

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

Volume 24 Number 44
Council Chambers, Pablo, MT

Held: April 9, 2024
Approved: April 11, 2024

MEMBERS PRESENT: Mike Dolson, Chairman; Tom McDonald, Vice-Chairman; Martin Charlo, Secretary; James Steele, Jr., Treasurer; Jennifer Finley; Danielle Matt; and Len TwoTeeth.

MEMBERS ABSENT: James “Bing” Matt (NIGC – Anaheim, CA), Jim Malatare (NIGC – Anaheim, CA) and Carole Lankford (Child’s Court – Seattle, WA).

OTHERS PRESENT: Leniece Trahan, Sergeant at Arms; and Jennifer Trahan, Council Support/Recording Secretary.

The meeting was called to **order** at 9:07 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for April 4, 2024 were presented for approval.

MOTION by James Steele Jr., to approve the Tribal Council Meeting Minutes for April 4, 2024, with corrections. Seconded by Danielle Matt. Carried, unanimous (7 present).

The **Tribal Council Meeting Minutes** for April 5, 2024 were presented for approval.

MOTION by James Steele Jr., to approve the Tribal Council Meeting Minutes for April 5, 2024, with corrections. Seconded by Tom McDonald. Carried, unanimous (7 present).

The **agenda** was presented for approval.

MOTION by Tom McDonald to approve the agenda, with changes. Seconded by James Steele Jr. Carried, unanimous (7 present).

Clem Lafley, Tribal member, requested any information on his previous request. He stated how would you feel if this happened to you and did Council have any

questions for me? **Council** discussed the Lafley issue and **Chairman Dolson** stated he will look into it and see what has transpired and will contact Mr. Lafley. **Len Twoteeth**, requested \$500. non-member burial assistance for David Bennett, a CSKT TSSD employee that passed away last week from heart complications. Consensus of Council to approve burial assistance. **Jennifer Finley**, wanted to discuss Mr. Lafley's issue later in executive to protect his privacy. **Len Twoteeth**, gave an update on his trip to Billings for the Rocky Mountain Tribal Leaders Conference and gained some information, Don Wetzil works for Department of Labor and he done a presentation on how the tribes can collaborate with colleges enhancing the workforce needs of the community. He would like to come and schedule a presentation to Council. **Tom McDonald**, would like to invite the SKC Board members to be present for Don's presentation and what he has to say. **Len Twoteeth** also had a meeting with the Health Subcommittee, Joe Rosette, Director from Rocky Boy, stated the State of Montana continues to change the Organization Chart around and those vital positions that had a lot of interests to the tribes are going further down the Organization Chart and we need to keep Lesa Evers position so we have direct communication with the Governor through that position and they are not hearing our message. That is an issue we need to keep on the state of Montana, because their health care seems to be going in a different direction from what the tribes are trying to pursue. We need to let them know we are still advocating for those positions to be filled by tribal members. Another discussion I had was with the Office of Inspector General, this is the office where complaints that we have been hearing from Tribal Social Services and what happens with them and what we need to be doing. **Council** met in **executive session**.

Council reconvened into **regular session**.

Chauncey Means, Natural Resources Department, requested approval of a collection permit for Flathead Lakers to collect water quality samples on the Flathead Lake at public and tribal beaches. Flathead Lakers collect e.coli bacteria samples to detect degraded water quality at local public beaches. High bacteria levels are an indicator of possible water borne illnesses that may be present in the waterbody. The bacteria levels are then reported in the phone app called flow swimmers.

MOTION by Tom McDonald to approve a two year Collection Permit for Flathead Lakers to sample water quality on the Flathead Lake at designated public and tribal beaches. Seconded by Martin Charlo. Carried, unanimous (7 present).

Todd Espinoza, Natural Resources Department, reviewed and discussed the proposed 2024 Blue Bay Fee Schedule for Blue Bay Campground. Non-member fees were increased and starting this year there will be Kayak rentals available.

MOTION by James Steele Jr. to approve 2024 Blue Bay Fee Schedule for Blue Bay Campground. Seconded by Tom McDonald. Carried, unanimous (7 present).

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

Dan Decker, Brian Upton, John Harrison, Lynsey Gaudioso, and Katie Jones, Tribal Legal; requested to meet with council in **executive session** to discuss legal matters. **Maylinn Smith**, Prosecutors Office, joined the discussion.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve the proposed amendments to the Tribal Regulations on Higher Education and Salish Kootenai College. Seconded by Tom McDonald. Carried, unanimous (7 present).

RESOLUTION 24-069

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

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

WHEREAS, Sections 1(a), 1(f), 1(n), 1(o), 1(t), and 1(u) of Article VI of the CSKT Constitution address or involve the responsibilities of the Tribal Council with respect to higher education on the Flathead Indian Reservation, including Salish Kootenai College (SKC, or College); and

WHEREAS, the Articles of Incorporation for Salish Kootenai College (SKC Articles), pursuant to the Flathead Reservation Corporation Code (Ordinance 54A), were executed on November 18, 1977; and

WHEREAS, the SKC Articles, at Article VIII, provide as follows:

The Tribal Council shall at all times have power to prescribe such regulations, provisions and limitations as it may deem advisable, which regulations, provisions and limitations shall be binding upon any and all corporations subject to the provisions of this ordinance, and the Tribal Council shall have power to amend, repeal or modify this ordinance at pleasure [*sic*].

and

WHEREAS, the SKC Articles recognize and preserve the Tribal Council’s role as the primary governmental regulator for the College; and

WHEREAS, the Tribal Council, as the Tribal governmental regulator, shares responsibility for ensuring a regulatory and administrative landscape that can help ensure the long-term viability, sustainability, and efficacy of the College and its continued availability as a Tribal, community, and public resource; and

WHEREAS, the Tribal Council is ultimately responsible for ensuring compliance with the Tribes’ Indian Preference Ordinance (Ordinance 101A, as amended); and

WHEREAS, the SKC Board of Directors manages the College’s affairs, consistent with Article IX of the SKC Articles of Incorporation; and

WHEREAS, accreditation of SKC through the Northwest Commission on Colleges and Universities (NWCCU) requires that the College maintain sufficient autonomy and sufficient organizational/operational independence; and

WHEREAS, the NWCCU recognizes the “delicate balance that must be maintained among the Tribe, the politics within the community, the college and its board of trustees, and all other agencies.” (see NWCCU “*Handbook for Peer Evaluators for Tribal Colleges*” [undated] at p. 7); and

WHEREAS, the Tribal Council exercises its governmental and regulatory responsibilities against the backdrop of these accreditation requirements; and

WHEREAS, in the case of *McCoy v. Salish Kootenai College, Inc.*, 334 F.Supp3d 1116 (D.Mont.. 2018), the federal court recognized that

[w]hile the Board controls operations of the College, the Tribes control who is a Board member and review the Board actions. Thus the College in this respect acts as an arm of the Tribes. . . . The College’s policies reflect that the College’s Board serves at the discretion of the Tribal Council. All goals, objectives, and policies of the Board are required to be consistent with the guidelines established by the Tribes.

(*McCoy* at 1122-23)

WHEREAS, on September 12, 2023, the Tribal Council approved Resolution No. 23-160, which enacted regulations to help ensure that the Tribal government has sufficient communication with, and information from, the College in order to best maintain and exercise the Tribal government’s responsibilities; and

WHEREAS, the Tribal Council now seeks to amend the above-referenced regulations to further clarify the regulations and promote the integrity of the

College as a Tribal institution, thereby strengthening the higher education opportunities on the Flathead Indian Reservation;

NOW, THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES, that it hereby approves the attached amendments to existing Tribal regulations concerning Salish Kootenai College and higher education.

Dan Decker, Lynsey Gaudioso, Katie Jones, and Brian Upton, Legal Department, continued to meet with council in **executive session** to discuss legal matters. **Patricia Hibbeler**, Tribal Members Services Department and **Gwen Lankford**, Communications Director joined the discussion.

Council reconvened into **regular session**.

Len Twoteeth, stated for the minutes that Council discussed Reorganization.

MOTION by Martin Charlo to adjourn the meeting.

Council **adjourned** at 12:52 p.m., and is scheduled to meet again on Thursday, April 11, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary