

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

Volume 24 Number 9
Council Chambers, Pablo, MT

Held: November 2, 2023
Approved: November 16, 2023

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

MEMBERS ABSENT: James “Bing” Matt (Returning Buffalo with Native Nations Meeting – Bozeman, Montana).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Terry Pitts.

The **Tribal Council Meeting Minutes** for October 26, 2023 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for October 26, 2023, with corrections. Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (Jim Malatare).

The **agenda** was presented for approval.

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

Council met in **executive session**. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Greg Spahr, Financial Management, met with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

Len TwoTeeth discussed the Mission Valley Power Utility Board vacancies. There were two vacancies that were advertised and the incumbents were the only applicants.

MOTION by Len TwoTeeth to reappoint Teresa Wall-McDonald and Michael McKee to the Mission Valley Power Utility Board, due to no other applicants. Seconded by Jennifer Finley. Carried, 8 for; 1 abstention (Tom McDonald – due to conflict of interest).

MaryRose Morigeau, Natural Resources Department, gave an update on Koostahtah Hall. In 2019, a Phase II environmental site assessment found asbestos-containing building materials and universal wastes (e.g., fluorescent light tubes, and PCG Ballasts) onsite. In 2023, ABCA was written for options of a cleanup plan. A copy of the ABCA was sent to the Kootenai Culture Committee Director and the Facilities Maintenance Department. The KCC Director recommended doing a full abatement. Contractors looked at the project with NewFields, LLC. A bid came back and A.C.M. quoted \$40,790 to do full abatement of asbestos and other hazardous building materials. Additional NewFields services to manage the project, to do clearance testing, and write a completion report would be an additional \$7,000, for a total cost of \$47,790.00. There are sufficient funds in the budget to complete the work. **Mike Dolson** asked if those funds could be used to abate the Bathhouse. MaryRose advised it could if that is what the council wanted to do. She had the understanding that SKMM was working on the Bathhouse. There is a process it must go through. **Council** would like the abatement done as soon as possible. **Ellie Bundy** informed council that Lisa Shourds sent out an email indicating that the abatement is on SKMM's schedule.

MOTION by Martin Charlo to move forward with abatement of Koostahtah Hall. Seconded by Terry Pitts. Carried, unanimous (9 present).

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

Whitney Malatare, Division of Fire, requested permission to purchase capital equipment consisting of 2 vehicles, 1 excavator and a trailer for the RTRL program.

MOTION by Carole Lankford to authorize the purchase of capital equipment consisting of 2 vehicles, 1 excavator and a trailer for the RTRL program. Seconded by Jim Malatare. Carried, unanimous (9 present).

Peter Bugoni, Natural Resources Department, presented a request for a collection permit for Sarah Holloway, Salish Kootenai College Graduate Student, to conduct a soil carbon study at the Bison Range.

MOTION by Martin Charlo approve a collection permit for Sarah Holloway to conduct a soil carbon study at the Bison Range. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Jordan Thompson, Tribal Executive Office, requested to meet with council in **executive session** to give an update.

Patricia Hibbeler, Director of Tribal Member Services; **Joe Durglo** and **Garry Pitts**, Tribal Health Department; and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session** to discuss personnel matters.

Council reconvened into **regular session**.

MOTION by Carole Lankford to authorize the Tribal Health Department to make the appropriate moves to retain the three dental positions on TEAs, with the caveat we look at it for the whole organization on November 6, 2023. Seconded by Jennifer Finley. Carried, unanimous (9 present).

Joe Durglo would like to expand services to include the entire community as the eligible population. There will be further discussion at the Health Committee meeting.

Dan Decker, Brian Upton, John Harrison, Katie Jones, Lynsey Gaudioso, and **Chelsea Colwyn**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Tribal Executive Office; and **Mike Durglo**, Climate Control Coordinator; were present for discussion. **Tony Incashola, Jr.**, Director of Tribal Resources Management, joined the discussion.

Dan Decker, Brian Upton, John Harrison, Katie Jones, Lynsey Gaudioso, Melissa Schlichting, and **Chelsea Colwyn**, Legal Department, continued to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Council reconvened into **regular session**.

MOTION by Ellie Bundy to approve the common interest agreement with the Department of Justice to allow for conversations around potential litigation. Seconded by Jennifer Finley. Carried, unanimous (9 present).

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

Martin Charlo left the meeting for the remainder of the day to go to the Western Montana Conservation Commission meeting.

J.C. Courville and **Homer Courville**, Mission Valley Honor Guard, presented the 2022 newsletter with an overview of their activities and budget. All of the Honor Guard participants serve on a volunteer basis, and Homer would like to give them a \$250 gas/cash card for those with 20+ years and a \$150 gas/cash card for those with 15+ years. **Carole Lankford** suggested having a budget to provide a gift to members for every five years of service. **Len TwoTeeth** thanked the Honor Guard for their service and dedication. He would like to establish a \$25,000.00 annual budget to support the Honor Guard. **Ruth Swaney**, Financial Management, advised the Tribes make a \$2,000 annual payment directly to Mission Valley Power to cover their power costs. The Tribes could do a pass-through donation. If the council approves the request for a donation, it will be done through a budget reallocation.

MOTION by Ellie Bundy to make an annual donation in the amount of \$25,000 to the Mission Valley Honor Guard. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Greg Spahr and **Ruth Swaney**, Financial Management, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Jennifer Finley to have the Tribal Council Pay Plan effective date of the increase be January 5, 2024, with the stated corrections and changes to require eligibility for longevity pay increases to be for those Tribal Council members who complete their full terms. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Mark Couture and **Brad McCrea**, Tribal Lands Department; **Bud Gillin** and **Sid Shourds**, Salish Kootenai Housing Authority; **Greg Spahr**, Financial Management; and **Patricia Courchane**, Department of Human Resources Development; requested to meet with council in **executive session** to provide an update.

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

Patricia Courchane, Department of Human Resources Development, requested a waiver of the background check for seven employees to man the Warming Center until the background checks are completed. DHRD would search the employees on the conweb and the temporary employment agreements would be terminated if there are any issues.

MOTION by Ellie Bundy to allow the immediate hire of the seven individuals to man the Warming Center until the background checks are

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completed. Seconded by Carole Lankford. Carried, 7 for; 1 abstention (Len TwoTeeth).

Mark Couture, Tribal Lands Department, requested to meet with council in **executive session** for a Land Committee meeting.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to look into a potential lease with the Polson Rural Fire Department on the Rocky Point property, with further discussion with the Kootenai Culture Committee and the local neighbors to make sure the structure will not be an issue there. Seconded by Jennifer Finley. Carried, unanimous (8 present).

MOTION by Terry Pitts to have a tribal member elder caretaker for the Donna Jones house until a plan is developed. Seconded by Jennifer Finley. Carried, unanimous (8 present).

MOTION by Len TwoTeeth to approve the new Tribal Lands Department logo, and look at options for having two different logos and have a white bison on one of the logos. Seconded by Jim Malatare. Carried, unanimous (8 present).

Lisa Shourds, Director of Administrative Services; **John Neiss**, Facilities Maintenance; and **Dan Durglo**, S&K Mission Management, requested approval of SKMM Task Order 31A (Contract # 23-104) in the amount of \$62,957.00 for the A&E on the Elmo stick game pavilion. **Len TwoTeeth** requested they meet with the Kootenai elders to find out how they want to see the pavilion designed.

MOTION by Len TwoTeeth to approve SKMM Task Order 31A (Contract # 23-104) in the amount of \$62,957.00 for the A&E on the Elmo stick game pavilion. Seconded by Jim Malatare. Carried, unanimous (8 present).

Dan Decker, **Michael Wheeler**, **Lynsey Gaudio**, **Brian Upton**, **Katie Jones**, **Shane Morigeau**, **Danna Jackson**, and **John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Maylinn Smith**, Tribal Prosecutors Office; and **Gwen Lankford**, Consultant; were present for discussion.

Council reconvened into **regular session**.

MOTION by Ellie Bundy to approve the State's edits to the Public Law 280 Memorandum of Agreement. Seconded by Jennifer Finley. Carried, unanimous (8 present).

MOTION by Ellie Bundy to sign on to the Public Law 280 Memorandum of Agreement. Seconded by Jennifer Finley. Carried, unanimous (8 present).

Dan Decker, Michael Wheeler, Lynsey Gaudio, Brian Upton, Katie Jones, Shane Morigeau, Danna Jackson, Yolanda Page, and John Harrison, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Gwen Lankford**, Consultant, was present for discussion.

Council reconvened into **regular session**.

Council **adjourned** at 5:46 p.m., and is scheduled to meet again on Tuesday, November 14, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary