

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

Volume 22 Number 69
Council Chambers, Pablo, MT

Held: July 14, 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; Anita Matt; Jennifer Finley; and Mike Dolson.

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; 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 **agenda** was presented for approval.

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

Pat Matt, Tribal Member, requested permission to hold a community function at the Sloan’s Bridge area on August 20, 2022, for up to 125 people. There will be a portable stage and porta-potties. Activities would include a potluck picnic and river baptisms that will be sponsored by Native Faith & Family. Pat requested a free-use group permit or reduced fees for the nontribal members that attend the event.

MOTION by Carole Lankford to approve a free-use group permit for the community function to be held at the Sloan’s Bridge area on August 20, 2022. Seconded by Anita Matt. Carried, unanimous (10 present).

Ronda Courville and **JC Courville**, Tribal Members, discussed a retirement issue and recordkeeping by the Personnel Department for the employees’ years of service. Ronda notified the Personnel Department in October 2021 of her retirement to take effect on November 26, 2021, and she still has not received her retirement benefits. Ronda had been told to contact her senator and she contacted Peter Matt. **Renee Joachim**, Personnel Department, informed council that she was notified by Dawn Wilkey that Ronda’s retirement package was

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rejected twice by the Office of Personnel Management due to missing information. It is a unique case because the federal employees no longer have access to CSRS. The packages now need to go to DFAS for certification of all contributions made. An audit will be conducted and Renee does not know how long that process will take. After that occurs, then it will be processed. **Len TwoTeeth** suggested working with Ronda on some kind of reimbursement and assist her with a payment today and then have Ronda reimburse the Tribes once she receives her retirement benefits. **Patricia Hibbeler**, Tribal Member Services, followed up with the Tribal Health Department and the Personnel Department. There are still a handful of those federal employees that converted to 638 employees that are working at THD. The department head will work with Personnel to prevent this situation in the future. Patricia committed to working with Ronda and Greg to create a workable situation and she encouraged Renee to continue following up with the federal government on Ronda's behalf. **Greg Spahr**, Financial Management, does not have an immediate solution, but he will work with Patricia and Renee to determine next steps to find the best solution moving forward. It was the consensus of council to work with Ronda to provide her with some bridge funding to be reimbursed when Ronda receives her benefits. Ronda's name was missed on the list of honorees at the July quarterly council meeting. **Council** honored Ronda for her years of dedicated service to the tribal government and presented her with a blanket and beaded medallion.

Chairman McDonald gave an update on the Flathead Irrigation staff meeting yesterday stated it went well. The water masters offered trips for any council members that would like to take a tour and learn more about the projects. They need to contact Stormy or Larry to schedule it. The Lost Trail Refuge announcement came out and gave praises to the Tribes for setting that up and being a supportive agency for that endeavor. The Fish, Wildlife & Parks and Jim Williams were key with that. Reminder Monday is a Holiday for Standing Arrow Powwow which starts tomorrow and no work for tribal employees. There will be a White House short briefing online at noon on Monday and Tom is going to log on to listen to the update. If anyone is interested he can send you the link. Len TwoTeeth will be gone to the Rocky Mountain Tribal Leaders Council next Tuesday and Wednesday. We Also had a property that was brought to us in this area and the gentleman wanted to fast-track it and secure it with some earnest money. SKC and SKHA are also interested in that 20 acres.

Len TwoTeeth will be gone next Tuesday and Wednesday to attend the Quarterly meeting for the Rocky Mountain Tribal Leaders Council in Billings. I will be requesting support by resolution for them for us to gain ownership of Big Medicine. He asked Shane Morigeau to draft a resolution for TLC's consideration. He will send it to council before he seeks approval. The Historical Society owns big medicine.

Martin Charlo asked if everyone received the email from Janet Camel regarding a meeting with MDT and Mr. Meece at the Polson City Hall at 2:00 pm today regarding the annexation. He will be attending but he hope others can make it too. **Chairman McDonald** thought it would be good for Shane Morigeau to attend the meeting. He will speak to Dan Decker about sending an attorney too.

Martin Charlo gave a COVID update regarding the different variants and vaccinations. People are not getting vaccinated and the virus continues to mutate. There is a pow wow this weekend, and he encouraged everyone to be cautious, wear a mask, and stay home if sick. It is important to protect those who are immune compromised or elderly.

Council met in **executive session**.

Council reconvened into **regular session**.

Chairman McDonald has not received a response from Arthur Murdoch Foundation to host us for the planning retreat.

Chairman McDonald discussed a potential land swap with a resident in Mission. She is on a trip for next two months so she can't participate by meeting with the council but she gave him some more details he can follow up on.

Chairman McDonald informed council that The Nature Conservancy will be here on Wednesday for a fieldtrip and Tom, Bing and Jimmy will meet with them about climate change and other issues, and helping with land back to tribal ownership. **Martin Charlo** mentioned a parcel of land that is posted for sale in the Dixon area.

Ruth Swaney, Financial Management Office, requested approval of modification 9 to the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Fund.

MOTION by Martin Charlo to approve by resolution modification 9 to FY 2022 Total Budget Allocations. Seconded by Mike Dolson. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-116

RESOLUTION APPROVING MODIFICATION 9 TO THE FISCAL YEAR 2022 TOTAL BUDGET ALLOCATIONS FOR GENERAL FUND, DEDICATED TRUST, COMPACTS, CONTRACTS AND GRANTS, WATER COMPACT, AND SETTLEMENT FUNDS

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

WHEREAS, the total budget allocations need to be revised for increases and decreases for a net increase of \$36,113,787; and

WHEREAS, the total allocations by Fund and by Function will be as follows:

Function	Mod 8 Revised Total 6/28/2022	General Fund Increase/ (Decrease)	Dedicated Trust Increase/ (Decrease)	Compacts, Contracts, and Grants Increase/ (Decrease)	Water Compact Increase/ (Decrease)	Settlement Fund Increase/ (Decrease)	Total Increase/ (Decrease)	Mod 9 Revised Total 7/14/2022
Government Services	\$18,010,235			\$24,518,971			\$24,518,971	\$42,529,207
Health and Human Services	\$98,908,592			\$874,213			\$874,213	\$99,782,805
Natural Resources	\$51,208,897			\$3,131,869			\$3,131,869	\$54,340,766
Government Operating	\$2,120,724			\$0			\$0	\$2,120,724
Education	\$15,662,352			\$949,805			\$949,805	\$16,612,157
Administration	\$19,428,532						\$0	\$19,428,532
Court/Probation	\$1,861,000						\$0	\$1,861,000
Law Enforcement	\$3,041,500						\$0	\$3,041,500
Legal	\$4,100,912						\$0	\$4,100,912
Forestry	\$14,326,378			\$5,025,278			\$5,025,278	\$19,351,657
Capital Programs	\$9,142,918						\$0	\$9,142,918
Per Capita	\$9,630,000						\$0	\$9,630,000
Indirect Costs	\$3,852,706						\$0	\$3,852,706
Tribal Earmarks	(\$310,752)	\$1,613,650					\$1,613,650	\$1,302,898
Total by Fund	\$250,983,994	\$1,613,650	\$0	\$34,500,137	\$0	\$0	\$36,113,787	\$287,097,781

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 9 to the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds for a net increase of \$36,113,787; and

BE IT FURTHER RESOLVED that the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds are increased from \$250,983,994 to \$287,097,781; and

BE IT FURTHER RESOLVED that the Office of Financial Management is delegated authority to revise, reallocate, and correct the amounts for programs, services, functions, and activities within the Total Allocation authorized and available in the aforementioned Funds.

Ruth Swaney, Financial Management, requested approval of amendment #3 to the Multi-Year Funding Agreement for Fiscal Years 2021-2025 between the Confederated Salish and Kootenai Tribes and The United States of America.

MOTION by Ellie Bundy to approve the amendment #3 to the Multi-Year Funding Agreement for Fiscal Years 2021-2025 between the Confederated Salish and Kootenai Tribes and The United States of America. Seconded by Bing Matt. Carried, unanimous (10 present).

MOTION by Mike Dolson to approve the resolution to amend the Self-Governance funding agreement for Fiscal Years 2021-2025 with the US Department of the Interior – Indian Affairs. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-117

RESOLUTION TO AMEND THE SELF-GOVERNANCE FUNDING AGREEMENT FOR FISCAL YEARS 2021 THROUGH 2025 WITH THE U.S. DEPARTMENT OF THE INTERIOR - INDIAN AFFAIRS

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

WHEREAS, the Confederated Salish and Kootenai Tribes have entered into a Self-Governance Compact with the U.S. Department of the Interior – Indian Affairs; and

WHEREAS, the Tribes are submitting the Reprogramming Request for FY 2022 that identifies the estimated funding available; and

WHEREAS, the Tribes propose an amendment to Section 3, Special Project or Earmarked Programs, Services, Functions and Activities, to include Flathead Indian Irrigation Project - Special Projects; now, therefore

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Fiscal Years 2021-2025 Multi-Year Funding Agreement is proposed to be amended for the purposes of requesting FY 2022 funding and to include Flathead Indian Irrigation Project - Special Projects; and

BE IT FURTHER RESOLVED that CSKT Financial Management is authorized to transmit the amendments to the Office of Self-Governance for approval and final signature; and

BE IT FURTHER RESOLVED that CSKT Financial Management is delegated authority to revise the Fiscal Years 2021-2025 Multi-Year Funding Agreement as necessary, prior to signature by the Office of Self-Governance, as requested by the Department of the Interior - Indian Affairs and agreed to by the CSKT.

Mark Couture and **Tara Irvine**, Tribal Lands Department, presented a request for a business lease modification for the Flathead Raft Company, LLC, to change the signatory authority to Nick Burns and Jonel Kallowat. All lease terms remain the same.

MOTION by Carole Lankford to approve the transfer of the business lease to the new owners. Seconded by Jim Malatare. Carried, unanimous (10 present).

Martin Charlo informed council it was reported by a tribal member that the racetrack staff were saying they do not have insurance. **Tara Irvine** verified they have the correct insurance. **Carole Lankford** received a complaint that people are camping out there and she doesn't know if that's allowed. Tara said it is allowed in the pit area, but no campfires are allowed.

Chairman McDonald asked about the other business owned by Tammy Fragua. **Tara Irvine** stated Tammy has a small area to operate her kayaking business. She has insurance for it. She will use the area down below since it's for tribal member use only. The rental fee is for the rental shack only.

Mark Couture, Tribal Lands Department, sent out information about the Pablo West property, containing 20 acres. SKHA and SKC are interested in partnering with CSKT. The property could be used for housing. The owner of the land wants to know if Tribes are interested and is there a way to get earnest money put down on it or he will put it on the open market since it's been a while since we showed interest in purchasing it. The land acquisition budget is depleted so we need to find money for it. Carole suggested providing funding for the earnest money and then reimburse it with the new fiscal year land acquisition budget in October. Mark talked to SKC and SKHA, and their investment would be the infrastructure, but they didn't have funding for the earnest money. He will reach out to the owner about delaying advertising it on the open market if we can find funding to move forward until we get the new budget in October. Len TwoTeeth suggested having Rick find the funding for the earnest money to secure the acquisition.

MOTION by Ellie Bundy to come up with the earnest money to secure the Smith acquisition and use next fiscal year's funding as we collaborate with SKC and SKHA to complete the purchase. Seconded by Martin Charlo. Carried, unanimous (10 present).

Martin Charlo discussed a parcel of property for sale in Dixon. **Mark Couture** saw a for sale sign posted. It is fee land and has never been offered to the Tribes. Mark will follow up on a land issue and report back.

Whisper Camel-Means, Natural Resources Department; and **Tammy Fragua**, Tribal Member; requested approval for Shaka Shack to use the tribal park behind the Flathead Raft Company for patrons to launch rental kayaks and paddleboards for the remaining term of the permit that expires in 2025. The business will have the appropriate insurance coverage that covers the CSKT.

MOTION by Carole Lankford to approve the request to launch the customers through the tribal park. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

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

Whisper Camel-Means, Natural Resources Department, requested approval of a letter of support for the Upper Thompson Conservation easements.

MOTION by Bing Matt to approve the letter of support for this conservation easement for wildlife habitat in our traditional territories. Seconded by Martin Charlo. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Lynn Ducharme and **Les Evarts**, Natural Resources Department; **Brian Upton**, Legal Department; requested to meet with council in **executive session** to discuss an acquisition opportunity.

Council reconvened into **regular session**.

MOTION by Anita Matt to pursue the acquisition of the Jocko parcel of 40 acres with BPA funds and using bridge funding if needed. Seconded by Carole Lankford. Carried, unanimous (10 present).

Bing Matt asked about the Southfork of the Jocko. Tribal members are wondering if there can be fish planting in some of those lakes, especially Louie Lake since it only has tiny fish in it. **Les Evarts** advised fish are planted in those lakes every three years and he will sample Louie Lake. The program can look at the planting rates.

Frank Acevedo, Natural Resources Department, gave an update regarding a temporary hearings officer for contested cases for Ordinance 64A and Ordinance 87A. The Tribal Council in the past has appointed a Temporary Hearing Officer to conduct these duties as required by the Tribal Administrative Procedures

Ordinance 86B, as there is not enough caseload for a full-time Senior Hearings Officer.

MOTION by Carole Lankford to approve by resolution a two-year appointment of Stephen A. Doherty to be the Temporary Hearings Officer for contested cases under 64A Revised and 87A for the Shoreline Protection Board. Seconded by Ellie Bundy McLeod. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 22-118

RESOLUTION TO AFFIRM AND APPOINT A TEMPORARY HEARINGS OFFICER FOR THE SHORELINE PROTECTION BOARD

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

WHEREAS, the Tribal Council is the duly recognized governing body of the Flathead Nation with the authority to preserve and protect the natural environment; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedure Ordinance, Ordinance 64A (as amended) and the Aquatic Lands Conservation Ordinance 87A (as amended) to preserve and protect the waters and aquatic environments of the Flathead Indian Reservation; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedure Ordinance, Ordinance 86B (as amended) to provide procedures for promulgation of regulations and to establish the process for conducting contested case proceedings under Ordinance 64A (as amended) the Shoreline Protection Ordinance and the Aquatic Lands Conservation, Ordinance 87A (as amended) and for the appointment of a Temporary Hearings Officer to conduct contested case proceeding; and

WHEREAS, the Tribal Council hereby reaffirms the past appointments of Temporary Hearings Officer under 64A (as amended) and 87A (as amended); and

WHEREAS, the Tribal Council has determined that there is insufficient case load to justify appointment of a full-time Senior Hearings Officer;

NOW, THEREFORE BE IT RESOLVED, that pursuant to the provisions of Part V, Section 17 of Ordinance 86B (as amended) the Tribal Council hereby appoints Stephen A. Doherty., of Missoula, Montana, as Temporary Hearings Officer for future contested cases under Ordinance 64A (as amended) and 87A (as amended);

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BE IT FURTHER RESOLVED, such appointment is to carry a two-year term and may be reappointed at the discretion of the Tribal Council every two years, as the Tribal Council sees fit.

Rick Eneas, Tribal Executive Officer, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 11:58 a.m., and is scheduled to meet again on Tuesday, July 19, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary