

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

Volume 22 Number 39
Council Chambers, Pablo, MT

Held: March 10, 2022
Approved: March 15, 2022

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

MEMBERS ABSENT: Jennifer Finley; (Tribal Business – Washington, DC); and Jim Malatare (Tribal Business – Washington, DC).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Jim Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:02 a.m. Quorum established.

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for March 8, 2022 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for March 8, 2022, with corrections. Seconded by Bing Matt. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (8 present).

Carole Lankford informed council that she spoke to Eric Cooksley about the areas that do not have transportation, such as Elmo, Dixon, and Arlee. Eric wants council to have lunch and talk about that issue, plus he is having a difficult time bringing in people to help with the cultural aspects of the Boys & Girls Club. Maybe we can have the people learning the language be interns. Hot Springs could possibly be included next year. Eric also wants to meet the executives. The public schools may get a portion of the opioid funding, but Carole hopes the Boys & Girls Club can use some of that funding for educational purposes on the use of drugs as a prevention measure. The proposed luncheon

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dates are March 15, 17 or 22nd. The council can tour the club during the luncheon. Carole would like to encourage the tribal programs to engage in community service at the Boys & Girls Club. **Len TwoTeeth** talked about the fuel costs continuing to rise, and he wants to help the club with fuel costs. The club provides transportation and that cost will use up a big portion of their budget. **Mike Dolson** suggested the possibility of partnering with local schools to provide transportation. Carole stated some of the schools do that already. There might be money involved and the Club does not have much funding. **Council** scheduled the luncheon at the Polson Boys & Girls Club for March 22, at noon.

Carole Lankford informed council that Jim Stinger has been out of water for a month. She emailed the Salish Kootenai Housing Authority and the Tribal Elders program, and SKHA said it is not their issue. The Elders program was going to look into it, but nothing has happened and no staff ever showed up. **Patricia Hibbeler** will follow up.

Carole Lankford informed council that Lucy Vanderburg has some roof issues, so that should be in the works. **Patricia Hibbeler** informed council that the program is waiting to receive the bid and then the repairs will be taken care of.

Carole Lankford informed council that she is assisting Johnny Arlee to get his road graveled. Carole helped two other elders get their roads graveled through Treasure State. She is also helping Rita Liberty get some gravel. Once Carole obtains the bids she will submit them to the Tribal Elders program. **Patricia Hibbeler** will follow up.

Carole Lankford was contacted by a tribal member who is on Medicaid and participates in the suboxone program. The Medicaid coverage is ending. The individual saw a counselor at the Tribal Health Department, and the counselor told the individual that Tribal Health cannot cover her under the suboxone program since she smokes marijuana. This individual said suboxone is keeping her on the straight and narrow, and she is worried about getting cut off the program. **Chairman McDonald** commented that suboxone is critical for individuals and it is important for them to stay in the program. **Patricia Hibbeler** thought there may be a breakdown in the process, and she will follow up.

Chairman McDonald talked about the burial assistance policy. The funeral directors are not receiving death certificates in a timely manner due to a backlog. The internal policy requires the funeral business to turn in the death certificate with the reimbursement for services provided in order for CSKT to issue payment. The CSKT does not necessarily need the death certificate in order to pay out the burial assistance for tribal members. Tom would like the burial

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assistance to be issued without waiting for a copy of the death certificate if we know the person is deceased so we can get those bills paid in a timely manner.

Anita Matt asked if the Tribal Health Director vacancy has been advertised yet. **Patricia Hibbeler** responded that it has not been advertised yet, and she appointed Joe Durglo as the Acting Director in the interim. Anita mentioned her desire to reestablish the Tribal Health Committee and she wants those monthly meetings reinstated so the Tribal Council can be updated on issues going on in the department. **Chairman McDonald** commented that it is a good reminder because it should be operating as a standing committee to be in compliance with the ordinance; otherwise, we need to change the policy. **Bing Matt** asked if Patricia could look into the walk-in requirements at the Dental Clinic and Health Clinic. People used to be able to do a walk-in to see their physician or dentist, but now they are required to make an appointment in advance. He does not like people being required to make an appointment and having to wait a couple of weeks to see their doctor and dentist. **Patricia Hibbeler** informed council that she and Joe discussed this issue yesterday. She found out that the Arlee Clinic requires people to make an appointment. The clinic does an intake process and then decides whether to accept people as a patient. The department is developing a plan to open up services that includes walk-in emergencies. A process will be created that is consistent across all clinics on the reservation. One clinic operates very differently than the other clinics. She is trying to make health services easier and accessible to our tribal members. Patricia expects a change to happen very quickly. **Bing Matt** would like that brought up at the Health Committee meeting. **Carole Lankford** hopes the Health Committee will stay on a narrow focus to address policies and budgets and stay out of personnel matters. **Len TwoTeeth** thanked Patricia for her leadership and response regarding the Tribal Health Director position. With the scenario about the Tribal Health Committee, the council was the committee board members for a period of time. About two years ago, the council looked at the makeup of other hospital boards, so they started looking in that direction and get council out of the board situation. Council delegated a group of tribal members with medical knowledge and experience to develop a plan for us. We did not follow through on that plan or do any follow up since then because COVID hit. We need to continue down that path to develop a health board. At that time nobody on council knew anything about health, so we wanted people with the appropriate knowledge to serve in that capacity. Len does not like tribal members with emergency dental issues being turned away for service. **Anita Matt** does not want to get into the daily operations and personnel issues, but the council needs to be aware of what is going on at Tribal Health so they can answer the membership's questions. Anita asked when the department would be opening up, because there are still a lot of those employees working from home. **Chairman McDonald** would like to see our pharmacies open to the general public. If our pharmacies were open seven days a week and 24 hours per day it would be self-sustaining and bring in revenue since many of the local pharmacies are not open every day of the week.

Patricia Hibbeler appreciated the feedback from council. She will review the policies and make improvements.

Patricia Hibbeler, Director of Tribal Member Services, informed council that the owner of the St. Ignatius property let her know he is showing the property to someone else tomorrow. That person has made a full-price offer and plans on making the purchase next month. **Council** appreciated the update and stated they are definitely interested in purchasing the property.

Chairman McDonald informed council that the Polson Job Service held a Career Fair yesterday at the Red Lion. Tom acknowledged the Personnel Department, Natural Resources Department, Water Division, S&K Technologies, S&K Electronics, and Salish Kootenai College for participating in the fair. Two Eagle River School attended the fair. It is great to have our tribal programs involved in the Career Fair.

Chairman McDonald reminded council that they have an opportunity to nominate a tribal leader to serve on the Health & Human Services Secretary Tribal Advisory Committee. The deadline to submit nominations is March 25. Tom will forward the information to the council members. **Anita Matt** thought Carole Lankford would be a good nominee. **Carole Lankford** commented on the inability to find out who serves on the federal committees. CSKT needs to be represented. The federal government has been unresponsive to the needs of Indian country. It is upsetting that this region does not have anyone on these national committees. We need to step up and participate in these committees. Salish Kootenai College has the biggest voice at the table usually, and we are not even there because we no longer have the staff members that wrote those for the council. **Len TwoTeeth** has a meeting with Bill Snell tomorrow, so he will obtain a list of the vacant boards and email the information to the Tribal Council.

Chairman McDonald announced the upcoming State Tourism Conference. There is a scholarship available for a participant to attend the conference, and Marie Torosian is interested in attending. It was the **consensus** of council to award the scholarship to Marie Torosian so she can attend the conference.

Ellie Bundy McLeod informed council that Marie Torosian showed her an email that indicated she was added to the list of Native Women Leaders for 2022 and thanked her for perpetuating the culture and providing support. **Chairman McDonald** wants to make sure that the compliments, awards, and nominations for the membership are recognized in the Char-Koosta News. **Council** discussed the importance of acknowledging our tribal members for accomplishments such as this. Ellie will request that it be shared in the Char-Koosta News.

Mike Dolson attended the Forestry Advisory Committee meeting and mentioned to Tony the prospective transfer of State lands. We should be aware of any

activities that may be detrimental to our lands. Tony sent Mike some information about the State planning to log some lands. Mike wants to have a conversation on the stand we must take regarding the State lands that will be transferred to us. **Len TwoTeeth** thinks we should get some kind of correspondence acknowledging the transfer of State lands was signed into law and it is just a matter of process to transfer to those properties to us, so technically they belong to us now. Len wants to send something to the State Lands Board telling them to halt these activities on State lands within the reservation boundaries. **Chairman McDonald** commented that federal law governs those lands until they are transferred to the Tribes. Tom added this topic to Monday's workshop agenda.

Wan-Yuan Kuo, KayAnn Miller, Havilah Burton, Mattie Griswold, Genesis Chavez, and **Brenda Richey**, Montana State University, gave an update on their food sovereignty initiatives and projects on the Flathead Indian Reservation. Since 2018, the MSU Food Product Development Lab has initiated partnerships with entities on the Flathead Reservation to support food sovereignty. Partners include Native Fish Keepers, Salish Kootenai College, Boys & Girls Club, and Flathead Federally Recognized Tribes Extension Program. The initiatives include exploring the market of value-added lake trout, developing healthy snacks with youths, assessing opportunities to provide quality meat to the community and addressing youth mental well-being via diet. Since their last presentation in August 2021, they have furthered their initiatives by more in-depth programming with the partners and identifying additional stakeholders to be involved, including The People's Food Sovereignty Program. **KayAnn Miller** requested approval to question different entities to see if there is an interest for this research.

MOTION by Carole Lankford to authorize the research questions to the tribal departments suggested related to pre-contact diets protective against suicide ideation and/or attempts. Seconded by Bing Matt. Carried, unanimous (8 present).

Wan-Yuan Kuo informed council there will be a luncheon meeting at Salish Kootenai College on March 16, from 11:00 a.m. to 12:00 p.m. She will send the invite to the Tribal Council. The purpose of the meeting is to have an in-person discussion about the areas in the projects discussed and a new proposed project with The Peoples Food Sovereignty Program.

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

Laurence Kenmille and **Chasity Haynes**, Enrollment Office, requested approval of a resolution authorizing the removal of Moonstar Tatonka Little-Marry from the rolls, due to the DNA test results.

MOTION by Carole Lankford to approve by resolution the removal of Moonstar Tatonka Little-Marry, due to the documentation provided. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 22-080

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES TO APPROVE THE REMOVAL OF MOONSTAR TATONKA LITTLE-MARRY

WHEREAS, MoonStar Tatonka Little-Marry was determined eligible for enrollment at birth under Tribal Ordinance 35A, (b); and with a blood quantum of 131/256; and

WHEREAS, Enrollment has documentation to prove that the blood quantum of MoonStar Tatonka Little-Marry is incorrect; and

WHEREAS, an affidavit along with paternity testing results determined 203-UO12601 to not be the biological father of said minor. At the time of birth 203-UO12601 was on the original birth record; and

WHEREAS, MoonStar Tatonka Little-Marry's biological father is not a Tribal member, per DNA results and the blood quantum reflected that of 203-UO12601 and will be corrected and reflect that of only his mother who is a Tribal Member;
THEREFORE,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that MoonStar Tatonka Little-Marry is hereby not eligible and shall be removed as an enrolled member in said Tribe, and will no longer benefit in the following:

- Membership in the Confederated Salish and Kootenai Tribes
- All future Tribal Benefits
- All Hunting and Fishing 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, by the Tribal Council that the official rolls shall show MoonStar Tatonka Little-Marry's blood quantum as 17/128 degree Salish and/or Kootenai blood, that MoonStar Tatonka Little-Marry's guardian has 30 days to appeal Tribal Council's decision; and

BE IT FINALLY BE RESOLVED, by the Tribal Council that MoonStar Tatonka Little-Marry shall be officially removed from the Confederated Salish and Kootenai

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Tribal rolls and listed as a 1st Generation Descendant, and The Tribal Council requires the IIM Account be reverted back to the Tribe.

Laurence Kenmille, Chasity Haynes and Erma Haynes, Enrollment Office, discussed the DNA policy and procedures and requested approval of the document. The policy and procedures were reviewed by the legal staff. **Mike Dolson** mentioned the need for proper training and possibly having the staff certified. **Len TwoTeeth** would like to try this new process and include it in the enrollment reform initiatives that we need to follow up on. **Chairman McDonald** wanted to know what protocols are in place and whether an audit is ever conducted on enrollments. **Chasity Haynes** advised the staff is going through the folders to make sure everything is correct. If there are any questions, it goes to Laurence. If we do DNA testing it would be set up in Laurence's office in its own separate and secured area. **Carole Lankford** requested that this request be tabled to allow sufficient time for the council to review the policy. **No action taken.**

Erma Haynes informed council that years ago there was a split family election and the Tribal Council approved the Finley blood degree correction, which enrolled the majority of the split families. Erma asked if there will ever be a discussion to add other bloods for enrollment eligibility. Pat Smith was the last attorney that worked on this issue. **Chairman McDonald** responded that the Tribal Council is going to establish a committee to look at enrollment. Inclusion of other Indian bloods could be included in that discussion. There could be an A list and B list.

Brian Upton, Legal Department; and **Whisper Camel-Means**, Natural Resources Department; informed council that Brian spoke to Martin this morning about whether the CSKT wants to submit a FY'23 appropriations request and testimony to the House Interior Appropriations Committee regarding the Bison Range. Under the FY '22 appropriations legislation, the CSKT will receive \$1 million from the BIA to support the Bison Range restoration transition. **Anita Matt** commented that the fencing needs to be funded each year and she identified security as a priority, as well. The comments are due by 3:00 p.m. today. It was the **consensus** of council to proceed as discussed.

Bryon Miller, S&K Gaming Chief Executive Officer; **Troy Felsman, Pete White, Carole Holyan, and Francine Dupuis**, S&K Gaming Board of Directors; **Shelly Cottet**, Chief Financial Officer; **Daniel Hansen**, Gray Wolf Peak Casino Manager; and **Sheila Matt**, Kwataqnuq Resort & Casino and Big Arm Resort General Manager; met with council to provide orientation on S&K Gaming, LLC. SKG was formed in 2006 in accordance with Limited Liability Corporation Ordinance 104-A. The Kwataqnuq Resort & Casino opened in 1992. There are 107 hotel rooms, including the gray house on the hill. The banquets room holds up to 200 people. KTN operates the marinas at KTN and Polson Bay. The Gray Wolf Peak Casino

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was purchased in 2006, and in 2016 the new casino was opened with 335 Class II gaming machines, a restaurant, and a gas station. S&K Gaming leased the Big Arm Resort from CSKT in 2015. The property was rehabbed from its former state. There is a restaurant, 30 RV spots, 20 cabins, a bar, and a small casino. S&K Gaming employs 135 FTE employees year-round and an additional 50 employees during peak season. 68% of the employees have tribal affiliation. S&K Gaming generated \$31.4 million in revenue in fiscal year 2021, and \$24.7 million of that was from gaming. Since 2008, SKG has paid the Tribes \$15.9 million in dividends and \$6.9 million in interest payments. SKG has a \$27.9 million outstanding loan balance that is owed to the Tribes and Eagle Bank. The capital was used to build the new Gray Wolf Peak Casino, investments in the Big Arm Resort, and remodeling the Kwataqnuq Resort & Casino. The company has been accelerating the payments on the Big Arm Resort loan and is on target to retire the loan by 2025. They pay an additional \$40,000 per month and recently made an additional \$200,000 payment on the loan. Gaming is regulated by the Tribal Gaming Commission in accordance with Ordinance 92D. The ordinance only allows gaming by tribal companies. 60% of the income must be paid to the Tribes. The regulations prohibit individual tribal members from operating casinos. The Tribal Council appoints the board members. The tribal council members are the shareholder of SKG. SKG provides quarterly and annual reports to the shareholder, provides the audit reports each year, and provide updates as necessary. Monthly financial reports are submitted to the CSKT. **Council** did not think it would be necessary for the board to meet with the council on a quarterly basis, so long as all the reports are turned in and the annual report/audit are presented. **Chairman McDonald** asked about buying local. **Bryon Miller** explained it is a challenge to purchase locally. The infrastructure with having refrigerated trucks is the largest challenge. **Mike Dolson** asked about satellite gaming at the Barber Shop in Hot Springs. Bryon has provided information to the board members on the startup costs so they can make an informed decision. **Troy Felsman** explained the holdup is they are waiting on some bids for the HVAC system. The contract will be set up to where S&K Gaming will get their investment back before entering into any kind of revenue sharing agreement with Nic Barber. **Anita Matt** wanted to know how the board selected just one individual for satellite gaming. She has had some tribal members contact her with concerns about this since they lost their ability to have gaming in their businesses when the Tribes went to Class II gaming. Troy explained it was for the simple reason that the board is trying to perfect a business model. It is prudent to start out with just one location. Once that model is perfected, then satellite gaming will be expanded. The discussion continued in **executive session**.

Council reconvened into **regular session**.

Brian Upton, Legal Department, returned to council to follow up on the BIA funding request that was discussed earlier and to clarify that the funding come through FWS or BIA. Brian will ensure the testimony reflects this.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 12:01 p.m., and is scheduled to meet again on Tuesday, March 15, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary