

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

Volume 24 Number 37
Council Chambers, Pablo, MT

Held: March 14, 2024
Approved: March 19, 2024

MEMBERS PRESENT: Tom McDonald, Vice-Chairman; Martin Charlo, Secretary; James Steele, Jr., Treasurer; Carole Lankford; Jim Malatare; Danielle Matt; James “Bing” Matt; and Len TwoTeeth.

MEMBERS ABSENT: Mike Dolson, Chairman (Finalizing Votes for Negotiated Rulemaking Session – Pablo, Montana); and Jennifer Finley (2024 Reservation Economic Summit – Las Vegas, Nevada).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for March 12, 2024 were presented for approval.

MOTION by Bing Matt to approve the Tribal Council Meeting Minutes for March 12, 2024, with corrections. Seconded by Danielle Matt. Carried, unanimous (8 present).

Virgil Dupuis, Salish Kootenai College – Montana State Extension Program, informed council he received a memo from the Natural Resources Department staff yesterday stating no further consultation is necessary for proposed treatments.

MOTION by Carole Lankford to concur with the continued flowering rush treatment program on Flathead Lake. Seconded by Jim Malatare. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Carole Lankford to approve the agenda, with changes. Seconded by Bing Matt. Carried, unanimous (8 present).

Rick Eneas, Tribal Executive Officer, met with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

Corky Sias, Department of Human Resources Development, requested approval of a contract and resolution to apply for funding for the Flathead Transit FY 24 5311(F) Inter-City Operating Assistance appropriated from State of Montana American Rescue Plan Act in the amount of \$46,337 for additional financial relief in the wake of the COVID-19 pandemic to transit providers in rural areas. Len TwoTeeth asked if rides are provided on weekends. Corky responded transportation is provided five days per week and adding additional days/routes would be determined on need and available staff.

MOTION by Danielle Matt to approve the contract and resolution to apply for funding for the Flathead Transit FY 24 5311(F) Inter-City Operating Assistance appropriated from State of Montana American Rescue Plan Act in the amount of \$46,337 for additional financial relief in the wake of the COVID-19 pandemic to transit providers in rural areas. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 24-055

RESOLUTION AUTHORIZING THE DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT (DHRD TRANSIT) PROGRAM TO APPLY FOR FUNDING FOR THE FLATHEAD TRANSIT FY24 5311(F) INTER-CITY OPERATING ASSISTANCE APPROPRIATED FROM STATE OF MONTANA AMERICAN RESCUE PLAN ACT (ARPA) IN THE AMOUNT OF \$46,337 FOR ADDITIONAL FINANCIAL RELIEF IN THE WAKE OF THE COVID-19 PANDEMIC TO TRANSIT PROVIDERS IN RURAL AREAS

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 dully recognized governing body of the Flathead Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes seeks resources for families in need including finding ways to increase transportation opportunities for those who are disabled, elderly, unemployed, lacking reliable vehicles and insurance; and the Tribal Council has designated DHRD to create a one stop environment, providing transportation services to those who need it the most; and

WHEREAS, DHRD TRANSIT is requesting approval to submit for funding in the amount of \$46,337 Operating Funds from the State Of Montana American Rescue Plan Act (ARPA); all funds will be administered by CSKT and used for Financial Relief in the wake of the Covid-19 Pandemic.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes approves for submission of a proposal for funding from the American Rescue Plan Act (ARPA) in the amount of \$46,337 for Operating and Financial Relief in the wake of the Covid-19 Pandemic.

Jody Perez and **Shanell Teigen**, Salish Kootenai Housing Authority, requested approval to apply for the fiscal year 2023 Indian Housing Block Grant Competitive Grant Program funds on behalf of the Tribes.

MOTION by James Steele, Jr. to approve by resolution submission of the fiscal year 2023 Indian Housing Block Grant Competitive Grant Program funds on behalf of the Tribes. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 24-056

RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2023 INDIAN HOUSING BLOCK GRANT COMPETITIVE GRANT PROGRAM 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 and 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 and 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 and Kootenai Tribes desire to have an application for fiscal year 2023 Indian Housing Block Grant (IHBG) Competitive Grant Program funds prepared and submitted on behalf of the Tribes to build a supportive housing facility in Ronan, Montana.

