

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

Volume 23 Number 27
Council Chambers, Pablo, MT

Held: February 7, 2023
Approved: February 16, 2023

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

MEMBERS ABSENT: Carole Lankford.

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 9:01 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for February 2, 2023 were presented for approval.

MOTION by Jim Malatare to approve the Tribal Council Meeting Minutes for February 2, 2023, with corrections. Seconded by Ellie Bundy. Carried, 8 for; 1 abstention (Mike Dolson).

The **agenda** was presented for approval.

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

Leona Juneau, Tribal Elder, discussed her concerns about the Elmo community. There was a nurse going to her home twice weekly to do her vitals and check on her, and three weeks ago Leona heard the nurse quit. There is no nurse in Elmo now. Leona heard there was supposed to be a nurse in Elmo and claims she visited with the elders and the sick, but to this date Leona has not met her and the nurse has not gone to Leona’s home. Leona wanted to know who that nurse is and what her duties are supposed to be. There is an individual that is a nurse and she applied for the nursing position, but she was told she was not qualified. The bathroom in the Elmo Clinic is filthy. Leona’s mental health counselor is threatening to quit her job. There needs to be something done in Elmo. Nurses

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need to visit the people to make sure they are well. Her sister might still be alive if a nurse had checked on her. Leona heard Tribal Health employees are threatening to quit their jobs. People are not allowed to go to the clinic because they are told too many people have appointments. There is nothing going on in Elmo for our kids and she wanted to know what happened to Live Native. She was told everything is done on computers now but not all people use computers and Facebook. The Elmo community members try to help one another when in need. Leona helped purchase three freezers of wild game for those in need. Tribal members should be allowed to make a medical appointment if they think they are sick. Leona has medical issues and she no longer has a nurse visiting her to trim her toenails. She finds the staff to be rude when she makes inquiries. Council needs to take care of the tribal members and try to correct the issues that tribal members have. People go to the tribal council and the council just writes them a letter to receive free energy assistance. People should not be going to council for handouts; they need to try to make it on their own. Leona talked about the number of empty houses there are. Homes are put in disaster areas, and they should be removed. It should not be so hard for people to get their own homes. When Leona feels better, she wants to visit all the homes and see what the peoples' needs are. The youth need to be taken places to see what's out there. We have something good here, so we should utilize it. There needs to be nurses going into the homes to check on people. The nurses should not be bullied and ran off. The nurse's coworkers made it hard to work, so she left her job. The Tribal Council members need to learn what is happening in their districts and make the necessary corrections to help their communities. Leona is concerned about the drug and alcohol abuse that is going on. She asked the council members to try to do their best. **Len TwoTeeth** appreciated Leona bringing her concerns in today; it reminds council of who they work for. It was heartwarming to see her here this morning. The Tribal Council is aware of the Tribal Health issues. The Tribal Health Department has been trying to get a full-time nurse in Elmo for some time now. The council challenged the department to provide the needed care in Elmo. They asked the department head how the department is going to enhance services in Elmo and Joe Durglo will bring back a plan for that in the near future. Homelessness is something the council has been working on. The Tribes established a warming center for the homeless. It was located in Pablo and now it is in Ronan. **Chairman McDonald** commented all of Leona's issues are on the council's lists, and they are focused on improving services from the Tribal Health Department. Council wants to provide training for the workforce, such as bullying. Council does not want to lose good employees. All the issues Leona mentioned are great issues that the council continues to work on. Council will make sure they get the restroom at the Elmo Clinic cleaned right away. **Jennifer Finley** has great respect for Leona and thanked her for coming in today. Leona is a strong advocate for the Elmo community and for everyone. The issues she brought up would make us all better people. Leona talked about the importance of the Tribal Health Department director needing to have a medical background. **Terry Pitts** recommended that the Tribal Health clinics have a list

of tribal elders so when they need an appointment they can get same-day appointments.

Council reviewed a resolution changing authorized signatures on the Mission Valley Power depository checking account at Eagle Bank for account number 5000500.

MOTION by Len TwoTeeth to approve the resolution changing authorized signatures on the Mission Valley Power depository checking account at Eagle Bank for account number 5000500. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-052

RESOLUTION CHANGING AUTHORIZED SIGNATURES ON MISSION VALLEY POWER DEPOSITORY CHECKING ACCOUNT AT EAGLE BANK FOR MISSION VALLEY POWER P.L. 93-638 CONTRACT

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

WHEREAS, The Confederated Salish & Kootenai Tribes have entered into a contract with the Department of Interior to manage the power portion of the Flathead Power and Irrigation Project to be hereafter referred to as Mission Valley Power; and

WHEREAS, it is the desire of the Tribal Council that this contract be set up in such a way as to operate as a separate entity with its own set of books of record and operating processes; and

WHEREAS, Tribal Council Resolution 07-211 established a commercial money market account at Eagle Bank to be used by the program in its day-to-day operations; and

<u>Account Name</u>	<u>Account Number</u>
Checking Account	5000500

WHEREAS, Mission Valley Power desires to change the authorized signatures on said accounts; **NOW THEREFORE**,

BE IT RESOLVED, that all checks drawn on said account require two (2) signatures from the date of the approval of this resolution.

<u>NAME</u>	<u>TITLE</u>
Jeanne West	Support Services Manager, MVP

Craig Morigeau

Superintendent of Operations
and Construction, MVP
Billing Supervisor, MVP

Brandy Incashola

whose signatures shall be duly certified to said Bank and that no checks against said accounts shall be valid unless so signed; and

BE IT FINALLY RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit or any of the other officers or not. This resolution shall continue forth in the Certification of the Director of Financial Management, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Council reviewed a resolution changing authorized signatures on the Mission Valley Power commercial money market account at Eagle Bank for account number 6000228.

MOTION by Martin Charlo to approve the resolution changing authorized signatures on the Mission Valley Power commercial money market account at Eagle Bank for account number 6000228. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-053

RESOLUTION CHANGING AUTHORIZED SIGNATURES ON MISSION VALLEY POWER COMMERCIAL MONEY MARKET ACCOUNT AT EAGLE BANK FOR MISSION VALLEY POWER P.L. 93-638 CONTRACT

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

WHEREAS, The Confederated Salish & Kootenai Tribes have entered into a contract with the Department of Interior to manage the power portion of the Flathead Power and Irrigation Project to be hereafter referred to as Mission Valley Power; and

WHEREAS, it is the desire of the Tribal Council that this contract be set up in such a way as to operate as a separate entity with its own set of books of record and operating processes; and

WHEREAS, Tribal Council Resolution 07-212 established a commercial money market account at Eagle Bank to be used by the program in its day-to-day operations; and

Account Name
Commercial Money Market Account

Account Number
6000228

WHEREAS, Mission Valley Power desires to change the authorized signatures on said accounts; **NOW THEREFORE**,

BE IT RESOLVED, that all checks drawn on said account require two (2) signatures from the date of the approval of this resolution.

NAME

Jeanne West
Craig Morigeau

Brandy Incashola
Gregory Spahr

TITLE

Support Services Manager, MVP
Superintendent of Operations
and Construction, MVP

Billing Supervisor, MVP
Director of Financial Management, CSKT

whose signatures shall be duly certified to said Bank and that no checks against said accounts shall be valid unless so signed; and

BE IT FINALLY RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit or any of the other officers or not. This resolution shall continue forth in the Certification of the Director of Financial Management, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Council reviewed a resolution changing authorized signatures on the Mission Valley Power on-line payment sweep account at Eagle Bank for account number 5000435.

MOTION by Ellie Bundy to approve the resolution changing authorized signatures on the Mission Valley Power on-line payment sweep account at Eagle Bank for account number 5000435. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-054

RESOLUTION CHANGING AUTHORIZED SIGNATURES ON MISSION VALLEY POWER ON-LINE PAYMENT SWEEP ACCOUNT AT EAGLE BANK FOR MISSION VALLEY POWER P.L. 93-638 CONTRACT

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

WHEREAS, The Confederated Salish & Kootenai Tribes have entered into a contract with the Department of Interior to manage the power portion of the Flathead Power and Irrigation Project to be hereafter referred to as Mission Valley Power; and

WHEREAS, it is the desire of the Tribal Council that this contract be set up in such a way as to operate as a separate entity with its own set of books of record and operating processes; and

WHEREAS, Tribal Council Resolution 14-210 established a commercial money market account at Eagle Bank to be used by the program in its day-to-day operations; and

<u>Account Name</u>	<u>Account Number</u>
On-Line payment sweep account	5000435

WHEREAS, Mission Valley Power desires to change the authorized signatures on said accounts; **NOW THEREFORE**,

BE IT RESOLVED, that all checks drawn on said account require two (2) signatures from the date of the approval of this resolution.

<u>NAME</u>	<u>TITLE</u>
Jeanne West	Support Services Manager, MVP
Craig Morigeau	Superintendent of Operations and Construction, MVP
Brandy Incashola	Billing Supervisor, MVP

whose signatures shall be duly certified to said Bank and that no checks against said accounts shall be valid unless so signed; and

BE IT FINALLY RESOLVED, that said bank is hereby authorized and directed to honor and pay any checks whether such checks be payable to the order of any such person signing and/or countersigning said checks, or to the individual credit or any of the other officers or not. This resolution shall continue forth in the Certification of the Director of Financial Management, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent Certificate until written notice to the contrary is duly served on said bank.

Ruth Swaney, Financial Management, presented a request to purchase capital equipment consisting of two vehicles for the Fish & Game and Wildlife program.

MOTION by Jennifer Finley to authorize the purchase of capital equipment consisting of two vehicles for the Fish & Game and Wildlife program. Seconded by Jim Malatare. Carried, unanimous (9 present).

Ruth Swaney, Financial Management, requested approval of modification 8 to the fiscal year 2023 Total Budget Allocations. Prior year Indian Affairs self-governance awards and increases in Contracts and Grants are available to appropriate in fiscal year 2023 to the programs, services, functions, and activities approved by the Tribal Council.

MOTION by Mike Dolson to approve by resolution modification 8 to the fiscal year 2023 Total Budget Allocations. Seconded by Ellie Bundy. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-055

RESOLUTION APPROVING MODIFICATION 8 TO THE FISCAL YEAR 2023 TOTAL BUDGET ALLOCATIONS

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

WHEREAS, prior year Indian Affairs self-governance awards and increases in Contracts and Grants are available to appropriate in FY 2023 to the programs, services, functions, and activities approved by the Tribal Council; and

WHEREAS, the increases and decreases in total allocations by Fund and by Function are as follows:

Function	Total Revised Mod 7 - 1/24/2023	Compacts, Contracts, and Grants Increase/ (Decrease)	Total Increase/ (Decrease)	Total Revised Mod 8 - 2/7/2023
PERMANENT				
Government Services	\$840,000			
Government Operating	\$750,000			
Capital Programs	\$2,000,000			
Per Capita	\$12,096,000			
SUBTOTAL, PERMANENT	\$15,686,000	\$0	\$0	\$15,686,000
MANDATORY				
Government Services	\$16,344,262	\$1,669,941	\$1,669,941	\$18,014,203
Health and Human Services	\$87,100,833	\$7,376,633	\$7,376,633	\$94,477,465
Natural Resources	\$62,477,497	\$282,297	\$282,297	\$62,759,793
Government Operating	\$2,064,000			\$2,064,000

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Education	\$1,622,795	\$100,600	\$100,600	\$1,723,395
Administration	\$21,733,975	\$21,921	\$21,921	\$21,755,896
Court/Probation	\$1,576,849			\$1,576,849
Law Enforcement	\$2,983,450			\$2,983,450
Legal	\$3,436,000			\$3,436,000
Forestry	\$6,276,923			\$6,276,923
Capital Programs	\$865,000			\$865,000
Indirect Costs	\$4,041,000			\$4,041,000
SUBTOTAL, MANDATORY	\$210,522,582	\$9,451,391	\$9,451,391	\$219,973,974
Function	Total Revised Mod 7 - 1/24/2023	Compacts, Contracts, and Grants Increase/ (Decrease)	Total Increase/ (Decrease)	Total Revised Mod 8 - 2/7/2023
DISCRETIONARY				
Government Services	\$11,107,000			\$11,107,000
Health and Human Services	\$17,836,500			\$17,836,500
Natural Resources	\$11,746,000			\$11,746,000
Government Operating	\$820,350			\$820,350
Education	\$585,845			\$585,845
Administration	\$172,000			\$172,000
Tribal Earmarks	\$3,270,919			\$3,270,919
SUBTOTAL, DISCRETIONARY	\$45,538,614	\$0	\$0	\$45,538,614
TOTAL APPROPRIATIONS	\$271,747,197	\$9,451,391	\$9,451,391	\$281,198,588

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 7 to the FY 2023 Total Budget Allocations for Compacts, Contracts, and Grants for a net increase of \$9,451,391; and

BE IT FURTHER RESOLVED that the FY 2023 Total Budget Allocations are increased from \$271,747,197 to \$281,198,588; and

BE IT FURTHER RESOLVED that the Office of Financial Management is delegated authority to revise, reallocate, and correct the amounts for programs, services, functions, and activities within the Total Budget Allocations authorized and available in the aforementioned Funds.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the engineering work to be done for the Crow Creek – 10M SW Ronan, STPB 9024(68), UPN 10114000 bridge replacement project. The construction cost will be \$1.8 million. Melinda gave an update on upcoming projects. The Ronan project will begin soon and the chip seal project from Lake's Corner to Minesinger Trail will begin this construction season. **Len TwoTeeth** commended Melinda for doing such a great job in the Indian Preference Office. **Martin Charlo** mentioned Shawna Friedlander also works in the Indian Preference Office.

MOTION by Martin Charlo to approve the project specific agreement with the Montana Department of Transportation for the engineering work to be done for the Crow Creek – 10M SW Ronan, STPB 9024(68), UPN 10114000 bridge replacement project. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Kari Kingery, Natural Resources Department, presented a request from Dr. Jack Hogg, Montana Conservation Science Institute, Ltd., for a collection permit to study Rocky Mountain bighorn sheep at the Bison Range. Dr. Hogg has conducted research at the Bison Range since 1979.

MOTION by Martin Charlo to grant Dr. Jack Hogg a collection permit to study Rocky Mountain bighorn sheep at the Bison Range. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Kari Kingery, Natural Resources Department, requested the chairman's signature on the Region 1 and 2 off-reservation moose harvest letters. Moose populations have remained the same. The aerial surveys identified 10-12 moose.

MOTION by Martin Charlo to authorize the chairman to sign the two letters to Montana Fish, Wildlife & Parks. Seconded by Bing Matt. Carried, unanimous (9 present).

Kari Kingery, Natural Resources Department; and **Beth Mendelsohn**, Owl Research Institute; discussed a request from Denver Holt, Owl Research Institute, for a collection permit to research owls, diurnal raptors, and small mammals on the reservation for the purpose of educating the public about owls to promote conservation.

MOTION by Martin Charlo to grant Denver Holt a collection permit to research owls, diurnal raptors, and small mammals on the reservation for educational purposes. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Kari Kingery informed council that the Owl Research Institute relies on volunteers from the university or community members to help collect data for their research activities. They are having some issues with the recreation permits because some of the volunteers are only there couple nights per year. The recreation permit is making it difficult for volunteers to help out. Kari asked if the Owl Research Institute could get a yearly permit or make a onetime payment for a permit for the Owl Research Institute to get volunteers to help with their research. **Chairman McDonald** stated there is a delegation of authority for educational activities that the department can approve without council action.

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They are doing work for the Tribes, so the intention is they are not recreating; they are doing research. It should be covered within the collection permit.

Amanda Bourdon, Natural Resources Department, discussed the comments that were received during the public comment period and requested approval of the revised 2023-2024 nontribal member recreation regulations. There were no comments made at the public hearings, but the department did receive some written comments. **Len TwoTeeth** commented on the concerns the elders had that they would like addressed in the regulations. Len requested that no action be taken to approve the regulations until the staff can meet with both Elders Committees regarding the proposed changes. **Chairman McDonald** requested that Amanda go through both sets of regulations with the Tribal Elders. Amanda will return to council to seek approval of the proposed changes after she meets with both Elders Committees. The tribal member regulations are open for public comment at this time.

Jace Smith, Natural Resources Department, requested approval to award a contract to Native Montana Construction for the bid solicited on December 20, 2022. WWC Engineering performed a bid evaluation and recommended the award go to Native Montana Construction. **Bing Matt** mentioned the Arlee residents had some concerns about the groundwater and Bing had asked the staff to give a presentation at the Arlee district meeting. Jace informed council that Seth Makepeace is doing a groundwater study and will be discussing that with the council. **Len TwoTeeth** would like to require the contractors to use and purchase tribal gravel, and he wants to make sure the Tribal Lands Department and other appropriate departments have started that process and will be ready to go since Jace is on a time limit.

MOTION by Martin Charlo to award the contract to Native Montana Construction for the bid solicited on December 20, 2022. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Jace Smith, Natural Resources Department, discussed the cost of Owner Procured Material for the Jocko Canals conversion project funded with water compact funds and requested approval of the Owner Procured Material. Approximately 115,000 feet of HDPE pipe, 66,000 feet with OD from 24" to 48" for phases 1-4 and an additional 40 plus vales for isolation, air and pressure release are needed for the full buildout. Jace requested authorization to obtain quotes/bids for the pipe. The CSKT is the project owner and would need to manage the inventory with the general contractor.

MOTION by Martin Charlo to approve the Owner Procured Material for the Jocko Canals conservation project. Seconded by Ellie Bundy. Carried, unanimous (9 present).

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

Jordan Thompson, Tribal Executive Office, introduced Fred, who is from Texas. Fred talked about the garden network. Last year there was one garden and they produced about 20,000 to 30,000 pounds of produce on less than one acre of land. The surplus zucchini was distributed through the food networks. Fred was asked to come back this year to reinitiate that activity and add four more production and distribution gardens in St. Ignatius, Hot Springs, Arlee and at the KHJCC site. The gardens grow organic produce. Fred encouraged everyone to participate in the gardens; it only requires one hour in the classroom and one hour in the garden. Fred talked about rebuilding and regenerating the soil base.

Jordan Thompson, Tribal Executive Office, requested to meet with council in **executive session** to discuss legislative matters. **Gwen Lankford** was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

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

Dan Decker, Legal Department; and **Casey Ryan**, Natural Resources Department; requested approval for Casey to serve as the tribal representative on the Compact Implementation Technical Team. Seth Makepeace served as the representative for many years, but he is no longer available to serve in this capacity due to a change in his position.

MOTION by Jennifer Finley to appoint Casey Ryan as the tribal representative for the Compact Implementation Technical Team. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Dan Decker, **Melissa Schlichting**, **John Harrison**, **Brian Upton**, **Chelsea Colwyn**, and **Zach Zipfel**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Mark Couture, Tribal Lands Department; and **Herbert Ducharme**, Tribal Member; requested to meet with council in **executive session** to discuss a land issue. **Zach Zipfel**, Legal Department, was present for discussion.

Mark Couture, Tribal Lands Department, requested to meet with council in **executive session** to discuss departmental matters. **Zach Zipfel**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

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

Rich Janssen, Casey Ryan, Seth Makepeace, Rob McDonald, Brian Hogenson, Cody Goklish, Steve Ashley, George McLeod, Jace Smith, Greg Wilson, Tabitha Espinoza, Carter Clinkenbeard, Eli Sheridan, Amanda Courville, Brittany Courville, Amanda Spencer, Eric Holt, Victoria White, Willie Keenan, Whisper Camel-Means, Shannon Clairmont, Lissa Peel, and Pam Dusty Bull, Natural Resources Department, gave a presentation on the Division of Engineering and Water Resources achievements to date, water monitoring and measurement, the compact implementation and master planning, Flathead Indian Irrigation Project rehabilitation and betterment projects, the establishment of a Water Rights Office, an overview of the Safety of Dams projects, and outreach efforts. The DEWR website is under construction. A GIS position will be hired to help with capturing and sharing data.

Council met in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 4:14 p.m., and is scheduled to meet again on Tuesday, February 14, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary