

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

Volume 22 Number 36
Council Chambers, Pablo, MT

Held: February 24, 2022
Approved: March 1, 2022

MEMBERS PRESENT: Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy McLeod, Treasurer; Carole Lankford; Jennifer Finley; Jim Malatare; Mike Dolson; and Anita Matt.

MEMBERS ABSENT: James “Bing” Matt.

OTHERS PRESENT: Abby Dupuis, Recording Secretary; and James Steele, Sr., Sergeant at Arms.

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

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for February 22, 2022 were presented for approval.

MOTION by Carole Lankford to approve the Tribal Council Meeting Minutes for February 22, 2022, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Martin Charlo informed council that he will be helping out with Jennifer Trahan’s duties since she is cooking at a funeral today.

Chairman McDonald discussed the fieldtrip to Helena next Monday and offered to carpool with anyone who wants to share a ride. Tom has room to take three people with him.

Chairman McDonald spoke to Gale Decker and received some information from Lake County regarding the election. For the Elmo site, the critical thing is making sure we encourage everyone to vote and getting them registered and

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signed up for absentee voting so they will receive a ballot in the mail. With that, the Lake County Election Officer is willing to go to Elmo to sign up people for registration on Saturdays prior to the election.

Martin Charlo gave an update. The COVID-19 numbers are improving. The omicron variant is less severe and it is the dominant strain right now. The vaccine has shown to prevent serious symptoms and hospitalizations. The local numbers have not been reported recently. Home test kits are available. If people test positive they need to stay home and take the necessary precautions. Martin encouraged people to be safe; he does not want to be in the same situation next year.

Martin Charlo thanked a tribal employee who is leaving employment today. She has been with the Tribes for her whole career. She puts her heart and soul into her job, and people are her first priority. She is leaving due to something we did, so he feels sad about that. It has to do with PayScale. It is something Martin has talked about. We are losing good employees. It is sad when we lose good employees, especially over a salary we cannot make an exception on. Martin hopes she will come back to work here some day and he wishes her the best. He wants her to know she was appreciated by our people; she helped anyone and everyone who asked. Martin wants people treated the same. He was upset that some departments are told how to write position descriptions to bump up the pay and not tell other departments how to do that. When you don't feel valued and treated fairly, you have to make decisions best for you. Our people and our culture are important to her. Martin hopes she is listening to today's meeting and knows she is valued.

John Denton discussed a personnel matter and requested direction on how best to proceed. John filed a grievance due to being terminated from the Facilities Maintenance Department on December 22, 2021 for cause. John filed a grievance on December 27, 2021 but has never received a response from the Personnel Department. John wanted direction on what his next steps would be. John said his due process was violated and now he will need to hire an attorney to sue the Tribes. **Ellie Bundy McLeod** was concerned about hearing a personnel issue and she did not want to take away his grievance rights by discussing this matter in a council meeting. **Len TwoTeeth** was concerned about the process to not jeopardize John's rights because he has other recourses available, such as Tribal Court and he did not want to jeopardize that for him. **Chairman McDonald** stated that the Personnel Ordinance has a process, and the Tribal Council relies on the administrative staff to follow the process. The timelines are expressed in the ordinance. Council cannot assist him other than to tell him to follow the process. Chairman McDonald will review the status of his grievance and make sure the process was followed, and then he will report back to John.

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Anita Matt gave a report on yesterday's fieldtrip. She thanked Carole Lankford, Lands Department, Tribal Forestry, and Natural Resources Department for showing up. The Lands Department is doing a lot of work onsite. There will be some tree removal and cleanup done.

Anita Matt had a district meeting last night. It was not well attended and only five residents showed up. Her meeting notice did not get published in the paper. Anita thanked Christina Courville, Mark Couture, Jace Smith, Scott Johnston, Mr. Beasley, Carole Lankford, Martin Charlo, Chairman McDonald, Jim Malatare, and Jennifer Finley for attending the meeting. Scott brought the architects to the meeting. They are coordinating a meeting with MRL and Dixon residents for March 23 so they can get some input on the roads project. The biggest complaint is people are feeling like they are not being heard. The Lands Ordinance is the number one thing that council needs to work on. Lots of people want to get involved. It seemed like it went over well. There needs to be some more meetings. We need to move up the cleaning a couple weeks in April. She appreciated Martin's daughter stepping up at the meeting and volunteering to talk to Two Eagle River School and the students. Anita appreciates all the support. There are 17 residents in the Agency. There is room for other homesites. The water system is done and the road system was put on the Transportation Improvement Plan in 2019 and is scheduled to be completed in 2022-2023. The Lands Ordinance needs to be in play where the Lands Department has management tools. **Carole Lankford** thought it was a good meeting and it was good to see council there. There were more council members than community members that attended. Her concern is all of us reached out and put ads in the paper and for some reason they get misplaced at times. Her notice didn't go out and she had to extend her meeting. We need one person that council can go and tell them to advertise our district meetings. The process has not been working the way it is. **Len TwoTeeth** has received complaints in the past from Dixon residents about the lack of response from law enforcement. He suggested that the Chief of Police be invited to attend the next district meeting to discuss that issue with the residents. It was good to hear lots of the council members attended last night. Council had been talking about having council meetings in every community, and maybe they can start doing that when the weather gets better. **Anita Matt** responded it was brought up as part of the Lands Ordinance and getting the ordinance is the best thing we can do to address issues.

Mike Dolson gave an update on yesterday's Tribal Education Committee meeting. They are having trouble getting a quorum for meetings. There are 14 members and it takes 5 members to make a quorum. The biggest problem is nobody has time to coordinate and make sure everyone is aware. Everyone is invited. They need to be contacted to make sure they are scheduled to attend the meetings. They are important meetings and they are trying to coordinate with the IACs who are not meeting in a consistent way. They want to get an FTE Coordinator for the committee that can do outreach. Parents need to get

involved. Nobody has time to coordinate the meeting schedules or contact people for the best meeting dates and times. **Carole Lankford** suggested that this be a paid board since it is a critical function. **Chairman McDonald** suggested that council discuss those concerns during the Tribal Education Department's orientation and discuss the pay issue during budget discussions.

Greg Spahr, Financial Management, requested approval of a resolution authorizing the setup and signatory authority for the bank account at Eagle Bank called CSKT Bison Range Deferred Maintenance Checking Account.

MOTION by Carole Lankford to approve the resolution authorizing the setup and signatory authority for the bank account at Eagle Bank called CSKT Bison Range Deferred Maintenance Checking Account. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-073

RESOLUTION AUTHORIZING SETUP AND SIGNATORY AUTHORITY FOR THE BANK ACCOUNT AT EAGLE BANK IN POLSON MT CALLED CSKT BISON RANGE DEFERRED MAINTENANCE CHECKING ACCOUNT

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 MT to conduct day to day CSKT, Bison Range Deferred Maintenance Checking Account business as the Tribe's designated depository; and

WHEREAS, the purpose is for the execution of work related to the completion of defined deferred maintenance projects on the Bison Range. This accounts allows the organization, an efficient manner, to partition these activities of Bison Range business within our account system for recordkeeping;

WHEREAS, it has become necessary to authorize employee signatures for CSKT Bison Range Deferred Maintenance Checking Account; and

Account Name

Account Number

CSKT - Bison Range Deferred Maintenance

(tbd)

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

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Clayton Matt	Director of Tribal Resources
Rick Eneas	Executive Director
Zachary Conko Camel	Accounting Manager
Lance Friedlander	General Ledger Manager

whose signature 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 said checks, or to the individual credit or any of the other officers or not. 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.

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

Stephanie Gillin, Natural Resources Department; **Brian Upton**, Legal Department; and **Shane Morigeau**, Public Affairs & Communications; gave an update on the Bison Range celebration planning. An invitation list for the VIP ceremony was developed. Antwon Sandoval was contracted to do the artwork for the tee-shirts and posters. There will be enough supplies for those items to be sold at the Visitor Center. There will be a videographer to record and a photographer to take pictures of the event. Roy Bigcrane or one of his family members will be invited to speak at the event. **Chairman McDonald** thought the new name change could be announced at the event. He wants to invite the Montana Historical Society lead officials so they know we want Big Medicine back. Council requested that invitations be sent to the Kootenai Band leaders in Canada, the Kootenai Tribe of Idaho, Rocky Mountain Tribal Leaders Council, former Legal staff that worked on this effort, former Tribal Council members who worked on this effort, all of the former AFA workers, Fish & Wildlife staff that helped with the transfer, and the Pablo family. **Martin Charlo** commented that if we are going to do the renaming we need to get on it right now due to signage, brochures, tickets, etc. **Chairman McDonald** would like to consider renaming the Bison Range to Big Medicine Buffalo Park. As far as souvenirs, Tom likes clothing much better than a poster. He likes to see people wearing our trademark and logo in the community. **Stephanie Gillin** hopes to gift the membership with a tee-shirt. The group talked about doing stickers and focusing on the logo A People of Vision. The new name was on the group's agenda. If we can rename it before then, that would be great. As far as what does that mean on our signage and stuff we already moved forward with, she asked if they would start over with the signage. **Carole Lankford** wants this event to be memorable. Treaty Day in Missoula had 4,000 people in attendance and it was a momentous day. She loved the tee-shirts that were provided at that event. **Stephanie Gillin** talked about

extending the invitation list and having it as a VIP day and then expand it to include the tribal membership throughout the week. If it is renamed, it would be good to include that with the artwork. The elders talked about it and staff has been working on it, but Shane did not know how to move forward on that front and whether it would be an expedited process. **Brian Upton** talked about the schedule of events. The VIP event could take place mid-week, the following days after that there could be free admission to the public, and then on Friday it could just be for the tribal membership. It was suggested that golf carts be used to shuttle people and ask the SKC students to operate the golf carts. Gwen Lankford is coordinating with the group to develop a press plan. The staff will continue working on their planning efforts.

Brian Upton, Legal Department, requested approval of a resolution approving the two opioid settlements and authorizing the Tribal Chairman to sign the Participation Forms and any related documents necessary to effectuate those settlements.

MOTION by Ellie Bundy McLeod to approve the resolution approving the two opioid settlements and authorizing the Tribal Chairman to sign the Participation Forms and any related documents necessary to effectuate those settlements. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-074

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES (“TRIBES”) THAT:

WHEREAS, the Tribal Council is entrusted with the responsibility to protect the health, security and general welfare of the Tribes; and

WHEREAS, the Tribes have demonstrated a high level of commitment to delivering health services to Tribal citizens and others; and

WHEREAS, the Tribes have demonstrated a high level of commitment to ensuring the health and safety of its membership and the Flathead Indian Reservation community; and

WHEREAS, the Tribes have been impacted by the national opioid crisis that has resulted from a number of corporate parties misrepresenting the medical benefits and properties of opioids, as well as misrepresenting the dangers of opioids; and

WHEREAS, due to the impacts of opioid abuse on Tribal members and others in the Reservation community, the Tribes have incurred great financial costs in dealing with, and attempting to remediate, the damages resulting from opioid abuse; and

WHEREAS, on June 5, 2019, the Tribes filed a complaint in federal court against a number of corporate defendants who bear responsibility for the opioid crisis (see *Confederated Salish and Kootenai Tribes vs. Purdue Pharma, et al*, Master Docket No. 1:17-MD-02804-DAP in the U.S. District Court for the Northern District of Ohio, Eastern Division); and

WHEREAS, settlement discussions in the above-referenced federal litigation have resulted in one settlement agreement with three defendants who were distributors of opioids (McKesson Corporation, Amerisource Bergen Corporation, and Cardinal Health, Inc.), as well as one settlement agreement with a manufacturer of opioids (Johnson & Johnson/Janssen Pharmaceuticals). These two settlements include releases of liability for other corporate entities of the aforementioned defendants; and

WHEREAS, the Tribal Council, after being briefed by its legal counsel, believes it is in the best interest of the Tribes to agree to these two settlements with the above-referenced defendants. The Tribes will use funds from these settlements to address the many impacts of the opioid and drug addiction crisis on the Tribal citizenry and the Flathead Indian Reservation;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby approves the above-referenced opioid settlements and authorizes the Tribal Chairman to sign Participation Forms and any related documents necessary to effectuate those settlements.

Jordan Thompson, Trina Fyant, Josh Brown, Amerra Webster, Casey Ryan, Virgil Dupuis, Lynsey Gaudioso, Jack Helmsing, Food Sovereignty Team, gave an update. The team was established in 2020. The team was able to do the COVID-19 food security strategic response. The team gave an overview of the food assessment that was done in August 2020. It was analyzed and included assessing existing kitchens, available properties, infrastructure, and tribally administered food programs. That identified opportunities for collaboration and included further research. The group gave an overview of community improvements projects they did. They want to have a centralized hub for future operations. There will be a central distribution hub at KHJCC, and then other distribution sites will be in Elmo, Hot Springs, St. Ignatius, and Arlee. **Trina Fyant** reported that last year there were 1,200 food boxes distributed. There were 7 distribution points. The Western Montana Grower's Co-op partnered with the group. \$25.00 gift cards for local stores were given out. This year they did the same thing and added Dixon to the points of distribution. The distribution sites were at KHJCC, Hot Springs, Dixon, Elmo, St. Ignatius, Arlee, and Pablo. 1,100 food boxes were distributed this year with 100% local organic produce and eggs. \$25.00 grocery gift cards were given out. They partnered with Western Montana Grower's Co-op again this year. They team will procure foods from local

vendors and they hope to add meat to the distribution list. With the CARES Act funding they looked at infrastructure and planning, and now they are looking into the pilot phase and applying for grant funding. **Lynsey Gaudio** talked about the planning efforts. They had a food sovereignty task force created based on Resolution 21-090, which is the food security resolution passed by the Tribal Council. There were 30 representatives on that task force. They talked about whether there should be a food security department or some other entity formed. After the interviews are concluded the team will discuss what a permanent food entity could do and what it would look like. **Casey Ryan** commented that the water rights settlement provides opportunity with the enforceability date. Once we hit that enforceability date, there is the ability to plan, design and construct improvements on irrigation lands served by the Irrigation Project and the ability to plan, design and construct improvements on tribal lands within the reservation that is not served by the Irrigation Project. **Josh Brown** reported that research shows that malnutrition plagues communities. We are shaping a brighter future. If we foster these possibilities, we can transform the local food system, health, and economy. **Anita Matt** would like to get the local producers involved.

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

Dan Decker, Yolanda Page and **Melissa Schlichting**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Dion KILLSBACK**, S&K Gaming Legal Counsel; and **Bryon Miller**, S&K Gaming Chief Executive Officer; were present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

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

Jean Matt, Mission Valley Power General Manager; **Chuck Courville, Richard Erb, Gene Sorrell**, and **Cindy Benson**, Mission Valley Power Utility Board; provided orientation on Mission Valley Power. MVP offers the cheapest rates in Montana and is looking at a rate structure to decrease the residential rates. MVP has 71 employees and 70 are union members. 66 employees are CSKT members, which is 93%. In 1998 it was less than 50% tribal member employees. The organizational structure is being updated. 80% of our power comes from BPA under a customer preferred rate, which offers various discounts. 19% of the power comes from SKQ Dam and less than 1% of the power comes from Boulder Hydro. There is a two-year evaluation in the BPA contract that allows us to buy short-term tier 2 when we experience growth. The goals for fiscal year 2022-2023 include embracing technology (new meters, workflow, work orders, service); enhance service experience to all customers and employees on all levels; increase

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efficiency throughout utility; increase miles of tree trimming accomplishments; go 100% paperless this fiscal year; deploy fourth kiosk in service territory; and strive to transition to become energy independent from BPA. Safety efforts include continuing to strive to be accident free; reportables and days missed have significantly decreased; employees meet or exceed the OSHA requirements; educate the public; tabletop demonstrations at schools; and holding COVID-19 Zoom safety meetings. In the community MVP makes donations to the community that are focused on youth and elders; after hour calls 24/7; Facebook page; schools, tabletop demos; customer energy efficiency programs; reader board; website; area lights and streetlight conversion. MVP has a power contract with BPA until 2028. SKQ and Hellroaring are listed as dedicated resources. Fiscal year 2022 will focus on new meters to system, point of delivery development at Hot Springs; prepare for 2023 IBEW contract negotiations; strategic plan for 2022-2024, BIA condition assessment; update/review all existing policies; implement transparent point system for safety manual infractions; and update the safety manual. Future concerns are the future of low cost block provided from SKQ Dam; tiered rates, demand charge, COSA implementation; embrace contracting; continue to progress in reorganization; and long-term management strategy. **Chairman McDonald** asked about burying lines for protection of birds and electric car charging stations. Jean Matt advised MVP is doing buried power lines and is looking for the load to double in the next ten years and looking to establish policy regarding electric car charging. Tom asked about the rebuild of the project and canals. It looks to be more gravity feed and less demand for pump electricity. **Jean Matt** stated they are looking to make the Jocko a gravity feed area. It is a huge benefit so the power can be redistributed to homes. Less than five percent goes to irrigation and 80 percent goes to homes. **Mike Dolson** asked if MVP will be updating to Ordinance 69D. **Jean Matt** advised MVP is doing a MOU to reference Ordinance 69D and acknowledging the changes in the union agreement. **Carole Lankford** asked if there has been any headway working closely with tribal programs. People seem to be assessed the late fees. We thought if we could work out an agreement that money used for late fees and reconnect fees could be used for direct services. She thought MVP and tribal programs could figure out an agreement or MOU to not assess late fees. **Jean Matt** stated that MVP does not charge the LIHEAP program clients the initial \$500 deposit so the LIHEAP money goes further for them. There have been times where we remove late fees. **Martin Charlo** told Jean he knows of an elder that has a prepaid account and the individual's power was shut off this week. Jean clarified that the weather should be 32 degrees. It is not accepted practice to shut it off during freezing weather. He requested the information so he can follow up.

Council **recessed** the regular meeting at 1:36 p.m. to conduct an S&K Electronics shareholder meeting.

Council **reconvened** into the regular meeting at 2:06 p.m.

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

Shane Morigeau, Public Affairs & Communication; and **Rick Eneas**, Tribal Executive Officer; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 2:43 p.m., and is scheduled to meet again on Tuesday, March 1, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary