

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

Volume 23 Number 75
Council Chambers, Pablo, MT

Held: September 5, 2023
Approved: September 7, 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, Tribal Council Support; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:05 a.m. Quorum established. **Martin Charlo** is attending a Flathead Irrigation Project meeting in Polson and will join the meeting later.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for August 31, 2023 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for August 31, 2023, with corrections. Seconded by Jim Malatare. Carried, unanimous (9 present).

The **agenda** was presented for approval.

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

Brian Lipscomb informed council that the USS Montana will receive an award from the Montana Historical Society. The ceremony is next Wednesday at 4:00 p.m., at the capital. The Brothers Drum Group will attend. Council was invited to go. Bing Matt and Carole Lankford showed interest in attending.

Brian Lipscomb, Energy Keepers, Inc., informed council that he submitted an agenda request to meet with the council next Thursday to present the annual operating plan. Brian can meet with the council before then if they want input

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on the strategic plan. **Chairman McDonald** scheduled the discussion for 2:00 p.m. today.

Alberta Bertsch, Tribal Member, informed council that her son is getting a homesite in Dixon. She is trying to buy him a trailer and she has been unable to get necessary information from the Lands Department regarding the requirements for a trailer house. Alberta was told the trailer is too old and has an addition. She requested a copy of the policy, but she was told it was a management decision. Alberta cannot afford to purchase a new trailer house, and due to the homelessness happening she would like approval to move the trailer to the homesite. **Willie Birthmark**, Tribal Lands Department, researched this matter and cannot locate the year, but the staff told him in 2005 the council approved the policy that trailer houses had to be 1984 or newer. That policy follows local jurisdictions in cities and counties. There are age restrictions for trailers. Once trailers that were grandfathered in are moved, they are no longer grandfathered in. The trailer Alberta wants to purchase is located in Lolo. Although this requirement is not contained in the Lands Ordinance, the policy was approved by the Tribal Council in 2005. If the council waives policy and the trailer passes the inspection, then it could be moved to the homesite. **Ellie Bundy** wanted to make sure the trailer house could be insured. **Tony Incashola, Jr.**, Tribal Resources Management, spoke to the department head about this matter last week and was told the issue is the fire risk for trailer houses older than 1984. The Lands staff plans to do a visual and structural inspection. Willie Birthmark will follow up and conduct the inspection. **Mike Dolson** would like the 2005 council action so the Lands Ordinance can be modified.

Terry Pitts informed council that Delores Adams is having issues with dogs and she is afraid to walk to the mailbox to pick up her mail. Terry wants the Game Wardens or law enforcement to contact Delores. There are some dog owners that do not control their dogs. **Willie Birthmark**, Tribal Lands Department, has been to that area several times dealing with packs of dogs creating a nuisance. The owners are cited for public nuisance. The Lands Ordinance has language regarding dog issues, but he does not know if there is a vicious dog section in the ordinance. Willie will follow up.

Carole Lankford informed council that Christine Nervy sent a letter regarding skateparks. Christine is interested in helping us get a handle on the skateparks that are planned. There is going to be a Ronan/Pablo district meeting tomorrow and it will be discussed. She is not asking for pay, but with this kind of project Carole thinks the Tribes need to pay her something.

Carole Lankford asked about the low cost block contribution that Energy Keepers, Inc. gave back to the Tribes. Carole has had people asking about it since they are not eligible for LIHEAP. She asked in the past that we get ahead of the game on this issue. The council said they would distribute it to the membership.

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Now it is getting colder and she has not received any update on who will be eligible for that funding.

Carole Lankford received a copy of a letter that Bob Strauss sent to the Rocky Mountain Tribal Leaders Subcommittee about the State's handling of the Medicaid agencies in their review of the system in determining Medicaid eligibility. A million children were improperly disenrolled from the Medicaid program. The state agency is reviewing their system. Carole will share the letter with council.

Carole Lankford informed council that Mary Lou Sorrell lost a small dog from a big dog in the neighborhood. Carole called Salish Kootenai Housing Authority, but it is not located in a housing unit.

Chairman McDonald received a schematic from Mission Valley Power regarding the consumer low cost block of power, and he will share that information with Greg so we can figure out what kind of rebate or supplement we can allocate to each tribal member household leader. **Carole Lankford** requested a copy of the signed Public Law 280 document. **Chairman McDonald** will follow up with the Legal Department.

Ruth Swaney, Financial Management, requested authorization to reallocate unexpended funding in the pow wows and celebrations budget to contribute \$3,500 to the Seventh Generation Pow Wow on September 8-9, 2023 and contribute \$3,500 to the Veterans Honoring and Pow Wow that will take place on November 4, 2023. SKC and Tribal Health did not hold pow wow celebrations this year. **Ellie Bundy** asked if SKC and Tribal Health sobriety celebration request the funding in the future if we could support that request. Ruth responded donations are recurring every year. Each year the Tribes contribute \$3,500 to the SKC pow wow and \$5,000 to the Tribal Health sobriety celebration event. Another option is for the council to approve \$5,000 each year to fund sobriety events or various celebrations.

MOTION by Len TwoTeeth to reallocate unexpended funding in the budget for pow wows and celebrations to contribute \$3,500 to the Seventh Generation Pow Wow on September 8-9, 2023 and contribute \$3,500 to the Veterans Honoring and Pow Wow that will take place on November 4, 2023. Seconded by Jim Malatare. Carried, unanimous (9 present).

MOTION by Len TwoTeeth to provide \$5,000 for any sobriety event or any other activity the council approves in fiscal year 2024. Seconded by Terry Pitts. Carried, unanimous (9 present).

Greg Spahr and **Amelia Adams**, Financial Management, requested approval of a resolution for setup and signatory authority for the bank account at Eagle

Bank in Polson called CSKT Opioid Settlement. Council will be part of the strategic planning for the funds.

MOTION by Mike Dolson to approve by resolution the setup and signatory authority for the bank account at Eagle Bank in Polson called CSKT Opioid Settlement. Seconded by Len TwoTeeth. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-149

RESOLUTION AUTHORIZING SETUP AND SIGNATORY AUTHORITY FOR THE BANK ACCOUNT AT EAGLE BANK IN POLSON CALLED CSKT OPIOID SETTLEMENT

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

WHEREAS, the Confederated Salish and Kootenai Tribes designate Eagle Bank of Polson to conduct day to day CSKT Opioid Settlement business as the Tribe's designated depository.

WHEREAS, it has become necessary to authorize employee signatures for the CSKT Opioid Settlement account.

Account Name

Account Number

CSKT – Opioid Settlement

(tbd)

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all CSKT Opioid Settlement account activity on said accounts from Eagle Bank, at Polson, MT, from the approved date of this resolution will be signed by two of the following:

| | |
|-------------------|----------------------------------|
| Rick Eneas | Executive Officer |
| Greg Spahr | Director of Financial Management |
| Wanda Salomon | Central 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.

Greg Spahr and **Amelia Adams**, Financial Management, requested approval of a resolution for setup and signatory authority for the investment account at LPL Financial via French Wealth Management titled: CSKT Opioid Settlement.

MOTION by Mike Dolson to approve by resolution the setup and signatory authority for the investment account at LPL Financial via French Wealth Management titled: CSKT Opioid Settlement. Seconded by Terry Pitts. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-150

RESOLUTION AUTHORIZING SETUP AND SIGNATORY AUTHORITY FOR THE INVESTMENT ACCOUNT AT LPL FINANCIAL via FRENCH WEALTH MANAGEMENT TITLED: CSKT OPIOID SETTLEMENT

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

WHEREAS, the Confederated Salish and Kootenai Tribes designate LPL Financial, French Wealth Management, in Kalispell, MT to conduct day to day CSKT, Opioid Settlement Investment business as one of the Tribe's designated investment companies; and

WHEREAS, it has become necessary to authorize employee signatures for CSKT Opioid Settlement Investment Account; and

Account Name

Account Number

CSKT – OPIOID SETTLEMENT

(tbd)

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that all CSKT Opioid Settlement Investment Account activity on said accounts from LPL Financial, French Wealth Management, in Kalispell, MT, from the approved date of this resolution will be signed by the following:

| | |
|-------------------|----------------------------------|
| Rick Eneas | Executive Officer |
| Greg Spahr | Director of Financial Management |
| Wanda Salomon | Central Accounting Manager |
| Lance Friedlander | General Ledger Manager |

whose signature shall be duly certified to said Investment Company.

BE IT FURTHER RESOLVED, that this resolution shall continue forth and when delivered to said institution will continue until written notice to the contrary is duly served on said institution.

Greg Spahr, Financial Management, informed council he will meet with them this Thursday regarding BTFA request for index amount on the third mandatory payment for water compact, which should be about \$19 million. He is getting ready for fiscal year 2024 and prepared a letter for the release of the next \$90 million mandatory payment. Greg will present a resolution and a letter requesting funding to be released from the water compact budget allocation. Greg will be bringing forward a request for \$10 million for the Section 7B activities, including purchase of pipe or other equipment. **Len TwoTeeth** asked if there are any accounts with Eagle Bank and any other local banks. Greg responded Glacier Bank is the principal water compact liquid account. We are full of our protected pledge at Eagle Bank. We have \$35 million pledged protection at Eagle Bank that is insured. We have up to \$100 million worth of FDIC insured balances and our cap at Eagle Bank is \$135 million. There are some accounts at First Interstate Bank. Greg has reached out to Valley Bank about developing a relationship. **Chairman McDonald** requested a breakdown on how the irrigation betterment compact funding is spent on an annual basis, including the salaries and project timelines. Greg will follow up. **Mike Dolson** asked if there will there be indexing on the \$1 billion. Greg replied there will be no more indexing. The \$1 billion that hit had a total calculation of \$176 million of indexing and it was frontloaded with \$22 million. We received an allocation of \$156 million. The \$1 billion discretionary distribution has been satisfied with both principal and interest. The funding must be used on activities described in the water compact.

Chairman McDonald informed Greg that through the Economic Development Office, the 477 funding can be used to write a business plan for the tribal plaza in Elmo. It can also be used to purchase equipment. **Len TwoTeeth** wants to see a plan in place and a checklist of things we need to follow and track so we can keep the project moving on what we need to accomplish on a weekly basis. He wants to start moving dirt no later than next spring, if possible. **Greg Spahr** reached out to SKMM and is working with them to provide the roadmap to move forward.

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

Dan Decker, Shane Morigeau, Chelsea Colwyn, Lynsey Gaudio, Katie Jones, John Harrison, and Zach Zipfel, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

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Martin Charlo joined the meeting.

Melanie Piedalue, Personnel Department, joined the discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to appoint Shawn DeFrance to the Shoreline Protection Board for a three-year term. Seconded by Ellie Bundy. Carried, unanimous (10 present).

MOTION by Bing Matt to appoint Jableau Arlee to the Forestry Advisory Committee for a two year term. Seconded by Terry Pitts. Carried, unanimous (10 present).

Council **adjourned** at 12:12 p.m., and is scheduled to meet again on Thursday, September 7, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary