

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support an Indigenous Peoples' Day Pow Wow at Caris Park. There are some funds left over from the Beartracks Bridge event and CSKT could sponsor a portion of the event. Martin serves on the planning committee and the council members are welcome to join. **Chairman McDonald** suggested setting up a GoFundMe.

Martin Charlo reminded council the Salish Pend d'Oreille Culture Committee Elders meeting is scheduled for tomorrow.

Jennifer Finley gave a trip report on the Tourism Conference she attended in Helena last Monday and Tuesday. Three Chiefs staff were there and represented us well. They talked about reconstituting the Flathead Reservation Tourism Committee to promote our own tourism. It was a good conference.

Ellie Bundy informed council that Salish Kootenai College is hosting a 5K Run/Walk this Saturday, May 6, to support MMIP. Funds raised will help fund the MMIP victim assistance fund. Everyone is encouraged to wear red in solidarity. Registration begins at 8:30 a.m. in the SKC Gym parking lot, and the closing ceremony will be at 12:30 p.m.

Carole Lankford gave a report on the spay and neuter clinic that took place last Saturday. There were a few issues but there was a good turnout. The organization is fundraising and has raised \$6,000 but still needs \$7,500. The Tribes did not give a donation, so she wants the council to donate \$1,000. Carole reached out to several entities and she will ask S&K Technologies to make a donation. Mission Valley Power donated and Salish Kootenai College will make a contribution.

Greg Spahr and **Amelia Adams**, Financial Management, requested approval of a resolution authorizing the establishment of a new checking account for Third Party Collections at Glacier Bank. The CSKT will deposit \$5 million into the account and the funds will be FDIC covered and earn a competitive rate of interest.

MOTION by Martin Charlo to approve the resolution authorizing the establishment of a new checking account for Third Party Collections at Glacier Bank. Seconded by Ellie Bundy. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 23-087

RESOLUTION ESTABLISHING A NEW TRIBAL DEPOSIT ACCOUNT IN GLACIER BANK

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

WHEREAS, the Confederated Salish and Kootenai Tribes designate Glacier Bank to conduct day to day business one of the Tribe’s designated depositories; and

WHEREAS, it has become necessary to set up a new account with authorized employee signatures for the Tribal Accounts in Glacier Banks; and

Account Name

Account Number

CSKT – Third Party Collections

(tbd)

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all account activity and preferred rates will be authorized on said accounts from the approved date of this resolution and will be signed by two of the following:

Rick Eneas	Executive Officer
Greg Spahr	Director of Financial Management
Zachary Conko Camel	Accounting Manager
Lance Friedlander	General Ledger Manager

whose signatures shall be duly certified to said bank, and that no checks against said accounts shall be valid unless so signed;

BE IT FURTHER RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning of said checks. This resolution shall continue forth in the Certification of an authorized representative, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Terry Pitts asked if there a process where this funding can go to the banks that can be lent to our people, such as an institution in Hot Springs. **Greg Spahr** responded there are 9 tribally owned entities that we can deposit money into. Greg will look into the institution in Hot Springs and report back.

Len TwoTeeth requested a status report on dump fees. He asked if a solution was found and if there are dumpsters in the homesites with a dumping schedule. **Greg Spahr** advised he is working with Tom Johnson to get a list of the elders. Greg needs to follow up with Jody about the homesite dumpsters. Len wants there to be dumpsters in Elmo. **Carole Lankford** explained that SKHA having dumpsters in the homesites is something they do each spring and are not there for long-term use.

Chauncey Means, Natural Resources Department; and **Kate Sheridan**, Flathead Lakers; discussed a request for a collection permit for the Flathead Lakers to collect water quality samples at 9 beaches on the reservation for e. Coli bacteria for the Swim Guide online website.

MOTION by Martin Charlo to grant the Flathead Lakers a collection permit to collect water quality samples at 9 beaches on the reservation for e. Coli bacteria for the Swim Guide online website. Seconded by Mike Dolson. Carried, unanimous (10 present).

Lisa Shourds, Administrative Services; **Renee Joachim**, Personnel Department; **Jessica Purdy**, Consultant; and **Ada Bickert**, Aligned at Work; gave a presentation by Aligned at Work who has been contracted to review the Human Resources functions. **Ada Bickert** gave an overview of the discovery process and the timelines. The goal is to gain an understanding of the real issue. Key steps to the exploration process is fully understanding the scope of the issue; identifying the vision of the future; and identifying gaps, obstacles to success, proposed solutions, and next steps. The method for creating inclusive cultures include exploring the discovery phase; ignite the executive commitment; amplify workforce development; and optimize inclusive/aligned recruiting and onboarding. The discovery processes are used to understand the organization and culture of the CSKT, set expectations for all stakeholders in the project; determine the investment of time, resources and funds needed to achieve the desired results; set up the organization, the project, and the project team from CSKT and Aligned at Work for maximum success. Key components of the discovery phase are to have a half-day strategic discovery workshop; stakeholder interviews (10-12 interviews up to one hour each); and employee survey preparing and distribution, compilation and results. An optional piece is to have internal focus groups (up to four one-hour sessions). The discovery process outcomes include gaps identified; obstacles to success identified; proposed solutions through consulting, training, coaching, assessments, facilitation; and quick hits you can do yourselves. The model used is Do As I Do Leadership, align positions and people; healthy environment; and honor the people. **Jessica Purdy** reviewed the Organizational Culture Quality Audit which shows the employee culture experiences by demographic; microculture qualities; microculture qualities; and alignment of permitted and intended cultures. The OCQA works as a web-based survey platform; privacy by design; organization-wide deployment; forced choice questions; robust demographic collection; and third generation logic. CSKT would be the first tribal government that would work with the culture quality audit model. The consultants will review personnel process, including Ordinance 69D and the Grievance Policy.

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

Jordan Thompson, Tribal Executive Office, requested to meet with council in **executive session** to discuss legislative issues.

Dan Decker, Brian Upton, Michael Wheeler, Melissa Schlichting, Lynsey Gaudio, Katie Jones, Chelsea Colwyn, Grace Judge, and Zach Zipfel, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Chairman McDonald left the meeting to participate in an interview and then personal time off for the remainder of the day.

Council reconvened into **regular session**.

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

Ellie Bundy left the meeting for the remainder of the day to give a MMIP presentation at St. Patrick Hospital.

It was the **consensus** of council to approve the two letters presented by the Legal Department this morning.

Lesya Evers, Casey Peck and **Kelsey Kastelitz**, Department of Public Health & Human Services, met with council as part of the spring tribal tour. **Joe Durglo**, Tribal Health Department, was present for discussion. **Lesya Evers** provided a packet of information and reviewed changes to the organizational chart. David Gerard was hired as the new Deputy Director and began employment in this position three weeks ago. The Public Health and Safety reporting structure changed to the Deputy Director. The Health Resources Division has a new Acting Administrator. **Casey Peck** has been distributing information to health departments regarding Medicaid. THIP reporting requirements were placed on hold during the health emergency, so that will now go back into place. The pharmacy flexibility was put into place to not have to get prior authorization for certain medications, the ability to refill prescriptions early, and get a 90-day supply for certain medications. Prior authorization will be required again. Those changes will go into effect on May 12, 2023. Medical services via telephone have had a great impact and it will remain in effect. The THIP reports will be required starting July 1. **Joe Durglo** informed council that the Tribal Health Department will send out a notice to patients about the changes to the 90-day refill supply that will be going into effect. **Lesya Evers** talked about the changes to the kids in congregate care and she sent a letter and an email regarding impacts to the Tribes. The changes go into effect July 1. DPHHS had been absorbing the cost because they had a grant; the grant is done now, so they cannot pay for that anymore. The Child Support Division has had some changes. The CSKT does their own child support program. A summit is hosted every six months and CSKT will host the next summit in October. The national conference is scheduled for

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July in Green Bay, WI. Lesa encouraged all four tribes to submit a letter about the 20% match. The public comment period for that ends on June 20, 2023. The tribes that do not have their own programs will be invited to the Tribal Summit so they can be exposed to the program. The semi-annual reporting for mental health funding was changed to requiring an annual report. The packet of information included the agenda for the SNAP Tribal Consultation scheduled for June 7 in Helena. DPHHS will cover the costs for 4 tribal representatives to attend the consultation. **Casey Peck** reviewed the Medicaid revenue report for the first six months of fiscal year 2023. The data was pulled based on the date paid. **Joe Durglo** reported that the Tribal Health Department staff are working on dental claims; there are issues with the form submittal and the software package. There was a system error because it had not been used for so long. Lesa included a copy of the task orders in the packet of information. Joe informed council that the Tribal Health Department will be hosting all the THIP programs in the fall.

Patricia Hibbeler, Tribal Member Services; and **Charmel McClure-Sternick**; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 2:30 p.m., and is scheduled to meet again on Thursday, May 4, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary