

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

Volume 24 Number 41
Council Chambers, Pablo, MT

Held: April 2, 2024
Approved: April 4, 2024

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

OTHERS PRESENT: Jableau Arlee, Tribal Council Support; Leniece Trahan, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by James Steele, Jr.

The **Tribal Council Meeting Minutes** for March 28, 2024 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for March 28, 2024, with corrections. Seconded by Tom McDonald. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Danielle Matt to approve the agenda, with changes. Seconded by Tom McDonald. Carried, unanimous (10 present).

Sharlene Peone requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the SF 209 Missoula South Signs project. MDT has planned a signing and lighting project for 27 sites. Sites 12-15 (located 6.5 miles north of the wye) and site 18 (located on Skyline Drive) are located on the Flathead Reservation. The project will be let out for bid and construction in 2025.

MOTION by Martin Charlo to approve the project specific agreement with the Montana Department of Transportation for the SF 209 Missoula South Signs project for the sites located on the Flathead Reservation. Seconded by James Steele, Jr. Carried, unanimous (10 present).

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the SF 209 Missoula North Signs project. MDT has planned a signing and lighting project for 19 sites. Site 1 (located 5.6 miles south of Polson) and site 2 (located on MT 28 intersection 0.4 miles from Elmo) are located on the Flathead Reservation. The project will be let out for bid and construction in 2025.

MOTION by Tom McDonald to approve the project specific agreement with the Montana Department of Transportation for the SF 209 Missoula North Signs project for the sites located on the Flathead Reservation. Seconded by Bing Matt. Carried, unanimous (10 present).

Tom McDonald asked if there will be a signal light located north of Ronan at the old highway. **Melinda Charlo** has a meeting with the Montana Department of Transportation this week and she will follow up.

Carole Lankford discussed the basketball court in Dixon. Dan Eastman had submitted a bid in the amount of \$52,000.00 for the basketball court. The community did a lot of work to clean up the site, and Carole would like the court corrected. Smith Paving also submitted a bid, and Zanen Pitts was going to do the painting and murals. She recommended doing another cleanup.

Council discussed the bathhouse and rescinding the previous council action to demolish the bathhouse and do remediation instead. **Len TwoTeeth** wanted to know where the funding would come from. **Chairman Dolson** would need to find that out.

MOTION by Tom McDonald to rescind the previous council action to demolish the bathhouse. Seconded by Martin Charlo. Carried, unanimous (10 present).

MOTION by Tom McDonald to proceed with a contract to remediate the bathhouse and complete the cleanup to remove any hazards, and establish security for the building. Seconded by Martin Charlo. Carried, unanimous (10 present).

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

Joe Durglo and **Joanna Hazen**, Tribal Health Department, requested approval of a resolution to enter into a memorandum of understanding with the Rocky Mountain Tribal Leaders Council for strengthening public health systems and services in Indian country in the amount of \$50,000.00.

MOTION by James Steele, Jr. to approve the resolution approving a memorandum of understanding with the Rocky Mountain Tribal Leaders Council for strengthening public health systems and services in Indian country in the amount of \$50,000.00. Seconded by Danielle Matt. Carried, 9 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

RESOLUTION 24-065

RESOLUTION SUPPORTING THE SUBMISSION OF THE ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL FUND TRIBAL GRANT

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

WHEREAS, the CSKT Tribal Council is the duly elected governing body of the Confederated Salish and Kootenai Tribes and is authorized to act on behalf of the CSKT Tribes; and the CSKT Tribal Council established the Tribal Health Department pursuant to Public Law 93-638 to administer and manage its healthcare programs and services per CSKT Tribal Ordinance 83; and

WHEREAS, the Tribal Health Department, in alignment with its mission to address the healthcare needs of tribal communities, is committed to reducing youth substance abuse, enhancing social and family connectedness, fostering cultural understanding and spirituality, and improving Tribal Nation Preparedness and response; and

WHEREAS, the Tribal Health Department seeks to enhance its efforts by collaborating with the Rocky Mountain Tribal Leaders Council (RMTLC) team to address Tribal initiatives within the Tribal Health framework on the Flathead Reservation; and

WHEREAS, the Tribal Health Department is pursuing funding in the amount of \$50,000.00 over the course of a five (5) year period to support these collaborative endeavors and further the objectives of the SPHSSIC efforts;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Health Department is authorized and supported by the Tribal Council to submit the Rocky Mountain Tribal Leaders Council Tribal Public Health Umbrella Grant proposal, including any necessary updates and revisions, to advance the goals outlined and integrate these efforts into the most recent Tribal Health work plan.