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 an application for fiscal year 2023 Indian Housing Block Grant (IHBG) Competitive Grant Program funds in the amount of \$4.5 million; 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 2023 IHBG Competitive Grant Program funds as their own entity.

MOTION by Carole Lankford to approve the commitment letter. Seconded by Danielle Matt. Carried, unanimous (8 present).

Tom McDonald requested action to approve the annual report submitted by the Salish Kootenai Housing Authority Board and staff yesterday.

MOTION by James Steele, Jr. to approve the annual report for Salish Kootenai Housing Authority. Seconded by Carole Lankford. Carried, unanimous (8 present).

Tony Incashola, Jr., Director of Tribal Resources Management; and **Steve McDonald**, Tribal Forestry; requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

Steve McDonald and **Patrick Amborn**, Tribal Forestry, requested acceptance of the high bid from Bitterroot Contracting for the JS Line Logging Unit timber sale. There were no tribal member bidders. **Len TwoTeeth** asked why it was not a tractor logging sale so tribal members could bid. The staff explained it is a line logging sale due to the steepness of the terrain and no roads to take the logs out. There was already a tractor logging sale in Jette so tribal members had an opportunity to bid. There was discussion about weed spraying. The TSI does not cover all expenses of the TSI that is done. The staff follows up to make sure the weed spraying is being done.

MOTION by Carole Lankford to accept the high bid from Bitterroot Contracting for the JS Line Logging Unit timber sale. Seconded by Bing Matt. Carried, unanimous (8 present).

Len TwoTeeth asked when Wymore Lake will be logged. **Patrick Amborn** was not sure when that would be scheduled.

Steve McDonald and **Patrick Amborn**, Tribal Forestry, requested approval to advertise the Boulder Basin Logging Unit timber sale. There are some insect and disease issues and there is a lot of down and dead. The TSI rate was set by the Tribal Council several years ago and it has not been changed. Tribal Forestry has been using other funding sources to cover the activities that the TSI does not cover.

MOTION by James Steele, Jr. to approve by resolution the advertisement of the Boulder Basin Logging Unit timber sale. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 24-057

RESOLUTION APPROVING SALE OF TIMBER ON THE BOULDER BASIN LOGGING UNIT

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

WHEREAS, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Boulder Basin Logging Unit:

<u>Sale Information</u>			
<u>Sale</u>	<u>Volume</u>	<u>Advertised Bid Rate</u>	<u>TSI</u>
Boulder Basin L U	6,448 TONS	\$ 3.00/TON -W & O -	\$3.00/TON
	13,058 TONS	\$ 8.00/TON - S/Lpp	\$3.00/TON

WHEREAS, the sale will provide for the salvaging of mature, overmature and diseased trees; and

WHEREAS, the minimum acceptable bid rate for sawlogs on the Boulder Basin Logging Unit is \$3,00 per Ton for Whitewoods & Other Species Sawlogs and \$8.00 per Ton for Spruce/Lodgepole Pine; and

WHEREAS, an additional amount will be collected to cover Timber Stand Improvement on this unit for the Tribal portion;

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

BE IT FURTHER RESOLVED that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

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

Council reviewed the resolution approving a mutual limited waiver of sovereign immunity for Salish Kootenai College contract # 314119 with the Montana Department of Transportation.

MOTION by Carole Lankford to approve by resolution a mutual limited waiver of sovereign immunity for Salish Kootenai College contract # 314119 with the Montana Department of Transportation. Seconded by Jim Malatare. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 24-058

RESOLUTION APPROVING MUTUAL LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR SKC CONTRACT #314119 WITH THE MONTANA DEPARTMENT OF TRANSPORTATION

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

WHEREAS, Salish Kootenai College (SKC) is a tribally controlled college accredited as a four-year institution of higher education by the Northwest Commission on Colleges and Universities; and

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes (CS&KT) established SKC in part to provide education programs for its membership; and

WHEREAS, the College has established the Highway Construction Training Program to provide education and training for tribal members; and

WHEREAS, Salish Kootenai College has received a contract to receive funding for maintenance and repair of training vehicles under the On-the-Job Training Support Services Program; **NOW, THEREFORE**,

BE IT RESOLVED that the Tribal Council agrees to a mutual limited waiver of sovereign immunity for Salish Kootenai College for the sole purpose of enforcing provisions of Contract No. 315409 between Salish Kootenai College and the Montana Department of Transportation.

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

Council met in **executive session**.

Teresa Wall-McDonald, **Mike McKee**, and **Dan Depoe**, Mission Valley Power Utility Board; **Michael Wheeler** and **Shane Morigeau**, Legal Department; and **Zachary Conko-Camel**, Mission Valley Power General Manager; requested to meet with council in **executive session** to discuss utility issues. **Ruth Swaney**, Financial Management, was present for discussion.

Council reconvened into **regular session**.

MOTION by Danielle Matt to approve the letter to Bryan Mercier, BIA Northwest Regional Director, requesting to extend Contract No. PL A18AV00059 to September 30, 2025 and requesting that the Sanders County Consumer Council position be converted to an at-large position. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

***** **Lunch** *****

Council met in **executive session** to conduct interviews for the Energy Keepers, Inc. Board of Directors vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

James Steele, Jr. left the meeting on personal time off for the remainder of the day to deal with a personal matter.

Council met in **executive session** to conduct interviews for the Sergeant at Arms vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Brad Pluff, Tribal Court, requested to meet with council in **executive session** to discuss a personnel matter. **Melanie Piedalue**, Personnel Department, was present for discussion.

Council reconvened into **regular session**.

Tara Irvine, Tribal Lands Department, presented a request from Shelly Fyant, Victory Gardens, for a business lease to operate a community garden on Tribal Tract T1354 in Arlee. Options presented were: (1) approve a five-year business lease, with an additional five years, so long as all leasing requirements are met, including rent of \$0.00; provide proof of required insurance; pay power bill, if applicable; pay water bill; and verify all weeds are being managed properly; (2)

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deny the request; and (3) hold further discussion. The staff recommended approving option 1.

MOTION by Carole Lankford to go with option 1 and grant Shelly Fyant, Victory Gardens, a five-year business lease to operate a community garden on Tribal Tract T1354 in Arlee, so long as all leasing requirements are met, including rent of \$0.00; provide proof of required insurance; pay power bill, if applicable; pay water bill; and verify all weeds are being managed properly. Seconded by Bing Matt. Carried, unanimous (7 present).

Tara Irvine, Tribal Lands Department, presented a request from R.T. Hendrickson, Arlee Rodeo Grounds, to operate a rodeo on Tribal Tract T1353 in Arlee. Options presented were: (1) approve a one-year revocable permit, so long as all permitting requirements are met, including rent of \$150.00; acquire and show proof of commercial liability insurance for \$1 million for personal injury and property damage; acquire and show proof of fire and vandalism insurance, jointly naming the Tribes and Tenant for \$140,000; indemnify the CSKT and BIA from any loss, damage, or injury arising from the use of premises; manage noxious weeds on the premises; pay power bill, if applicable; and maintain the existing improvements; (2) deny the request; and (3) hold further discussion. The staff recommended approving option 1.

MOTION by Bing Matt to grant R.T. Hendrickson a one-year revocable permit to operate a rodeo on Tribal Tract T1353, so long as all permitting requirements are met, including rent of \$150.00; acquire and show proof of commercial liability insurance for \$1 million for personal injury and property damage; acquire and show proof of fire and vandalism insurance, jointly naming the Tribes and Tenant for \$140,000; indemnify the CSKT and BIA from any loss, damage, or injury arising from the use of premises; manage noxious weeds on the premises; pay power bill, if applicable; and maintain the existing improvements. Seconded by Jim Malatare. Carried, unanimous (7 present).

MOTION by Carole Lankford to accept the results of the ballot and appoint Lawrence Hall to the Energy Keepers, Inc. Board of Directors. Seconded by Jim Malatare. Carried, unanimous (7 present).

MOTION by Carole Lankford to accept the results of the ballot and appoint Leniece Trahan as the Sergeant at Arms. Seconded by Jim Malatare. Carried, unanimous (7 present).

Council **adjourned** at 2:38 p.m., and is scheduled to meet again on Tuesday, March 19, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary