

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

Volume 22 Number 85
Council Chambers, Pablo, MT

Held: September 22, 2022
Approved: September 29, 2022

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

MEMBERS ABSENT: Dixon District (Vacant).

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

The meeting was called to **order** at 9:04 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for September 20, 2022 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for September 20, 2022, with corrections. Seconded by Carole Lankford. Carried, 8 for; 1 abstention (Mike Dolson).

The **agenda** was presented for approval. **Chairman McDonald** reminded council about the midyear shareholder meeting today. It is important to remind the corporations to take directives from the council/shareholder and follow through on them; the need to meet with the council/shareholder more frequently; and keep in mind that the Tribes depend on revenue from the corporations to help fund the tribal government.

MOTION by Mike Dolson to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (9 present).

Len TwoTeeth gave an update on the Affiliated Tribes of Northwest Indians midyear convention he attended. Len sat in on numerous committee meetings and those meetings primarily focused on the federal court cases that impacted the Washington and Oregon tribes, including gaming. They are in the midst of going to court to address sports betting, so CSKT needs to keep an eye on it. Len

attended the Natural Resources Committee meeting; CSKT gave a presentation on co-management and the staff (Rich Janssen and Katie Squeque-Finley) did an outstanding job. There were no issues that addressed CSKT specifically at the convention.

Greg Spahr and **Ruth Swaney**, Financial Management, requested approval of a request for end-of-year unobligated funds from the Bureau of Indian Affairs Northwest Regional Office in the amount of \$723,000.00. September 30 is the deadline to request the funds.

MOTION by Carole Lankford to approve the request for end-of-year unobligated funds of \$723,000.00 from the Bureau of Indian Affairs Northwest Regional Office. Seconded by Jennifer Finley. Carried, unanimous (9 present).

Greg Spahr, Financial Management, requested approval of a resolution authorizing the request for the indexing “True-Up” amount on the distribution of the discretionary funding from the Montana Water Rights Protection Act and the letter affirming the method and amount of the Indexing request.

MOTION by Ellie Bundy to approve the resolution authorizing the request for the indexing “True-Up” amount on the distribution of the discretionary funding from the Montana Water Rights Protection Act and the letter affirming the method and amount of the Indexing request. Seconded by Martin Charlo. Carried, 8 for; 0 opposed; 1 abstention (Carole Lankford).

RESOLUTION 22-156

RESOLUTION AUTHORIZING THE REQUEST FOR THE INDEXING “TRUE-UP” AMOUNT ON THE DISTRIBUTION OF THE DISCRETIONARY FUNDING FROM THE MONTANA WATER RIGHTS PROTECTION ACT

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

WHEREAS, the Confederated Salish and Kootenai Tribes ("CSKT" or "Tribes") are a federally recognized, sovereign tribe residing on the Flathead Indian Reservation in western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

WHEREAS, the 116th U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

WHEREAS, by Resolution 21-046 the Tribal Council of the Confederated Salish and Kootenai Tribes approves and elects to carry out the Section 7(b) activities on the Flathead Indian Irrigation Project under the Montana Water Rights Protection Act; and

WHEREAS, Section 9 of The Act requires the Secretary to provide a supplemental payment to the tribes account for the indexing calculation agreed to between the Tribes and the Secretary and to elect how they wish to direct the allocation of the indexing amounts; and

WHEREAS, the indexing amount may be allocated in the same manner and on a pro-rata basis, consistent with The Act's Section 9 (b)(1) (A-C) allocation of the indexing calculation.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Salish and Kootenai Tribes submit the attached letter affirming their calculation methodology and indexing calculation for their Discretionary payment and request the "True-Up" of the indexing amount due, be deposited into the SQK Trust according to the Act.

Greg Spahr, Financial Management, requested approval of a resolution authorizing the allocation of the third mandatory distribution from the Montana Water Rights Protection Act and a letter to Pamela Williams. There was discussion about the legacy programs and financial needs of Nkwusm School. Greg will add Nkwusm to the list.