Arlen Tellier, Enrollment Office, requested approval a resolution authorizing the relinquishment of Nathan Joseph Mahseelah and his two minor children S.L.M. Mahseelah and I.A. Trombley so they may become members of the Puyallup Tribe of Indians.

MOTION by Martin Charlo to approve by resolution the relinquishment of Nathan Joseph Mahseelah and his two minor children S.L.M. Mahseelah and I.A. Trombley so they may become members of the Puyallup Tribe of Indians. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

RESOLUTION 24-066

RESOLUTION AUTHORIZING THE RELINQUISHMENT OF NATHAN JOSEPH MAHSEELAH (203-UO12283) AND MINORS S. L. M. MAHSEELAH (203-UO14731) I. A. TROMBLEY (203-UO15190)

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

WHEREAS, the biological father requested to relinquish himself and minor children's membership from the Confederated Salish and Kootenai Tribes of the Flathead Reservation, MT; and

WHEREAS, Article II, Section 5 (1) of the Tribes' Constitution provides that membership in the Tribe may be lost by resignation in writing to the Tribal Council; **NOW, THEREFORE**,

BE IT RESOLVED, that Nathan Joseph Mahseelah, S. L. M. Mahseelah, and I. A. Trombley has relinquished the following:

- Membership in the Confederated Salish and Kootenai Tribes
- All future Tribal benefits
- All hunting and fishing rights now held by members of the Confederated Salish and Kootenai Tribes
- Any and all privileges now extended to members of the Confederated Salish and Kootenai Tribes

BE IT FURTHER RESOLVED, that any minor who's relinquished their rights or membership voluntarily in the Confederated Salish and Kootenai Tribes shall be eligible for reinstatement or re-adoption when he/she becomes legal age (18) and makes that determination, as long as he/she meets all the requirements for enrollment; and

BE IT FINALLY RESOLVED, that the Enrollment Department of the Confederated Salish and Kootenai Tribes must be in receipt of documentation that Nathan Joseph Mahseelah has become an official member of the Puyallup Tribe of Indians before he/she is removed from the Confederated Salish and Kootenai Tribes.

John Neiss, Facilities Maintenance; and **Dan Durglo**, S&K Mission Management; requested approval of Task Order 109 for roofing repairs and replacement projects.

MOTION by Carole Lankford to approve Task Order 109 for roofing repairs and replacement projects. Seconded by Danielle Matt. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Marilyn Caye requested to meet with council in **executive session** to discuss a personal matter.

Renee Camel and **Celeste Hewankorn**, Information Technologies; and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel issue.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to waive the 90-day limit in tribal policy and allow the employee to return to work, with the stipulation that the employee follow all stipulations outlined by the Information Technologies Department Head in order to retain employment with the Tribes. Seconded by Tom McDonald. Carried, unanimous (10 present).

Evan Smith, Natural Resources Department, requested approval to enter into an agreement with the Flathead Lake Biological Station to be a subrecipient of the federal grant.

MOTION by Tom McDonald to approve the agreement with the Flathead Lake Biological Station to be a subrecipient of the federal grant. Seconded by Martin Charlo. Carried, unanimous (10 present).

Chauncey Means, Natural Resources Department, requested approval of a revised organizational chart.

MOTION by Martin Charlo to approve the revised organizational chart for the Natural Resources Department. Seconded by Bing Matt. Carried, 9 for; 1 abstention (Tom McDonald).

Bob Vosen, **Larry Flynn**, and **John Schmidt**, Montana Department of Transportation; and **Scott Johnston**, Natural Resources Department; gave an update on highway projects. **Len TwoTeeth** mentioned the easement by the junction that MDT has held for the past 50 years and is not using. CSKT is in the process of planning some huge economic ventures at that location and it is critical for planning purposes that the Tribes use as much of its tribal property as possible. MDT just needs to sign a release document and file it with the court house. Len would like that expedited. **Scott Johnston** will have the right-of-way staff follow up to get that moving forward. The egress and ingress at the Big Arm location will be added into the traffic impact study from Polson to Somers to improve traffic flow at that location. The CSKT wanted an update on the Pablo safety improvement project. There was discussion about the need for right turn lanes at the Salish Kootenai Housing Authority, S&K Technologies, Gray Wolf Peak Casino, and Schley Road. The Traffic and Safety Division looked at the possibility of having a southbound turn lane into Gray Wolf Peak Casino, and there are no crash trends in those areas. MDT hopes to fix the concerns by changing the striping within the existing asphalt. Adding turn lanes would require widening the roadway in those areas. There was discussion about the traffic bottleneck in Polson, especially during the summer months. The traffic impact study will look at that to identify any changes since the last study was conducted. Another topic of interest to the CSKT was pedestrian crossings on Highway 93 in Polson. A traffic impact study was completed on the new casino proposed in Polson. Depending on how quickly the casino will be moving forward, that area is part of the greater traffic impact study. Tom McDonald mentioned there is a lot of traffic on Rocky Point Road. Ronan South is the next project MDT will be working on, which is from Innovation Lane to the south end of the couplet split.

There are some challenges that need to be resolved before MDT can begin the Ronan Urban project. The Ronan section is 5 or 6 years out, depending on funding. There are some contaminated soils at the old gas station in Ronan, but MDT does not know the extent of it. A mitigation plan will need to be developed for that. MDT is in the process of splitting the Conner North-South project into three phases. The middle section will be developed first, which is by the Medicine Tree. There is a meeting tomorrow to develop the mid-year plan. MDT can send a follow-up email to CSKT with more information. MDT recognizes the importance of that project. The traffic impact study for the new casino was distributed yesterday. Rainbow Lane has no crash trends for that area, but there may need to be some trees cleared out. The Perma Curve project may be divided into two projects, and MDT is following up on the design options. CSKT received a Safe Streets For All grant. Scott Johnston will seek public input and hold public meetings and will report back when he has more information. MDT resurfaced the Perma Road. **Bing Matt** asked about the curves in Perma on Highway 200. MDT has the Perma Curves project on their list, which is fairly lengthy, so they are looking at possibly splitting it into two projects to improve safety. There is no

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time frame for the project yet, and Bob will give an update at the next meeting. **Mr. Vosen** talked about safety concerns regarding the white crosses on the road. There are memorials being added to those crosses. Some crosses are not in a great location from a safety standpoint and it causes him concern when people are parking their cars in an unsafe location. Bob does not want another cross added to the ones that are already there. Someone cut steps into the bank to access a cross and is adding to a memorial that is located in a very unsafe location. MDT is respectfully asking people to find a better place for those memorials to prevent more tragedies on the highway. **Tom McDonald** talked about having electric charging stations. **Mr. Vosen** commented that it is a challenge to drive an electric vehicle across the state. MDT looks at the road user charge and who is paying for the infrastructure. There was some key legislation in 2023 that replaced that lost revenue so they can continue to improve the infrastructure. There is an additional registration fee for electric vehicles that is designed to replace the estimated fuel tax that would be paid.

Stephen Smallsalmon followed up on his request to have the building for his sweathouse built. The structure is 16' x 16' in size. **Carole Lankford** stated the difficulty is because it is a building for a sweat lodge not just any contractor can build it. Carole spoke to Chaney Bell and he thought there was a group of people that could build it for Stephen. The materials would need to be purchased. **Council** advised they are still working on it.

Stephen Smallsalmon discussed the Kicking Horse Job Corps road and his bridge. Every time he brings it up he is told it is not the Tribes' responsibility since the road and bridge belong to the county, but then when he goes to the county they say it is not their responsibility. That road and bridge are dangerous. **Council** advised it is the county's responsibility and obligation to make improvements.

Stephen Smallsalmon informed council that the students want to go floating at Wild Horse Island on April 22, 23, and 24.

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

Carolyn Upton, Lolo National Forest Service, gave an update on the revised forest plan development. There will be some meetings scheduled with the resource management staff to discuss comments on the plan. The public comment period closed yesterday. Carolyn would like to receive comments from the CSKT. The Forest Service will be developing alternatives. There will be more meetings from April – June.

Kathryn McDonald, Tribal Relations Specialist, gave an update. The staff has been working with the Lolo National Forest Service on their revised forest plan development. The public comment period has closed. There is some time for

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CSKT specialists to provide comments based on government-to-government consultations. They are looking at funding for the Preservation Office to work with the archeologists to provide any surveys and monitoring, if necessary.

Ruth Swaney, Financial Management, presented the Fiscal Year 2025 projected General Fund revenue report. **James Steele, Jr.** would like to review the Third-Party policy and use those funds for treatment and services. **Tom McDonald** had wanted to use Third Party funding to pay the Medicare Part B premiums for tribal elders. The council has not received any reports on that from Tribal Health staff. Ruth discussed challenges for fiscal year 2025, which excludes Third Party Collections because of the restrictive nature of that revenue, and excluding Corporate Dividends because they cannot be reasonably predicted at this time. The total projections for fiscal year 2025 General Fund revenue is \$40.2 million. Current outlays, excluding Third Party expenditures, total \$75.2 million. The widening gap between fiscal year revenue and projected spending is of concern and will remain as revenue sources continue to increase by only single percentage points. Two immediate needs that impact the allocation of available General Fund revenue are Bison Range and Public Law 280 retrocession. Both require General Fund revenues for the foreseeable future, and while there may be opportunity to seek external funding, that outcome is not assured. In fiscal years 2022 and 2023, CSKT was awarded \$1 million and \$2.093 million, respectively, for transition of the Bison Range to CSKT management. In addition, \$5.4 million was awarded for deferred maintenance. Transition funding was fully expended as of March 2024, and deferred maintenance funding is estimated to be \$3 million remaining at the end of fiscal year 2024. **Tom McDonald** commented that there was a council directive for the department to plan for an entrance to the Bison Range at the top of Ravalli Hill, which would increase revenue. There are two sources of non-recurring revenue for which there are opportunities to address challenges and continue to address the stated priorities of council. In fiscal year 2023, the CSKT received an allocation of \$2.6 million from the Treasury Department's Local Assistance and Tribal Consistency Fund. The funds may be used for any governmental purpose, except for lobbying. In fiscal year 2023, CSKT received its first payment of \$2.5 million for the Tribal Opioid Litigation settlement. Both sources of funds could conceivably be directed toward Public Law 280 implementation. Creating new revenue sources and enhancing existing revenues are essential to self-determination and tribal sovereignty. As a result of COVID-19, CSKT received and expended millions in non-recurring funding. Direct relief payments to individuals totaled \$24 million from CARES Act and \$48 million from ARP Act between 2020 and 2024. CSKT sought to leverage these dollars in the form of investments for information technology infrastructure, employee retention pay, homeowners' assistance, community development, and major improvements to tribal government facilities. These non-recurring funds made it possible for CSKT to increase General Fund spending. In 2025 and beyond, the CSKT must return to reduced levels of spending across the tribal government.

MOTION by Martin Charlo to accept the projected revenue report. Seconded by Tom McDonald. Carried, unanimous (10 present).

John Harrison, Chelsea Colwyn, Melissa Schlichting, Lynsey Gaudioso, Brian Upton, Michael Wheeler, and Zach Zipfel, Legal Department; and **Jordan Thompson**, Tribal Executive Office; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve the letter to Bryan Mercier. Seconded by Tom McDonald. Carried, unanimous (10 present).

Council **adjourned** at 4:28 p.m., and is scheduled to meet again on Thursday, April 4, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary