

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

Volume 22 Number 68
Council Chambers, Pablo, MT

Held: July 12, 2022
Approved: July 19, 2022

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

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; and James Steele, Sr., Sergeant at Arms.

The meeting was called to **order**. Quorum established.

The meeting was opened with a **prayer** by Jennifer Finley.

The **Tribal Council Meeting Minutes** for June 28, 2022 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for June 28, 2022, with corrections. Seconded by Martin Charlo. Carried, unanimous (10 present).

The **Tribal Council Meeting Minutes** for July 1, 2022 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for July 1, 2022, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval. **Chairman McDonald** reminded council members of the FIIP follow-up meeting tomorrow at 9:00 a.m., at Kwataqnuq Resort. Tom notified Amy Kaufman of the meeting.

MOTION by Mike Dolson to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Isadore Mitchell requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

Brit Salois discussed his concerns about the landfills singling out the Tribes. There is an article about it in the Lake County Leader. A better alternative would be if they use the idea of a punch card system for people to purchase from Lake County at a fair cost. The county is making it too political and setting us up.

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

Randy Ashley, Natural Resources Department, requested approval to purchase capital equipment for Salish Kootenai College consisting of two Volvo VNR64T640 Class Heavy Equipment Semis or equivalent, to be purchased under the Volkswagen Trust Fund Settlement.

MOTION by Martin Charlo to approve the purchase of capital equipment for Salish Kootenai College consisting of two Volvo VNR64T640 Class Heavy Equipment Semis or equivalent, to be purchased under the Volkswagen Trust Fund Settlement. Seconded by Carole Lankford. Carried, unanimous (10 present).

Chairman McDonald asked about the Rehbein gravel pit proposal and if there are any federal or tribal air quality standards that could come into play to modify the proposal. **Randy Ashley** met with the Department of Environmental Quality and the Environmental Protection Agency to discuss the permit and House Bill 599, which is the state regulations for open cut mining. The Tribes have a class one air shed on the reservation which could come into play, but the only way to regulate something like this since it is not a major source is it would have to fall under the method 9 testing for opacity. Any of the dust coming off the site by machinery could be monitored for method 9 but it needs to exceed 28% opacity, which would be very difficult to do since the source is moving at the time and there are requirements under method 9. It is very difficult to find violations for opacity with those type of mobile moving sources. The permit also includes an asphalt batch plant. The EPA used to test the site when the previous owner had it, and they always passed the test. There is not much the Tribes can do. If the Citizens of Arlee want to get Method 9 certified, they can monitor the plant to make sure it is in compliance. The CSKT did request some sensor monitoring by EPA to see if the dust is affecting the city of Arlee. That is the only data we would have on that plant. **Bing Matt** received a request from the Citizens of Arlee for the staff to give a presentation at the Arlee district meeting. They are concerned about the air quality by having that plant there. **Mike Durglo**, Preservation Department, informed council that the Arlee School has a purple air monitor that measures PM 2.5. Mike had seven of the monitors to be installed around the schools on the reservation.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for roadway and safety improvements on the project named SF189 Glover Road Safety. Guardrails and a flasher for eastbound traffic will be installed. The project has not been let yet and construction will occur in 2023.

MOTION by Anita Matt to approve the project specific agreement with the Montana Department of Transportation for roadway and safety improvements on the project named SF189 Glover Road Safety. Seconded by Carole Lankford. Carried, unanimous (10 present).

Mike Durglo, Preservation Office; **Tony Incashola, Jr.**, Tribal Forestry; **Mark Couture**, Tribal Lands Department; **Lynn Wong**, US Forest Service; and **Ann Carlson**, Program Director of the Crown of the Continent; requested approval to submit an application for the America The Beautiful 2022 Grant in the amount of \$40,000 per year for 4 years. The Crown Managers Partnership, in coordination with the CSKT, has been developing Crown-wide optimization maps for grizzly bear, wolverine, lynx, elk, mule deer, bull trout, and westslope cutthroat trout, forests, shrublands, grasslands, riparian, wetlands, aquatic habitats, ecological connectivity, water availability, and air quality.

MOTION by Bing Matt to approve submission of the application for the America The Beautiful 2022 grant for the project described. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Whisper Camel-Means, Natural Resources Department, requested permission to apply for America The Beautiful grant funding to create a recreation plan for the reservation and an implementation and maintenance plan. They would hire a consultant to assist with the plan and pursue infrastructure grants once we have the initial plan.

MOTION by Martin Charlo to approve submission of the America The Beautiful 2022 grant. Seconded by Carole Lankford. Carried, unanimous (10 present).

Patricia Hibbeler, Tribal Member Services; **Constance Morigeau** and **Vanessa Finley**, Department of Human Resources Development; requested approval to temporarily waive the driver's license requirement for the hiring of Jerilyn Clairmont and Ernest Beavers to be hired as a Home Care Provider for Jule Kenmille. Jerilyn has applied for a driver's license and Ernest has a learner's permit.

MOTION by Len TwoTeeth to approve the temporary waiver of the driver's license requirement for the hiring of Jerilyn Clairmont and Ernest Beavers to be hired as a Home Care Provider for Jule Kenmille, as long as they

fulfill the driver's license requirement within 60 days. Seconded by Anita Matt. Carried, unanimous (10 present).

Patricia Hibbeler, Tribal Member Services; and **Natalie Kenmille**, Department of Human Resources Development; requested approval to submit a letter of intent for the PL 102-477 Plan for five years instead of three years.

MOTION by Martin Charlo to approve the resolution and the letter of intent for the PL 102-477 five-year plan. Seconded by Jim Malatare. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-114

RESOLUTION SUPPORTING Public Law 102-477 Plan to include submittal of the Child Care Development Fund (CCDF) Mandatory and Discretionary, Community Service Block Grant (CSBG), General Assistance (GA), Job Placement and Training (JP&T), Native Employment Work (NEW), Temporary Assistance for Needy Families (TANF), Workforce Innovation Opportunity Act (WIOA) Comprehensive Services Adult (CSA) and Supplemental Youth Services (SYS) for the period of October 1, 2022 through September 30, 2027 or until rescinded to be integrated into the approved Public Law 102-477 Plan.

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

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives Child Care Development Fund (CCDF) through the Department of Health and Human Services to administer childcare benefits to eligible participants and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives Community Service Block Grant (CSBG) funds through the Department of Health and Human Services to stabilize families in crisis and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives Native Employment Work (NEW) funds through the Department of Health and Human Services to provide TANF eligible recipients with support, skills, training, and work experience and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives Temporary Assistance for Needy Families (TANF) funds through the Department of Health and Human Services to low income families in who are working towards

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self-sufficiency and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives General Assistance (GA) Cash Assistance funds through the Department of Interior to administer services to single adults, and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives Job Placement and Training (JP&T) funds through the Department of Interior to administer work activities and work placement, and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) Workforce Innovation Opportunities Act (WIOA) Comprehensive Services Adult (CSA) funds through the Department of Labor to administer work activities and work support benefits, and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) receives Workforce Innovation Opportunities Act (WIOA) Supplemental Youth Services (SYS) funds through the Department of Labor to administer work activities and work placement, and is integrated into the approved Public Law 102-477 Plan, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) are committed to seeking resources for children, adults, elders, and families as they work towards healthy lifestyles and stable families, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) Tribal Council has directed all Tribal Departments to work on revenue diversifications for the benefit of the Tribal government and the membership, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) Tribal Council has asked that revenue enhancement activities include opportunities where the membership may benefit including seeking additional resources to assist individuals and families in their daily living, and

WHEREAS, the Confederated Salish & Kootenai Tribes (CSKT) the Tribal Council created Department of Human Resource Development (DHRD) to administer Public Law 102-477 Plan program to ensure individuals and families receive the support necessary to achieve self-sufficiency through employment, training and related services and to meet the needs of those applying for and eligible for benefits; and

NOW, THEREFORE, BE IT RESOLVED, the CSKT Department of Human Services Development is authorized to submit the Public Law 102-477 Plan with its updates and revisions to further carry out the purposes of the 477 legislations, and to integrate all Plans into the present Public Law 102-477 plan, and

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the submission of the CSKT Department of Human Services Development Public Law 102-477 Plan and authorizes the Tribal Chairman and his designated representative to negotiate and sign all documents and execute the grant and/or contract documents and any amendments thereto.

Natalie Kenmille, Department of Human Resources Development, informed council of a request from a tribal member for Dire Need assistance to pay \$180.00 to dump at the Arlee dumpsite. It sounds like the 180.00 is for a one-year period. The fee will be charged at all dumpsites in the future. DHRD will assist the individual by paying the fee. **Chairman McDonald** advised the Tribal Council has been having discussions on this matter. **Patricia Hibbeler** commented that the Dire Need budget may be exhausted due to the dumpsite fees.

Martin Charlo commented the Elders program staff needs to follow the masking requirements. All programs should be wearing masks. It is important for the staff to not expose elders when entering their homes. **Patricia Hibbeler** will follow up.

Laurence Kenmille, Enrollment Office, informed council that with the cemetery fees and funeral costs continuing to increase, the program will be running out of money. There is an overage of \$1,512.50 that is owed to Foster Funeral Home and an elder will be responsible for this bill and is in dire need of assistance. Laurence asked if the council would be willing to pay the balance owed for the overages for this funeral. **Len TwoTeeth** commented on previous discussions about increasing the burial assistance fund and he wanted to know the status of that. Len supported the request and would like to do it for all burials so it is fair to everyone. **Chairman McDonald** advised the assistance will increase by \$1,000 in October. **Jennifer Finley** commented that the burial fund is to provide assistance and not intended to pay the full cost of a funeral. The costs are stated up front by the funeral home. The burial funds should go to the funeral home first, and then the balance can go towards the other costs such as food. She suggested approving assistance up to \$1,000. This was an overrun of filling of the grave that was a new cost. This is a one-time outlier and we are increasing the amount this next fiscal year.

MOTION by Martin Charlo to pay the balance owed in the amount of \$1,512.50 to Foster Funeral Home. Seconded by Bing Matt. Carried, 8 for; 2 opposed (Jennifer Finley and Mike Dolson).

Laurence Kenmille, Enrollment Office, discussed a letter that was sent from Roberta TwoTeeth to explain how one person got enrolled and their children did not get enrolled. Roberta is talking about an individual who was enrolled at birth. They were enrolled at birth because the father was a tribal member and the mother was a descendant, so all the blood quantum of both parents were used for eligibility. Whereas, the children for Roberta have no father listed as a tribal member, so they are only entitled to half of her blood quantum. They do not receive any blood from her spouse, and they do not have enough blood quantum to be enrollable. He has explained this to Roberta, but his explanation has not been satisfactory to her. Roberta wants her children enrolled the same as that other person she is referring to.

Laurence Kenmille and **Chasity Haynes**, Enrollment Office, requested approval of a blood degree correction for 203-UO08438 based on the DNA results, which would make three of the individual's children would be eligible for enrolment. **Len TwoTeeth** commented that the process has always been for these requests be presented at the Enrolment Committee meeting and all the documentation was presented. The Tribal Council continuously get questioned when we get new enrollees. When that happens, the council has no explanation because they are not provided all the information. Len would like the monthly Enrollment Committee meetings to be held prior to these requests being brought in.

MOTION by Ellie Bundy McLeod to approve the resolution to approve the blood degree correction for 203-UO-08438 based on the DNA results. Seconded by Jennifer Finley. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-115

RESOLUTION ESTABLISHING THE APPROVAL OF SIBLING DNA RESULTS FOR #203-UO08438 TO INCREASE BLOOD QUANTUM USING THE BIOLOGICAL FATHER'S BLOOD QUANTUM

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTEANI TRIBES THAT;

WHEREAS, the Tribal Council has the sole authority in determining eligibility for enrollment in the Confederated Salish and Kootenai Tribes, and

WHEREAS, in those cases where the natural parent at the time of birth of applicant or the natural father's name is not on the Certificate of Live Birth, Genetic DNA (Sibling) testing determining paternity is required, and

WHEREAS, that the original birth certificate submitted for application at the time of birth did not include or list a biological father, and

WHEREAS, the DNA results prove that 203-UO07202 is the Biological Father of 203-UO08438;

BE IT RESOLVED, The Tribal Council accepts the DNA results, and approved the Blood Degree Correction for 203-UO08438 from 7/16 to 15/16 and to correct the Blood Degrees of her Descendants.

BE IT FURTHER RESOLVED, DNA testing results for the sole purpose of enrollment eligibility are reimbursed ½ the cost of which the individual has paid, providing documentation.

Martin Charlo sent Enrollment staff an email about Sacred Path, which is part of the tribe in Arizona that is doing their own IDs and they are also doing contracting. That is something CSKT is working towards, so he wants them to have that information for another vendor to look at. Laurence said they are holding a Real IDs and a border crossing meeting.

Dan Decker and **Legal Department Staff** requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Carole Lankford to approve the MOU with the State of Montana, Tribes, US Department of Agriculture, and the US Department of the Interior for the restoration of natural resources injured by the releases of hazardous substances from the Smurfit Stone, Frenchtown Mill, and the Libby asbestos sites. Seconded by Anita Matt. Carried, unanimous (10 present).

Martin Charlo gave a COVID-19 report. Lake County has 69 new cases and 65 active cases. There will likely be a surge over the holiday weekend. People should speak to their medical provider to determine if the vaccine is good for them. **Mike Dolson** heard on the radio that white tail deer get COVID-19. **Chairman McDonald** stated that a lot of wildlife can get COVID-19.

Carole Lankford presented a request from Jeri Powell for the donation of 250 plates, two bunches of napkins, 150 cups, and 3 pounds of coffee for Good Ole Days. It was the **consensus** of council to approve the donation.

Carole Lankford informed council that Don Roberts from Never Alone Recovery is looking at the Masonic Temple building in Polson for a homeless shelter. The monthly rental cost will be \$10,000. Don is looking for partners. This could be

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a solution for the hotel issue for CSKT if we become a partner. Carole could get on the board and make sure our tribal members need to get in there when they need to. Carole reached out to Patricia Hibbeler and Patricia Courchane and will have them take the lead on this, if possible. **Rick Eneas**, Tribal Executive Officer, commented that is probably the best use of that facility, and a cost benefits analysis could be done. It was the **consensus** of council to pursue it.

Martin Charlo would like the Tribes to have cooling centers available due to the hot weather. **Rick Eneas** will follow up with Patricia Hibbeler.

Chairman McDonald was notified by Martha Williams from the Fish & Wildlife Service that the Secretary of Interior will announce the Lost Trail Conservation Establishment Area tomorrow.

Rick Eneas, Tribal Executive Office, informed council of correspondence received from Senator Tester's Office on a grant opportunity that has a deadline of today. The letter of intent does not obligate us to anything; it just keeps our options open. The grant provides funding for digital equity plan development from the Department of Commerce to provide internet access to underserved community and groups, instruction/support for using the internet more effectively, and access services focusing on populations facing challenges accessing those services. It was the **consensus** of council to approve the letter of intent.

Council discussed the date for the formal dispute resolution for Bonners Ferry. There is a virtual meeting on August 9 and an in-person meeting on August 24 & 25. The details will be forthcoming.

Council discussed a request from the SQCC to meet with the council at the Long House. The meeting was scheduled for July 21 at 1:30 p.m.

Council **adjourned** and is scheduled to meet again on Thursday, July 14, 2022, at 9:00 a.m.

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/sgnd/

Martin A. Charlo
Tribal Council Secretary