MOTION by Mike Dolson to approve the resolution authorizing the allocation of the third mandatory distribution from the Montana Water Rights Protection Act and a letter to Pamela Williams. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-157

RESOLUTION AUTHORIZING THE ALLOCATION OF THE THIRD MANDATORY DISTRIBUTION FROM THE MONTANA WATER RIGHTS PROTECTION ACT

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

WHEREAS, the Confederated Salish and Kootenai Tribes ("CSKT" or "Tribes") are a federally recognized, sovereign tribe residing on the Flathead Indian Reservation in western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

WHEREAS, the 116th U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

WHEREAS, by Resolution 21-046 the Tribal Council of the Confederated Salish and Kootenai Tribes approves and elects to carry out the Section 7(b) activities on the Flathead Indian Irrigation Project under the Montana Water Rights Protection Act; and

WHEREAS, Section 8 of The Act requires the tribes to elect how they wish to direct the allocation of the mandatory distribution between their Compact Account and their Settlement Account; and

WHEREAS, the default provision for the allocation is equal division between the two accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Salish and Kootenai Tribes elect that their third mandatory funding deposit received into the Trust Fund in Fiscal Year 2023 be allocated equally between the Compact Account and the Settlement Account.

BE IT FURTHER RESOLVED, any indexing amount be allocated in the same manner and on a pro-rata basis, consistent with The Act's Section 9 (b)(1) (A-C) allocation of the indexing calculation.

Jody Perez, Salish Kootenai Housing Authority, requested approval of a resolution authorizing the Salish Kootenai Housing Authority to submit a fiscal year 2022 Indian Community Development Block Grant application on behalf of the Tribes. The ceiling amount is approximately \$1.2 million.

MOTION by Carole Lankford to approve the resolution authorizing the Salish Kootenai Housing Authority to submit a fiscal year 2022 Indian Community Development Block Grant application on behalf of the Tribes. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-158

RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2022 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

WHEREAS, the Confederated Salish & Kootenai Tribes have designated the Salish and Kootenai Housing Authority as their Tribally Designated Housing Entity, with the authority to administer and participate in housing programs for the benefit of the Confederated Salish & Kootenai Tribes and their members, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

WHEREAS, the Confederated Salish & Kootenai Tribes desire to have an application for a fiscal year 2022 Indian Community Development Block Grant prepared and submitted on behalf of the Tribes for affordable housing activities to benefit low-income tribal members.

NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby delegates the Salish and Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes a fiscal year 2022 Indian Community Development Block Grant application for affordable housing activities to benefit low-income tribal members; and

BE IT FURTHER RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that it hereby states and acknowledges that the Tribes will not be applying for fiscal year 2022 Competitive Indian Housing Block Grant funds as their own entity.

Jace Smith, Natural Resources Department, requested approval of modification 4 to Contract No. 20-120 for an additional \$88,983.00 for the Jocko K Headworks project.

MOTION by Martin Charlo to approve modification 4 to Contract No. 20-120 for an additional \$88,983.00 for the Jocko K Headworks project. Seconded by Carole Lankford. Carried, unanimous (9 present).

Jace Smith, Natural Resources Department, requested approval of a contract with Wind Engineering, LLC and Water Resource Consulting, LLC for each one to supply a technical senior level professional engineer to support CSKT water compact projects.

MOTION by Carole Lankford to approve a contract with Wind Engineering, LLC, to supply a technical senior level professional engineer to

support CSKT water compact projects. Seconded by Bing Matt. Carried, 8 for; 1 opposed (Len TwoTeeth).

MOTION by Carole Lankford to approve a contract with Water Resource Consulting, LLC, based on the recommendations of Jace and Seth. Seconded by Mike Dolson. Carried, unanimous (9 present).

Chairman McDonald mentioned the County Roads Program would like to have more coordination when projects are happening and have dust abatement. **Jace Smith** met with the County Commissioners and they are working on it. **Rich Janssen** stated the program is working with Lake County and have done dust abatement, but the commissioners were not aware of that. They remain in touch regarding projects. Rich informed council that the staff did their due diligence and he appreciates the council approving the two consulting contracts. Engineers are not willing to come to a rural setting for the compensation that is offered. The Natural Resources Department hired a hydrology and GIS intern this year. The department recruits tribal members and would like to enter into educational agreements in the future.

Abby Dupuis, Appellate Court, requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

MOTION by Carole Lankford to approve by resolution the judicial services contract, with the agreed upon terms, with James Park Taylor to serve as Associate Attorney Justice of the Confederated Salish and Kootenai Tribes Appellate Court for a three-year term. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-159

A RESOLUTION TO ENTER INTO A JUDICIAL SERVICES CONTRACT WITH JAMES PARK TAYLOR TO SERVE AS ASSOCIATE ATTORNEY JUSTICE FOR THE CONFEDERATED SALISH AND KOOTENAI TRIBES APPELLATE COURT

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to enter into a contract with James Park Taylor to provide judicial services needed for the administration of the Confederated Salish and Kootenai Tribes Court of Appeals' authorized activities contained in Ordinance 103-A, as amended, the CSKT Laws Codified; **NOW, THEREFORE**,

BE IT RESOLVED that beginning October 1, 2022, James Park Taylor shall act as Associate Attorney Justice of the Confederated Salish and Kootenai Tribes Court of Appeals providing services in accordance with the terms and conditions of the contract attached hereto.

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

Lesa Evars, Casey Peck and **Mike Randall**, Department of Public Health & Human Services, met with council as part of the Fall Tribal Tour. The meeting provides an opportunity for DPHHS representatives to meet directly with tribal leadership in support of the government-to-government relationship and focus on the partnership and work they do together to serve citizens across Montana. An overview of the Agency organizational chart was provided. The task order list was included in the materials. The list is helpful to see a quick overview of what is in place and coming up for expiration. There are several task orders with CSKT. The Human Community Services Division task order is coming up for renegotiation for a seven-year term. The current task order expires on January 13, 2023. The proposed changes will be sent to the CSKT and then a meeting will be scheduled to discuss it in further detail. The CSKT will be sent an invite to participate in the Child Care Development consultation. The licensing moved from the Office of Inspector General to Child Care, which solidifies everything. After the 16th meeting, there will be an advisory meeting. The costs will be paid for up to two slots for CSKT to send staff to the three-day meeting. The Medicaid Tribal Consultation is scheduled for December 5-6, 2022, in Helena. They are still sorting through the topics. One topic will be transportation. Folks that are Medicaid eligible going to a Medicaid-covered provider for a Medicaid-covered service are entitled to reimbursement. Medicaid will only pay an amount up to the nearest provider. Medicaid also reimburses after the fact. The CSKT will be sent a questionnaire regarding their challenges and barriers. There was discussion regarding the tribal residential process and rates. The Montana Healthcare Foundation wanted to do a full assessment and that is moving through. There will be updates provided at the American Health Leaders meeting on the 5-6th in Billings. There was a packet provided to the Interim Committee for Children and Families that includes departmental legislation changes the DPHHS wants. The changes were presented to the committee, and three of them were removed so DPHHS will need their own sponsor for those bills. The three proposed changes that were removed were revisions to the Montana Childcare Act, repeal the Citizens Review Board Act, and update the CHIP eligibility. The sunset date for Medicaid Expansion is June 30, 2025. The governor is not interested in leading the charge to get rid of Medicaid Expansion. Lesa spoke to the Director about Tribal Input Day. In the past they had five legislative sessions in a row and during the 40 days their budget is in front of the Budget Subcommittee there was a Tribal Input Day for Tribes and tribal members to talk about the impacts. The packet of materials included the Medicaid enrollment numbers.

Mike Randall talked about authorities and which ones will continue after the process. They are meeting on a biweekly basis to work through that. **Carole Lankford** asked if Medicaid could cover the cost of substance abuse disorder treatment out of state/bordering states. **Casey Peck** stated at the December consultation they will talk about residential treatment centers and state plan authority changes for those residential treatment centers, especially with youth. They are looking at ways to help people with their needs. **Lesia Evars** is watching for October 15 to see if it will be renewed; CMS wants to give them sixty days' notice when the tribal health emergency will end. That will trigger the department to do all the things they are planning to do. There will be a webinar scheduled. 285,000 lives are covered by Medicaid and eligibility renewal needs to be determined. Carole Lankford attended the tribal consultation in April regarding the SNAP program and desire for the Tribes to administer their own program for that. The state administers that program. The language to administer vs. operate needs to be considered. The state must have failed in order to change the administrator, which they have not done, so they are looking at the possibility of operating the program. There was federal legislation introduced. SB 2757 was introduced in September 2021 by Mike Rounds out of South Dakota and Tina Smith out of Minnesota. It's about tribes administering their own SNAP program.

Casey Peck gave an update on the Medicaid and Medicaid Expansion reports. The report was for a full two years and it indicates the number of overall payments that were made. The report showed the number of services that the CSKT was reimbursed for and the number of CSKT outpatient visits declined. CSKT was reimbursed \$13 million from the Medicaid Expansion program. There was discussion on the request to be able to bill for multiple behavioral health services in one day, such as a patient attending a group counseling session and then a private counseling session on the same day. **Len TwoTeeth** asked what the strategy would be for CSKT to take over its own SNAP program and what needs to happen in order to do that. **Lesia Evars** is pursuing it on her end; the DPHHS supports it and continues working with USDA to get that done. It is an issue between the Tribes and the federal government. Lesia informed council there is new leadership in the Child Support Services Division and is making an effort to work with the four tribes that operate their own federal child support services program. She reached out to CSKT staff and had meetings with the teams and attended the Child Support Summit. There needs to be coordination and support in dealing with those matters. The DPHSS is committed to improving things. **Carole Lankford** thought it would have been beneficial to have the tribal legislative staff present for today's meeting. We need to stay on top of legislation.

Joe Durglo, Tribal Health Department, will be meeting with the DPHSS this afternoon. **Lesia Evars** will find out when the Governor's conference on aging

will be and send out the information. As they prepare for Medicaid Expansion Lesa suggested using the opportunity with the Governor so he is aware of it or request a special meeting with him through Misty Kuhl. The Tribal Council must understand people in Helena do not understand how healthcare operates in tribal communities. There are economic develop impacts when purchasing health care. **Patricia Hibbeler**, Tribal Member Services, will make sure the policy shop gets a copy of the materials in the packet and stays on top of SB 2757.

Pete White requested approval of a resolution appointing him as the voting delegate to the Inter-Tribal Agriculture Council. The delegate does not need to be an elected leader. Mike Dolson will continue serving as the alternate delegate.

MOTION by Carole Lankford to approve by resolution the appointment of Peter A. White as the voting delegate and Mike Dolson as the alternate delegate to the Inter-Tribal Agriculture Council. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-160

RESOLUTION AUTHORIZING VOTING DELEGATE TO INTERTRIBAL AGRICULTURE COUNCIL (IAC)

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

WHEREAS, the Confederated Salish and Kootenai Tribes are a member of the Intertribal Agriculture Council (IAC); and

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes has identified Peter A. White to serve as their delegate to the Intertribal Agriculture Council and Mike Dolson as their alternate delegate; **NOW, THEREFORE**,

BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby appoints Peter A. White as their delegate to the Intertribal Agriculture Council with full voting privileges and Mike Dolson as their alternate delegate with full voting privileges in Peter A. White's absence.

Chairman McDonald informed council it was World Peace Day yesterday. The Methodist Church located on the top of Post Creek Hill had him do the unveiling with the pastor. Steve Arca read the language in Salish and gave a speech. They had a drum, song, and other speeches. It was a welcoming event.

Martin Charlo gave an update on the Bear Tracks Bridge dedication. Martin took over as the lead on behalf of CSKT. He hopes it will be a great event. They have

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an account that has carryover funds that can be reallocated for this event. Martin presented for approval a budget for a not-to-exceed amount of \$26,000.00 for the dedication. The City of Missoula contributed \$10,000.00 from its budget and raised \$40,000.00 from various organizations.

MOTION by Carole Lankford to authorize up to \$26,000.00 for the Bear Tracks Bridge dedication event. Seconded by Martin Charlo. Carried, 8 for; 1 abstention (Len TwoTeeth – not present for full discussion).

Council **recessed** the regular meeting at 11:38 a.m. to attend the midyear shareholder meeting in Polson.

Council **reconvened** into the regular meeting at 3:27 p.m.

Mike Dolson out of the room.

Council met in **executive session** to conduct interviews for the Associate Judge of the Tribal Court vacancy. **Melanie Piedalue**, Personnel Department, was present for the interviews.

Mike Dolson returned to the meeting.

Council reconvened into **regular session**.

MOTION by Martin Charlo to accept the results of the ballot and appoint Brandon Couture to fill the Associate Judge of the Tribal Court position for a four-year term, at the negotiated rate of pay. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Dan Decker and **Katie Jones**, Legal Department; **Mike Durglo**, Tribal Preservation Office; and **Maureen McCarthy**, Climate Advisory Committee; requested to meet with council in **executive session** to discuss a legal matter.

Council reconvened into **regular session**.

Rich Janssen, Natural Resources Department; and **Kate Wilson**, Flathead Basin Commission; gave an update on the Flathead Basin Commission. The State of Montana Governor's Office is investigating the possibility of removing the Flathead Basin Commission and Upper Columbia Basin Commission this legislative session. It appears the Governor's Office would like to combine the two organizations.

Council met in **executive session**.

Council reconvened into **regular session**.

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Council **adjourned** at 4:50 p.m., and is scheduled to meet again on Thursday, September 29, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary