

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

Volume 24 Number 48
Council Chambers, Pablo, MT

Held: April 25, 2024
Approved: April 30, 2024

MEMBERS PRESENT: Mike Dolson, Chairman; Martin Charlo, Secretary; James Steele, Jr., Treasurer; Jennifer Finley; Danielle Matt; James “Bing” Matt; and Len TwoTeeth.

MEMBERS ABSENT: Carole Lankford (AMERIND Meeting – Albuquerque, New Mexico); Tom McDonald, Vice-Chairman (International Joint Commission Meeting on the Elk and Kootenai River Pollution Issue – Tobacco Plains, Grasmere, British Columbia); and Jim Malatare (Personal Time Off).

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

The meeting was called to **order** at 9:06 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for April 23, 2024 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for April 23, 2024, with corrections. Seconded by Martin Charlo. Carried, unanimous (7 present).

The **agenda** was presented for approval.

MOTION by Bing Matt to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (7 present).

Len TwoTeeth gave a report on yesterday’s Elders Abuse Prevention Conference. It was a successful event and there were about 100 participants. The elders appreciated the staff taking the time to put together an event like that. It is important for the Tribes to continue supporting these types of events. It gets our elders out of their home and gives them an opportunity to visit with others. It is a great venue for people to get together and talk about issues that people don’t like to talk about, which is elder abuse. Elder abuse is more prevalent than

people may realize. When the council members got elected to office they promised to take care of the elders and now is the time to show that support. Vance Home Gun did a great job keeping things on track. Vital information was provided, such as information about elders falling down and symptoms of dementia. Len suggested expanding the conference to be two or three days per quarter. **Bing Matt** commented that Dr. Corum gave a great presentation on dementia. **Danielle Matt** received good feedback about the conference. The only negative thing she heard was that it was mandatory for caregivers to attend and they had problems trying to get coverage for their shifts that day. If it is going to be mandatory, she would like a Zoom option if the caregivers cannot find coverage for their shift that day.

Len TwoTeeth requested approval to move forward with some additional funding for the Elmo Pow Wow grounds project. There were some items they wanted to get done this year, including preventative maintenance of the dance arbor. The pillars have woodpecker holes and those poles need to be treated with linseed oil. The cost for that treatment is \$14,000. Unexpended ARPA dollars can be used for that. They wanted to erect a perimeter fence around the grounds. There is a group of church workers from back east that would be coming over, so they would receive free labor for the installation. The cost for materials is approximately \$25,000. They need to know within the week whether or not funding will be provided for the materials. **Bing Matt** would like improvements done for the Arlee Pow Wow grounds. The water lines to the bathrooms and showers need to be replaced. Bing thought that work was done already, but Kyle told him they needed to get a contract approved to do the work. Bing was concerned about employees not getting the necessary work done. There was discussion earlier this week about nonmember hires, but there are times we need to hire them to get the work done. That is why he was opposed to Tuesday's motion about nonmember hires. **Jennifer Finley** supported the request; it is important to protect our investment and it does not make sense to build an expensive structure and then not protect it. **Danielle Matt** agreed we need to take care of our investment. **Len TwoTeeth** will reach out to Greg Spahr for clarification on whether the ARPA funds can be used for the pow wow grounds. He suggested establishing some strict completion dates for S&K Mission Management to get the work done.

Martin Charlo stated the Tribes have supported some disc golf tournaments in the past and he would like the Tribes to sponsor upcoming tournaments. There will be a tournament on the second Saturday of May in Kalispell and the third Saturday of June in Troy. The gold sponsorship is \$100 and CSKT would have its logo on tee-shirts and materials.

James Steele, Jr. appreciated the report on the Elder Abuse Prevention Conference. He was unable to attend the conference because he went to Binky

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Bowman's retirement party yesterday and gave a talk on behalf of the Tribal Council. The Tribes do not endorse political candidates as a body, but James wanted to know if they could individually endorse candidates. **Council** advised they can. Danna Jackson was nominated for the United States District of Montana Court, and that is awesome. James agreed with the frustrations expressed about the lack of response to our expectations; it has been a variety of things, such as the pow wow grounds and HVACs. He would like to ponder having a frank discussion with the Executive Team about council's concerns.

Teresa Wall-McDonald, Dan Depoe, Cindy Benson, and Mike McKee, Mission Valley Power Utility Board; **Zachary Conko-Camel**, Mission Valley Power General Manager; **Shane Morigeau** and **Michael Wheeler**, Legal Department; requested to meet with council in **executive session** to discuss a utility matter.

Council reconvened into **regular session**.

Teresa Wall-McDonald, Dan Depoe, Cindy Benson, and Mike McKee, Mission Valley Power Utility Board; **Zachary Conko-Camel**, Mission Valley Power General Manager; **Shane Morigeau** and **Michael Wheeler**, Legal Department; informed council that Mission Valley Power was presented with a Department of the Interior, Bureau of Indian Affairs Condition Assessment in 2021 on the utility substation assets. Five of those substations were identified for repair and/or upgrade, due to the age and load of the equipment. MVP had a recommendation on two of the five substations to initiate the work to repair Kerr Substation and West Shore Substation. Both transformers have been ordered and they represent the largest expense for equipment. The Kerr Substation has a risk factor of 5.1 (highest risk) and West Shore has a risk factor of 4.4. In order to move the project, MVP sought and adopted a sole source procurement bid for two two-year contracts with Utility Engineering for the repairs to the substations. Teresa requested approval of a sole source contract with Utility Engineering for the West Shore Substation in the amount of \$1,674,200.00; and a contract with Utility Engineering for the Kerr Substation in the amount of \$1,578,500.00. The contractor will provide quarterly updates, onsite project management services, and in-house staff guidance and training on how to build a substation. MVP is in the process of getting their engineer licensed. The unknown at this time is the increase in materials when delivered and freight expenses. MVP planned for a 10% contingency since supply chain issues may impact costs. The term of the contract is from April 29, 2024 through September 30, 2025. **James Steele, Jr.** requested that the name of Kerr Substation be changed to the new name of the dam. **Michael Wheeler** advised the name change could be done if there are no barriers.

MOTION by Martin Charlo to approve the sole source contract with Utility Engineering for the Kerr Substation project in the amount of \$1,578,500.00 for the term April 29, 2024 through September 30, 2025,

acknowledging sole source procurement due to the need to sustain system reliability and for project management services on site. Seconded by James Steele, Jr. Carried, unanimous (7 present).

MOTION by Len TwoTeeth to approve the sole source contract with Utility Engineering for the West Shore Substation project in the amount of \$1,674,200.00 for the term April 29, 2024 through September 30, 2025, acknowledging sole source procurement due to the need to sustain system reliability and for project management services on site. Seconded by Jennifer Finley. Carried, unanimous (7 present).

Teresa Wall-McDonald, Dan Depoe, Cindy Benson, and Mike McKee, Mission Valley Power Utility Board; **Zachary Conko-Camel**, Mission Valley Power General Manager; **Shane Morigeau** and **Michael Wheeler**, Legal Department; requested approval to submit a grant application – DE-FOA-0003298 – to the Department of Energy (DOE) to install integrated energy systems for an autonomous operation (independent of the traditional centralized electric power grid) to power a single or multiple essential Tribal buildings during emergency situations or for Tribal community resilience (Topic area 3). The goal is to seek the funding for the mobile substation for Tribal Community Resiliency – an emergency option to provide power for sustained service. Mission Valley Power will be obligated to provide a 20% cost share.

MOTION by Martin Charlo to approve the resolution supporting a grant application – DE-FOA-0003298 – to the Department of Energy (DOE) to install integrated energy systems for an autonomous operation (independent of the traditional centralized electric power grid) to power a single or multiple essential Tribal buildings during emergency situations or for Tribal community resilience (Topic area 3). Seconded by Bing Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 24-073

RESOLUTION SUPPORTING A GRANT APPLICATION – DE-FOA-0003298 – TO THE DEPARTMENT OF ENERGY (DOE) TO INSTALL INTEGRATED ENERGY SYSTEMS FOR AN AUTONOMOUS OPERATION (INDEPENDENT OF THE TRADITIONAL CENTRALIZED ELECTRIC POWER GRID) TO POWER A SINGLE OR MULTIPLE ESSENTIAL TRIBAL BUILDINGS DURING EMERGENCY SITUATIONS OR FOR TRIBAL COMMUNITY RESILIENCE (TOPIC AREA 3)

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

WHEREAS, the Confederated Salish and Kootenai Tribes operate the Mission Valley Power electrical distribution system through a P.L. 93-638 Self-Determination Contract, serving the Flathead Indian Reservation; and

WHEREAS, the infrastructure of the local electrical distribution system does need modernization and serves the entire Tribal community which includes underserved individuals; and

WHEREAS, the DOI, BIA, has determined that five of the utility's substations are at risk and in need of substantial investment and repair in order to sustain reliable service to the Flathead Indian Reservation; and

WHEREAS, the primary delivery point for the majority of the customer is the Kerr Substation. There are approximately 15 substations and any single substation outage can eliminate service to the Tribal Community. Nonstop service during a major system repair can be sustained through the acquisition of a mobile substation which enables the electrical service to be continuous during planned repairs or an emergency outage; and

BE IT FURTHER RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes Mission Valley Power is authorized to apply, accept and manage this DOE grant in order to sustain service to the Tribal Community in the event of an emergency, thereby improving the resilience of the Tribal Community and the utility distribution system.

Len TwoTeeth suggested the Tribes look into building their own mobile substation. **Zachary Conko-Camel** responded he will take that option back to the team for further consideration. **Council** was invited to attend the Mission Valley Power staff meeting on April 29, 2024, at 7:30 a.m. Mission Valley Power has a meeting with the Department of Human Resources Development on April 30 to discuss the possibility of DHRD funding several groundman placements at Mission Valley Power.

Brian Upton, Legal Department, requested approval of a letter to the Office of Self-Governance providing comment on negotiated rulemaking committee for the PROGRESS Act. The negotiated rulemaking committee meetings will likely be closing out until after comments for a proposed rule are collected. There should be a final rule made in December. Brian requested approval of a letter to the Secretary of the United States Department of Agriculture supporting the expansion of Indian Self-Determination and Self-Governance authority. It was the **consensus** of council to approve the letters.

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

Darrell Whitworth, Cheri Lawson, Alisha Burland-Taylor, and Dan Depoe informed council that they received four bids for the Camas Cemetery road. **Mark Couture**, Tribal Lands Department, informed council that the Lands Department is in charge of all tribal cemeteries. This issue has not gone through the bidding process. Mark would like the bids brought to the Land Committee or discussed in executive session so the bids are not revealed in open session. **Len TwoTeeth** agreed the work needs to get done and he recommended having Greg Spahr identify a funding source and have the council set a time frame to get the work completed by the end of September. It was the **consensus** of council to identify a funding source and set the time frame for the work to be done by September 30, 2024. Mark Couture was assigned as the project manager to go through the bids and provide progress reports. Council requested the staff take before and after pictures of the road.

Dan Decker, Melissa Schlichting and Lana Page, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Bryon Miller, S&K Gaming Chief Executive Officer; and **Suzi Schrock**, S&K Gaming Board of Directors; requested to meet with council in **executive session** to discuss gaming operations. **Dan Decker, Melissa Schlichting and Lana Page**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

Council **recessed** the regular meeting at 11:42 a.m. to hold an S&K Gaming shareholder meeting.

Council **reconvened** into the regular meeting at 1:24 p.m.

Don Wetzel, Jr., Montana Department of Labor and Industry, gave an update on his new position as Tribal Liaison. The goals are to learn the workings of the DOL and educate where needed through tribes and resources, understand the knowledge of DLI within our tribes and partners, and bring the right people to the table and get things done. There are services provided through the DOI that tribes are not aware of, and Mr. Wetzel has proposed the establishment of a TERO Advisory Group through the DOI at the state level. He has been meeting with college presidents to create a hub and offer curriculum for certification and trades, entrepreneurship, apprenticeship, and career technical education. In December, he had the first roundtable with TERO, DLI, AFL-CIO, Job Corps, Job Service, Accelerate MT, and OPI. The second roundtable occurred in January with tribal colleges, MUIA, Engagement Team, AFL-CIO Directors, Commerce, DLI, and others. There are several free trainings offered by DLI. Job Corps provides training in the fields of hospitality (culinary arts), construction (bricklayer, carpentry, painting), advanced manufacturing (welding), automotive and machine repair (heavy construction, equipment mechanic, pre-apprentice),

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transportation (heavy construction equipment operations), and advanced training (welding). There will be a National Tribal Telecommunications Association Tribal Broadband Summit April 8-10, 2024, in Chandler, Arizona. There was interest in having a local TTA. Mr. Wetzel has been working with the Cheyenne Tribe to establish a local Job Service in Lame Deer. **Jennifer Finley** asked if inmates receive any training so they have a trade when they are released from prison. Mr. Wetzel will follow up on that question and send her the information he receives. Mr. Wetzel had a Hall of Fame plaque for Joe McDonald and he presented it to Tracie McDonald and Teresa Wall-McDonald on behalf of the family.

Rick Eneas, Tribal Executive Officer; **B.D. Erickson**, Satic Solar; and **Art Caye**, Tribal Member; gave a presentation on solar and going green. B.D. talked about home deficiency kits that help homeowners save money on their electricity costs. It would cost \$150,000 to purchase 400 kits. B.D. proposed the install of a solar system at a cost of \$70,000 - \$80,000 and \$10,000 to train tribal members. **Art Caye** has some home deficiency kits installed in his house and it saves him over \$100 per month. The kits are manufactured at S&K Electronics. It would save the Tribes a lot of money. B.D. suggested installing the solar panels on the roof of the tribal complex. If the Tribes have a need for covered parking, it could be installed as a covered parking structure. The solar panels could be put in the utility's grid. **Rick Eneas** will return to council next week for further discussion.

Rick Eneas, Tribal Executive Officer, requested approval of a contractor agreement with Gecko Designs for a not-to-exceed amount of \$123,425.00 for website development services. The contract will be in effect through September 30, 2024.

MOTION by Danielle Matt to approve the contractor agreement with Gecko Designs for a not-to-exceed amount of \$123,425.00 for website development services through September 30, 2024. Seconded by Bing Matt. Carried, 5 for; 1 opposed (James Steele, Jr.); 1 not voting (Jennifer Finley out of the room).

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

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Jennifer Finley to adjourn the meeting.

Council **adjourned** at 3:30 p.m., and is scheduled to meet again on Tuesday, April 30, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary