

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

Volume 24 Number 33
Council Chambers, Pablo, MT

Held: February 27, 2024
Approved: February 29, 2024

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

MEMBERS ABSENT: James Steele, Jr., Treasurer (Western Native Voice Tribal Council Gathering – Bozeman, Montana); and Jim Malatare (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:05 a.m. Quorum established. **Chairman Dolson** is attending the PROGRESS Act Negotiated Rulemaking Meeting in Washington, DC, and will join the meeting later.

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

The **Tribal Council Meeting Minutes** for February 22, 2024 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for February 22, 2024, with corrections. Seconded by Bing Matt. Carried, 6 for; 1 abstention (Danielle Matt).

The **agenda** was presented for approval.

MOTION by Martin Charlo to approve the agenda, with changes. Seconded by Bing Matt. Carried, unanimous (7 present).

Sharlene Peone, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Dan Decker**, Legal Department, was present for discussion.

Dan Decker, Legal Department, met with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Brad McCrea, Tribal Lands Department, presented a request from the St. Ignatius Softball Association for a revocable permit to utilize the St. Ignatius Softball “Blue” Fields on Tribal Tract T4118-A for the months of April through September 30, 2024. Options discussed were (1) grant a free-use permit for the months of April through September 30, 2024; waive the bond requirement, with a provision that any other entity that proposes to use the property must request a separate use permit from the Tribes; and provide proof of required insurance; (2) deny the request; and (3) hold further discussion. **Martin Charlo** would like Tribal property signage at that location.

MOTION by Carole Lankford to grant the St. Ignatius Softball Association a free-use revocable permit to utilize the St. Ignatius Softball “Blue” Fields on Tribal Tract T4118-A for the months of April through September 30, 2024; waive the bond requirement, with a provision that any other entity that proposes to use the property must request a separate use permit from the Tribes; and require proof of required insurance. Seconded by Martin Charlo. Carried, unanimous (7 present).

Ann Miller, Tribal Defenders Office, requested approval of a noncompetitive consultant agreement with Marcia Brownlee to provide mental health screenings and counseling to clients of the Tribal Defenders Office through May 31, 2025, and other counseling and psychology students referred by their respective departments at the University of Montana and other higher learning institutions without having to solicit bids.

MOTION by Martin Charlo to approve the noncompetitive consultant agreement with Marcia Brownlee to provide mental health screenings and counseling to clients of the Tribal Defenders Office through May 31, 2025, and other counseling and psychology students referred to the Tribal Defenders Office by their respective departments at the University of Montana and other higher learning institutions without having to solicit bids. Seconded by Bing Matt. Carried, 6 for; 1 opposed (Len TwoTeeth).

Kari Kingery, Natural Resources Department, requested approval to accept an award from the Vital Ground Foundation. The grant only allows 5% IDC, so the program will have to cover the remaining IDC. The Vital Ground Foundation has funds available to assist wildlife management agencies with partnership landscape-oriented conservation and outreach efforts. The funding will be used to procure equipment to aid in implementing Fall Wildlife Festivals each year, which serve to educate Tribal membership and general public with non-lethal carnivore prevention methods, fruit gleaning, and various other wildlife topics.

MOTION by Jennifer Finley to approve by resolution the acceptance of a grant award for funding from the Vital Ground Foundation. Seconded by Martin Charlo. Carried, 6 for; 0 opposed; 1 not voting (Danielle Matt out of the room).

RESOLUTION 24-050

RESOLUTION APPROVING THE ACCEPTANCE OF A GRANT AWARD FOR FUNDING FROM THE VITAL GROUND FOUNDATION CONSERVATION PARTNER GRANT AGREEMENT

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

WHEREAS, the Natural Resources Department was established to manage, protect, educate, and regulate the natural resources of the Flathead Indian Reservation; and

WHEREAS, the Tribes have established a Tribal Wildlife Management Program to monitor wildlife populations and habitats, recommend appropriate wildlife and habitat management actions, inform the public about wildlife issues and oversee wildlife management projects; and

WHEREAS, the Tribes are eligible to receive funds to promote sound wildlife management activities for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted; and

WHEREAS, the Vital Ground Foundation has funds available to assist wildlife management agencies with partnership landscape-oriented conservation and outreach efforts; **NOW, THEREFORE**,

BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes approves the application and acceptance of grant funding to procure equipment to aid in implementing Fall Wildlife Festivals each year, which serve to educate Tribal membership and general public with non-lethal carnivore prevention methods, fruit gleaning, and various other wildlife topics.

Kari Kingery, Natural Resources Department, presented a request from Dr. Amy Kuenzi for a collection permit, Montana Technological University, to continue the study of small mammals to collect data examining patterns of Hantavirus infection in deer mice in Montana.

MOTION by Martin Charlo to grant Dr. Amy Kuenzi a collection permit to continue the study of small mammals to collect data examining

patterns of Hantavirus infection in deer mice in Montana. Seconded by Bing Matt. Carried, 6 for; 1 abstention (Danielle Matt – not present for full discussion).

Kari Kingery, Natural Resources Department, presented a request from Shannon Hilty, Montana Fish, Wildlife & Parks, for a five-year collection permit to test a bat colony for White-nosed syndrome.

MOTION by Len TwoTeeth to grant the Montana Fish, Wildlife & Parks a five-year collection permit to test a bat colony for White-nosed syndrome. Seconded by Martin Charlo. Carried, unanimous (7 present).

Seth Makepeace, Natural Resources Department, requested approval of modification 2 to Contract No. 23-134 in the amount of \$39,600.00, for a total contract amount of \$259,235.50, to complete groundwater modeling and reporting to develop the technical background for groundwater management options in the Jocko Valley.

MOTION by Martin Charlo to approve modification 2 to Contract No. 23-134 in the amount of \$39,600.00, for a total contract amount of \$259,235.50, to complete groundwater modeling and reporting to develop the technical background for groundwater management options in the Jocko Valley. Seconded by Bing Matt. Carried, unanimous (7 present).

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

Patricia Hibbeler, Director of Tribal Member Services; and **Marcy McCrea-Matt**, Department of Human Resources Development; provided a report on Title IV-E Task Order and requested signature on a letter to begin the negotiation process for a new seven-year Task Order. The current Task Order ends on June 7, 2024.

MOTION by Martin Charlo to approve signature on a letter to begin the negotiation process for a new seven-year Title VI-E Task Order. Seconded by Bing Matt. Carried, unanimous (7 present).

Patricia Hibbeler, Director of Tribal Member Services, requested approval of a letter to Director Charles Brereton, Director of Department of Public Health and Human Services, in response to our thoughts around House Bill 872 and asking to set aside a portion of the \$300 million to go to tribes in Montana. Tribal Health is looking at various crisis care models. It was the **consensus** of council to approve the letter.

Dan Decker, Lynsey Gaudioso, John Harrison, Shane Morigeau, Katie Jones, Melissa Schlichting, Zach Zipfel, Christina Courville, Chelsea Colwyn, and Yolanda Page, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Gwen Lankford**, Consultant, joined the

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discussion. **Brian Lipscomb**, Energy Keepers, Inc., joined the discussion. **Blair Libby**, Natural Resources Department, joined the discussion.

Council reconvened into **regular session**.

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

Michelle Mitchell, Tribal Education Department; and **Mike Perry**, Arlee School District; presented the 2023-2024 Indian Education Report for the Arlee School District. The name of the Arlee Indian Club was changed to the Arlee Indigenous Students Association. The school is piloting the new testing system for the Office of Public Instruction, which replaces the Smarter Balanced tests, and the school will not receive the group reports until March 1. The final drawings of the construction project for the new building for grades 3-6 were completed last week. The bid documents will go out next week and the bids will be opened on March 27. The project will break ground the first part of April and the completion date will be in August 2025. The softball field will be moved to the west side. **Tom McDonald** asked about the percentage of Native American staffing versus the Native American student population and had questions about the wrestling program. **Mr. Perry** responded the school has 93 teachers and administrators, and 12 of those identify as Native American. The goal is to gain more Native American staff. The school district received a five-year grant from the Office of Education for culture, reading and counseling. The funding will be used to hire a mental health counselor, two reading specialists, and recruit/retain Native American teachers for the five-year period. Arlee School has a girls and boys wrestling program and will co-op with St. Ignatius to add a baseball program this year. The discussion continued in **executive session**. **Patricia Hibbeler**, Director of Tribal Member Services, joined the discussion.

Chairman Dolson joined the meeting.

Council reconvened into **regular session**.

MOTION by Bing Matt to accept the 2023-2024 Indian Education Report for the Arlee School District. Seconded by Martin Charlo. Carried, unanimous (8 present).

It was the **consensus** of council to direct the Executive Director who oversees Child Protection Services to have staff attend the monthly county interdisciplinary safety coordination meeting for public schools and look at the parameters for sharing information across departments to improve the safety and welfare of our children.

Chelsea Colwyn, Legal Department; **Tabitha Espinoza**, **Les Evarts**, **Craig Pablo**, and **Frank Acevedo**, Natural Resources Department; discussed

compensatory wetland mitigation and requested permission to allow the Natural Resources Department to partner with Montana Freshwater Partners at Jocko Springs Creek on fisheries managed land to mitigate for on-reservation impacts on wetlands regulated by Section 404 of the Clean Water Act; and allow impacts to wetlands regulated by the Aquatic Lands Conservation Ordinance 87A to be mitigated by Montana Freshwater Partners on the reservation. The Clean Water Act prohibits the discharge of dredged or fill material into wetlands, streams, and other waters of the United States unless a permit issued by the United States Army Corps of Engineers under Clean Water Act Section 404 authorizes such a discharge. When there is a proposed discharge, all appropriate and practical steps must first be taken to avoid and minimize impacts to aquatic resources. For unavoidable impacts, the United States Army Corps of Engineers requires compensatory mitigation to replace the loss of wetland, stream, and/or aquatic resource functions and area. There are three mechanisms through which compensatory mitigation under Section 404 of the Clean Water Act is achieved: private mitigation banks, permittee responsible mitigation, and in-lieu fee mitigation. It was the **consensus** of council to move forward as discussed.

John Harrison, Legal Department; **Jen Harrington**, Frenchtown Smurfit Community Advisory Group; **Elena Evans**, Missoula Health Department; **Dave Schmetterling**, Fisheries Biologist from Montana Department of Fish, Wildlife, and Parks; **Johnathan Karlen**, House Representative; and **Brian Bartkowiak**, Montana Natural Resources Damage Program; discussed the Smurfit Superfund process. Smurfit Stone was in operation from 1957-2010 and there have been concerns about the effects of the mill. The CSKT are a Superfund trustee on the former mill site. The Frenchtown Smurfit Community Advisory Group is a group of citizens from the Frenchtown area that interact with the United States Environmental Protection Agency and represent the community's interests in the Superfund cleanup process. The whole fish were tested and they are still waiting for the results. Excessive risks for future users include: residents – surface soil, groundwater as drinking water; commercial/industrial worker – groundwater as drinking water; recreational fisher – fish; and tribal fisher – fish. The testing of the public water supply demonstrated the need for greater testing. The Department of Environmental Quality has a memorandum of understanding with the Water Quality District regarding public water supply permitting. The Water Quality District considers this area to be an area of a release of contamination until sufficient testing proves otherwise.

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

Ed Meece, City of Polson, thanked the Tribal Council for the letter of support for the Hillcrest Connector project. Council was invited to an open house event on March 19, at Bunker's Golf Course, from 9:00 a.m. to 1:00 p.m. There will also be a policy/legislative discussion, and Mr. Meece asked council to provide a list

of topics they would like to discuss. **Carole Lankford** would like Medicaid Expansion on the agenda.

Jennifer Trahan, Tribal Council Support, informed council there was only applicant for the Two Eagle River School Board and requested Chelsea Arlee be appointed.

MOTION by Carole Lankford to appoint Chelsea Arlee to the Two Eagle River School Board to fill the partial term ending December 13, 2026. Seconded by Martin Charlo. Carried, unanimous (8 present).

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

Sandra Boham, Salish Kootenai College President; **Jim Durglo**, **Linda King**, **Felicia Paul**, **Christopher Morigeau**, and **Vernon Finley**, Salish Kootenai College Board of Directors; provided a quarterly report. Board members not in attendance today are Germaine White and Jamie Cahoon. The board gave an overview of the 2023-2024 budget. There is \$18 million in the Foundation for scholarships. The board started a reserve account. The budget was \$8,130,173 and the expenses were \$8,130,173, so there was a breakeven. The total student population for Fall quarter was 648 and Winter quarter was 596. **Len TwoTeeth** commented on the drastic decline in student enrolment and he asked if the board has enacted any improvement measures. Jim responded there is information about that in the packet that was provided to the council. Retention has improved due to support services provided by SKC. The board has intentional efforts in getting more enrollments. Linda reported SKC's enrollment used to be 850 students. The graduation rate has increased. There were 427 students on the waiting list for housing during the Fall quarter, so there is a plan to address housing. There are multiple phases of housing planned and the bid package went out today for one of the complexes. That project should be completed by the Fall of 2025, and then the next unit will be ready to break ground in 2025. SKC already has the land and is securing the funding. The student population count includes graduate students. The packet of information included an audit and accreditation update.

Jennifer Finley informed the board that the Tribal Council met with the Legal Department this morning regarding workforce needs. SKC should be more engaging with our workforce. It would increase the student count and help tribal members achieve upward mobility in their work. DHRD has constant needs for people with MSWs, so that is another opportunity for a graduate program. There is a shortage of LACs to do assessments for people needing to get into treatment. There is a need for supervisor and customer service training, which could be beneficial to SKC and the Tribes. Jim responded that he had looked at the 477 program for Forestry and Division of Fire. There are some strings tied to the 477 grant that are restrictive or income driven. There are continual discussions

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regarding CSKT department needs. There has been a lot of interaction with the Tribes. **Tom McDonald** would like SKC to assist with workforce development needs. Jim informed council that the audit is still ongoing and will be completed later this year. A midcycle accreditation review will be conducted in April and that report will be available in August. There have been no changes made to the Bylaws or Conflict of Interest Policy. Linda gave an overview of the Academic Programing chart that was developed, and it included vocational and distance programs. Building trades, automotive repair, and welding are not degreed programs that are offered. SKC offers Safe Serve and defensive driving trainings. SKC applied for a grant for a significant amount and is expecting to be awarded the funding. **Tom McDonald** mentioned the community needs survey. There are needs from local employers.

Martin Charlo left the meeting for the remainder of the day to go to an appointment.

Tom McDonald would like SKC to provide basic training for Tribal government employees, such as hostile work environment, supervisor training, CPR, first-aid, customer service, active shooter, and emergencies, etc. **Jennifer Finley** stated those trainings must be tailored to CSKT and provide an understanding of Tribal policy and ordinances. The Human Resources Report for January was reviewed. There were 11 new hires (3 CSKT, 1 CSKT descendant and 7 nontribal members), 3 resignations (1 CSKT, 1 member of another tribe and 1 nontribal member), and 2 involuntary terminations (1 CSKT and 1 nontribal member). There were 3 grievances filed during the Fall term (2 CSKT and 1 nontribal member). There is no current or anticipated judicial or administrative litigation. The board was confused by the directive that was given to them from the Tribal Council to follow Ordinance 101A for personnel matters. That ordinance is for contracting and SKC has been following Ordinance 69D, which is the Personnel Ordinance. **Council** will follow up with Brian Upton. Salish Kootenai College conducted a community needs assessment. In September and October of 2023, the Office of Institutional Effectiveness and Vice President of Academic Affairs conducted community conversations in each community, and provided a meal. The meetings were advertised in the Char-Koosta News, through the local schools, and via social media. The purpose of the meetings was to identify what SKC is doing well, obtain perceptions of what SKC could do better to serve local community needs, and gather ideas for additional areas of service. The information obtained from the community meetings will be used as the college completes its 2024-2029 Strategic Plan. **Tom McDonald** asked if there were any tribal members on the strategic planning team and the board's response was no. **Chairman Dolson** asked if the council will be involved in the strategic planning and the board responded the board and council are yet to be included in the planning process. There was a report on collaborations with CSKT departments and entities. SKC offered a welders training program August 21 through October 10. The Pacific Ironworkers Union Local 14 provided a qualified instructor and

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the training trailer. 55 individuals signed up for the course and 11 were accepted (10 tribal members and 1 descendant). Each student received a \$100-per-day stipend and their fees were paid for. The next training is in the planning stages as a collaboration between the Division of Engineering and Water Resources, Salish Kootenai College, and the Ironworkers.

Exit interviews for employees leaving SKC are conducted by the SKC Human Resources Department. Three exit interviews were conducted and two were attempted for the period of January 12, 2024 through February 16, 2024. Exit interviews for students leaving college are facilitated by the Department of Academic Success. Due to FERPA restrictions, Department of Academic Success aggregates information from the student exit interviews and provides that information to SKC Administration. Lindy Warden is the Director of Early College Outreach and Recruitment. There are three grant-funded programs that target reservation high schools: GEAR-Up, Upward Bound, and the Native Youth Community Partnership grant. These three programs have activities and counselors in the high schools and target high school completion, career awareness, and post-high school planning for students in grades 7-12. Faculty members conducted various activities in K-12 classrooms. **Len TwoTeeth** commented that the report presented today for the period of January 12, 2024 through February, 16, 2024, is not reflective of the information and the complaints that the Tribal Council has received from students and faculty about how they were treated.

MOTION by Carole Lankford to accept the Salish Kootenai College quarterly report. Seconded by Bing Matt. Carried, unanimous (7 present).

Vernon Finley commented that he believes the quarterly reports will be remedied in the future. The board members have heard the Tribal Council's concerns. **Jim Durglo** commented that the board was not notified of today's meeting until yesterday, and they would appreciate more notice for the next meeting to allow time to properly prepare the report. The next quarterly meeting will be scheduled in May.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 5:02 p.m., and is scheduled to meet again on Thursday, February 29, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary