

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

Volume 23 Number 60
Council Chambers, Pablo, MT

Held: July 11, 2023
Approved: July 13, 2023

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

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 9:03 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for June 27, 2023 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for June 27, 2023, with corrections. Seconded by Jim Malatare. Carried, 8 for; 2 abstentions (Mike Dolson and Jennifer Finley).

The **Tribal Council Meeting Minutes** for July 7, 2023 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for July 7, 2023, with corrections. Seconded by Jennifer Finley. Carried, 8 for; 2 abstentions (Len TwoTeeth and Bing Matt).

The **agenda** was presented for approval.

MOTION by Len TwoTeeth to approve the agenda, with changes. Seconded by Ellie Bundy. Carried, unanimous (10 present).

Alberta Bertsch went over a list of complaints she had about the Arlee Pow Wow. There was no air conditioning in the concession stands. Propane tanks were inside the building, which made it hotter. The bathrooms were not accessible in the evenings until she complained to Jim Malatare. The bathrooms were closed

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from 9:00 p.m. to 11:00 a.m. The porta potties were full. The porta potties were removed Monday and the pow wow was not over yet. The concession fee was \$1,000, so she did not make any money this year. Brian Crawford insisted that every employee needed to have a food handling card, which was impossible to do, so she had to argue with him. Brian was charging \$25 per person for a five-day food-handling card and he wanted everyone to attend a meeting to be trained in order to receive the card. Alberta ended up in the hospital due to heat exhaustion since there was no air conditioning. **Len TwoTeeth** received a few complaints about the pow wow. Council will forward the complaints to the staff so the issues can get addressed. **Jim Malatare** talked about the concession stands since the propane tanks are not supposed to be inside. The concession stands are new and the issues need to be addressed. **Terry Pitts** would like for the local vendors to have a discount on those charges. **Bing Matt** stated there had been propane in there before, but it was prevented this year. There needs to be a place to install those lines. The price of the concession stands was the same fee as last year. Bing's wife cleaned the bathrooms, and they had to be closed in the evenings so the facility could be cleaned. Another reason they were closed was due to a lack of water pressure. The toilets were plugged. Some of the porta potties were moved out on Monday, but 12 were left behind until the pow wow was over. One of the porta potties blew over due to the wind, so it was moved out. Bing did not have any information about the food-handling cards and Brian charging a fee. The pow wow was going to be from June 28 – July 2, but the Culture Committee wanted it extended so it ran through July 4. Pretty much everything was over on July 2, but the Snake Dance was on July 4. Alberta commented she paid \$800 for the concession stand last year and had to pay \$1,000 this year, so that is why she did not make any money. Her concession contract did not guarantee electricity or water, and she thought the price was too high. **Council** thanked Ms. Bertsch for her comments and they will follow up on the concerns.

Kateree Huitt requested to meet with council in **executive session** to discuss a personal matter. **George Ducharme**, Tribal Lands Department, was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

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

John Neiss, Facilities Maintenance, requested approval of a sole source contract with Samsel Construction in the amount of \$118,300.00 to complete the renovations to the Pablo Bank building so it can be used as a temporary space for Three Chiefs Culture Center. The project was bid out, but there were no responsive bids received. **Len TwoTeeth** wanted the completion date included

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in the contract and have penalties in place if the project is not completed by the deadline. John did not think it would be a problem to complete the work, but there are still some supply chain issues.

MOTION by Mike Dolson to approve the sole source contract with Samsel Construction in the amount of \$118,300.00 to complete the renovations to the Pablo Bank building. Seconded by Jim Malatare. Carried, unanimous (10 present).

John Neiss, Facilities Maintenance, requested approval to use environmentally-friendly dust oiling for dust control on the roads at the Elmo Pow Wow grounds. The cost is \$3,100.00 and there are sufficient funds in the budget to cover the cost. **Len TwoTeeth** asked John if he ran that by Leonard; he does not know how that would go over since it is oil. Len thought Fire Control could provide dust control at no cost. John explained the dust oil is not actually oil and it is a salt-based chemical. It was the **consensus** of council to proceed with the dust control if it is endorsed by Leonard Michel.

Kari Kingery, Natural Resources Department, presented a request from the Montana Fish, Wildlife & Parks for a support letter for a grant they are applying for to pursue funding to secure 20,584 acres of wildlife and recreation habitat in the Mineral, Sanders, and Lincoln Counties under the Stimson Timberland Legacy Conservation Easement. The information was not included in the council packet.

Kari Kingery, Natural Resources Department, presented a request from Clay Comstock, Salish Kootenai College, for a collection permit to collect native and honeybees at five collection sites on the reservation to create a baseline database on the species presence.

MOTION by Len TwoTeeth to grant Salish Kootenai College a collection permit to collect native and honeybees at five collection sites on the reservation. Seconded by Jennifer Finley. Carried, unanimous (10 present).

Daniel LaFromboise, Fire Control, requested approval to apply for the annual Rural Fire Assistance grant.

MOTION by Jim Malatare to approve submission of a grant application for Rural Fire Assistance funding. Seconded by Mike Dolson. Carried, unanimous (10 present).

Kari Kingery, Natural Resources Department, continued discussion on the request from the Montana Fish, Wildlife & Parks for a support letter for a grant they are applying for to pursue funding to secure 20,584 acres of wildlife and recreation habitat in the Mineral, Sanders, and Lincoln Counties under the

Stimson Timberland Legacy Conservation Easement.

MOTION by Martin Charlo to approve the letter of support for the Montana Fish, Wildlife & Parks grant application to pursue funding to secure 20,584 acres of wildlife and recreation habitat in the Mineral, Sanders, and Lincoln Counties under the Stimson Timberland Legacy Conservation Easement. Seconded by Ellie Bundy. Carried, unanimous (10 present).

Kari Kingery, Natural Resources Department, reviewed the Draft 2023-2024 Yellowstone Bison Hunt Regulations and requested approval for the draft regulations to be put out for public comment. **Len TwoTeeth** and **Chairman McDonald** suggested having hunter vests in a color that specifically identifies CSKT hunters. It was the **consensus** of council to approve the Draft 2023-2024 Yellowstone Bison Hunt Regulations to be put out for public comment.

Chairman McDonald announced the passing of Vern Clairmont and there was a moment of silence. **Council** directed that the tribal flags be flown at half-staff at all tribal facilities due to Vern's passing.

Velda Shelby and **Janet Camel**, Economic Development Office, discussed the proposed tribal meat processing plant and requested approval of a resolution approving submission of a grant application to the United States Department of Agriculture for an Indigenous Animals Harvesting and Meat Processing Grant to construct and operate a tribal meat processing plant to prepare and distribute wild game, locally-raised beef, bison, and other meat products. The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve by resolution submission of a grant application to the United States Department of Agriculture for an Indigenous Animals Harvesting and Meat Processing Grant to construct and operate a tribal meat processing plant to prepare and distribute wild game, locally-raised beef, bison, and other meat products. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 1 not voting (Ellie Bundy out of the room).

RESOLUTION 23-120

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOR AN INDIGENOUS ANIMALS HARVESTING AND MEAT PROCESSING GRANT (IAG) TO CONSTRUCT AND OPERATE A TRIBAL MEAT PROCESSING PLANT TO PREPARE AND DISTRIBUTE WILD GAME, LOCALLY-RAISED BEEF, BISON OTHER MEAT PRODUCTS

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 Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes are committed to the sound planning and management of Flathead Reservation resources; and

WHEREAS, pursuant to CSKT Resolution 21-090 proclaiming hunger as a risk to the health, security, and general welfare of the Tribes and directing necessary resources to achieve food security and eradicate hunger among the membership and on the Reservation; and

WHEREAS, the Office of Economic Development serves to promote food sovereignty and food security for the people, as stated in CSKT's Comprehensive Economic Development Strategy; and

WHEREAS, the Confederated Salish and Kootenai Tribes (CSKT or Tribes) have directed the Office of Economic Development to fill the important need of diversification of revenues and protection of resources as the Tribes strive for self-sufficiency and planned economic development opportunities; and

WHEREAS, USDA seeks to improve the viability of tribal nations' food sovereignty initiatives and supply chain resiliency by developing and expanding animal protein processing activities related to indigenous animals; and

WHEREAS, up to \$50 million in funding from the American Rescue Plan Act is available to fund projects under the Indigenous Animals Grants including construction, renovation, project-specific staff expenses, working capital, and equipment purchase; and

WHEREAS, the CSKT have conducted extensive financial analysis, marketing and business planning to determine the feasibility of plant development and sustainable operations to process and distribute wild game, beef, bison and other meats for the Flathead Reservation community; and

WHEREAS, the CSKT supports traditional harvesting of indigenous animals and restoring indigenous food systems to expand local capacity and supply chain resiliency through Tribal programs including Food Sovereignty and the recently restored Bison Range to provide culturally appropriate food and food security to tribal communities; and

WHEREAS, the CSKT have retained Friesla, LLC for turnkey project development through USDA-compliant modular meat processing systems with preliminary site and systems planning to develop a state-of-the art processing plant; and

WHEREAS, the CSKT have designated the northwest portion of a 31 acre tract of Tribal trust land for the plant and composting site in Ronan, Montana; and

NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation approves the application for a \$7,900,000 USDA Indigenous Animals Harvesting and Processing Grant, to be managed by the Tribal Economic Development Office, to construct and operate a Tribal Meat Processing Plant, as outlined in the grant proposal.

BE IT FURTHER RESOLVED that this grant program is being made pursuant to the United States' government-to-government relationship with Indian tribes to further their self-governance goals of maintaining and improving food and agriculture supply chain resiliency.

BE IT FINALLY RESOLVED that the Tribal Council Chairman and designated representative are hereby authorized to negotiate and execute the contract and any modification thereof.

Janet Camel, Economic Development Office, informed council of the public hearing regarding annexation that is scheduled for tomorrow at 6:00 p.m. at the Ronan City Hall. Janet would like council members to attend the hearing and show support for the request to connect to the city water and sewer. **Chairman McDonald** will try to attend the meeting.

Ruth Swaney, Financial Management, presented a request from the Tribal Health Department to purchase capital equipment after the July 1 deadline, consisting of 15 Dexis Titanium sensors for the Dental Clinics at an estimated cost of \$106,173.10, to be purchased with Indian Health Service Dental Prevention Program funds.

MOTION by Martin Charlo to authorize the purchase of capital equipment after the July 1 deadline, consisting of 15 Dexis Titanium sensors for the Tribal Health Dental Clinics at an estimated cost of \$106,173.10. Seconded by Bing Matt. Carried, unanimous (9 present – Ellie Bundy out of the room).

Greg Spahr and **Ruth Swaney**, Financial Management, provided information on the fiscal year 2024 budget submittals that were prepared by Tribal departments and programs. Ruth provided a summary of submittals compared to the budget targets and provided staff recommendations.

Greg Spahr, Financial Management, requested acceptance of the fiscal year 2022 Audit Report as it was presented by the auditing firm REDW.

MOTION by Carole Lankford to accept the fiscal year 2022 Audit Report & Financials. Seconded by Martin Charlo. Carried, unanimous (10 present).

Ruth Swaney and the **Tribal Council** talked about the loss of Vern Clairmont and his commitment and dedication to the Tribes. **Jennifer Finley** would like to have Vern's obituary run on the front page of the Char-Koosta News.

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

Council met in **executive session**.

Council reconvened into **regular session**.

John Harrison, Legal Department; and **Judge Lynch**; informed council that Mr. Lynch is a candidate for the Supreme Court Justice position. Judge Lynch served as a federal magistrate judge and retired in 2019. He talked about issues that are important to him and his reasons for running for the position. Indigenous people are a powerful voting block and he would like the support of the Tribal people. **Len TwoTeeth** asked about his experience working with Indian tribes. Judge Lynch has represented numerous tribal individuals in civil lawsuits and personal injury lawsuits (medical negligence), and the vast majority of his work was on the Crow Reservation and Blackfeet Reservation. He represented the Wolf Point organization in a significant insurance matter. He spent a number of years clerking for Federal Court Judge Pat Hatfield, who was developing law for Native American jurisdiction. The LaPlante case was one of the first cases that Judge Hatfield decided and Judge Lynch assisted him on that, which is the Montana exceptions for Native American jurisdiction that is still in place. Judge Hatfield was on the forefront of developing good law and Judge Lynch assisted him with that. Some of the cases were overturned and the Ninth Circuit Court diminished some of the sovereignty of tribes. Len invited him to the Elmo Pow Wow. The main reason he is running for this position is because the court has been chipping away at our judiciary and we need our judiciary to remain strong. Judge Lynch believes in tribal sovereignty. The United States government has always said they want to develop and fund tribal courts. As a lawyer, he had two verdicts out of the Blackfeet Tribal Court that were significant verdicts and he could not get those judgments enforced in the federal courts. So much of the land is owned by nontribal members, and he believes the Tribes should have complete control over their land. The enforcement of tribal court judgments has not been addressed by the Supreme Court directly. That is an important issue in Montana, especially given all the tribal lands within the state. Judge Lynch mediated the ARCO settlement. He also mediated the Wandering

Medicine vs. McCulloch case which was an important voting rights discrimination case.

Council met in **executive session** to conduct interviews for the Tribal Credit Committee and Mission Valley Power Utility Board vacancies. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

MOTION by Martin Charlo to accept the results of the ballot and appoint Roberta Steele to the Tribal Credit Committee for a four-year term. Seconded by Bing Matt. Carried, 9 for; 1 abstention (Carole Lankford).

MOTION by Ellie Bundy to accept the results of the ballot and appoint Michael McKee to the Mission Valley Power Utility Board. Seconded by Martin Charlo. Carried, unanimous (10 present).

Ellie Bundy left the meeting for the remainder of the day.

Yolanda Page, **John Harrison**, **Michael Wheeler**, **Lynsey Gaudio**, Legal Department; and **Jordan Thompson**, Tribal Executive Office; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

Council **adjourned** at 4:12 p.m., and is scheduled to meet again on Thursday, July 13, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary