

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

Volume 24 Number 11  
Council Chambers, Pablo, MT

Held: November 21, 2023  
Approved: November 28, 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, Tribal Council Support; 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 Len TwoTeeth.

The **Tribal Council Meeting Minutes** for November 16, 2023 were presented for approval.

**MOTION** by Len TwoTeeth to approve the Tribal Council Meeting Minutes for November 16, 2023, with corrections. Seconded by Jim Malatare. Carried, 8 for; 2 abstentions (Mike Dolson and Jennifer Finley).

The **agenda** was presented for approval.

**MOTION** by Jennifer Finley to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (10 present).

**Michelle Mitchell**, Tribal Education Department, requested to meet with council in **executive session** to discuss a departmental matter. **Greg Spahr**, Financial Management, was present for discussion. **Rick Eneas**, Financial Management; and **Patricia Hibbeler**, Director of Tribal Member Services; joined the discussion.

Council reconvened into **regular session**.

**Mike Dolson** left the meeting to participate in a PROGRESS Act meeting.

**Chairman McDonald** conducted the swearing in of Brad Pluff as the Chief Judge of the Tribal Court.

**Ruth Swaney**, Financial Management, requested approval for the cannabis tax revenue to be dedicated to the annual Tribal Elders Benefit payment. CSKT began receiving the cannabis tax revenue in July 2023 and the tax will bring in an estimated \$200,000 in revenue per year. As of December 31, 2023, there will be 1,538 Tribal elders eligible for the annual payment, which will be an estimated cost of \$930,000. **Terry Pitts** suggested setting up a reserve account for the tax revenue to earn interest and be used for other needs in the future. **Carole Lankford** would like the Dire Need Policy changed to include car repairs for Tribal elders. **Chairman McDonald** thought it would be wise to put the funds in a reserve account to earn interest so the fund could grow and be available for future needs, and as the funds grow the Tribes could issue an interest payment to the membership.

**MOTION** by Len TwoTeeth to dedicate the cannabis tax revenue to the annual Tribal Elders Benefit payment. Seconded by Jennifer Finley. Carried, unanimous (9 present).

**Len TwoTeeth** asked what the payment amount will be for the Tribal Elders Benefit payment in January. **Ruth Swaney** will return at a later date to make a recommendation based on the CPI. **Martin Charlo** has had tribal members asking if there will be an ARPA payment paid out in January. **Ruth Swaney** thought the funds being referred to was the Treasury allocation. There is \$4 million that has not been identified for spending yet. The Tribes have until the end of 2024 to obligate the funds and the end of 2026 to spend them. There will need to be a larger discussion on what the council wants to use those funds for. There are currently just under 7,900 enrolled tribal members. Ruth would like to have a professional demographic study done. **Jennifer Finley** thought a demographic study would be beneficial and would provide valuable information regarding our workforce and succession planning.

**Patricia Hibbeler**, Director of Tribal Member Services, requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

**Carole Lankford** gave a report on her trip to Washington, DC. The group attended the Montana Congressional Breakfast and they learned of Congressman Zinke's legislation regarding the Flathead Lake levels. The group went to the Department of the Interior and met with Bryan Newland and Deb DuMontier about the Montana Water Rights Protection Act land exchange and discussed the possibility of developing the framework for the exchange. They may need some help with the framework and CSKT offered assistance. Len had discussions about Mission Valley Power. The group met with the Department of Agriculture and they understand the deadline coming up. Carole hopes we will

get something moving forward for the 36,000 acre land exchange. They met with Congressman Zinke, Senator Tester, and Senator Daines's staff and discussed the lake levels. **Len TwoTeeth** reported Assistant Secretary Bryan Newland met with the group to discuss the Mission Valley Power waiver that the Tribes requested and the importance of why we need to do the rate increase. They went into detail about trying to enhance the deferred maintenance budget and the reason why. They seemed to be understanding about how critical the situation is with Mission Valley Power and were very optimistic about working with us. Mr. Newland will look into the implications if they move forward with the waiver and then he will report back to us.

**Len TwoTeeth** mentioned the upcoming Thanksgiving holiday and suggested giving the tribal employees an early release tomorrow.

**MOTION** by Len TwoTeeth to have an early out tomorrow at 2:00 p.m. for the Thanksgiving holiday. Seconded by Jim Malatare. Carried, unanimous (8 present – Jennifer Finley out of the room).

**Carole Lankford** requested an update on the tiny homes. **Chairman McDonald** responded the manager is beginning the construction of the homes, and Greg was going to get the contract done today. The Tribal Lands Department and the Homeless Coordinator are the points of contact for the project. Today is the deadline to have a binding agreement in place with the manufacturer.

\*\*\*\*\* **Break** \*\*\*\*\*

**Steve McDonald**, Tribal Forestry, requested approval of the appointment of a delegate and alternates to the Intertribal Timber Council. The updated resolution is required in order for Steve to participate in the meeting next month.

**MOTION** by Terry Pitts to approve by resolution the appointment of James "Bing" Matt as the delegate and Len TwoTeeth, Tony Incashola, Jr., and Steve McDonald as alternates to the Intertribal Timber Council. Seconded by Carole Lankford. Carried, 9 for; 0 opposed; 0 not voting.

## **RESOLUTION 24-016**

### **RESOLUTION APPOINTING DELEGATES TO THE INTERTRIBAL TIMBER COUNCIL APPOINTMENT**

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

**WHEREAS**, Intertribal Timber Council (ITC) was established in 1976 and is a non-profit nationwide consortium of Indian tribes, Alaska Native Corporations,

and individuals dedicated to improving the management of natural resources of importance to Native American Communities; and

**WHEREAS**, the ITC works cooperatively with the Bureau of Indian Affairs, Private industry and academia to explore issues and identify practical strategies and initiatives to promote social, economic, and ecological values while protecting and utilizes forests, soil, water, and wildlife. Over 60 tribes and Alaska Native Corporations currently belong to the Inter-Tribal Timber Council; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Reservation promote sound, economic management of Indian Forests; **NOW, THEREFORE**,

**BE IT RESOLVED**, that the Tribes appoint James “Bing” Matt as delegate and to appoint Len TwoTeeth, Tony Incashola Jr., and Stephen McDonald as alternates.

**Steve McDonald**, Tribal Forestry, requested approval to advertise the sale of timber on the North Buffer Zone Salvage Logging Unit.

**MOTION** by Martin Charlo to approve by resolution the advertisement for sale of timber on the North Buffer Zone Salvage Logging Unit. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 24-017**

**RESOLUTION APPROVING SALE OF TIMBER ON THE NBZ SALVAGE 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 NBZ Salvage Logging Unit:

Sale Information

<u>Sale</u>	<u>Volume</u>	<u>Advertised Bid Rate</u>	<u>TSI</u>
NBZ Salvage L U	793 TONS	\$17.50/TON -DF & O	\$3.00/TON
	767 TONS	\$ 9.00/TON - PP	- \$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 NBZ Salvage Logging Unit is \$17.50 per ton for Douglas fir and \$9.00/ton for Ponderosa 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.

**Joe Durglo, Desiree Fox, and Jamie Cahoon**, Tribal Health Department, requested approval to enter into a three-year lease agreement with Logan Health to lease space for the Tribal Care Coordination Division and Behavioral Health staff to have the appropriate space to function at a higher level. There is a lack of space for staffing and they like the location of this lease space. **Chairman McDonald** asked why this was not discussed at the Health Committee meeting. Tom does not like leasing space. Joe responded that the lease agreement was undergoing legal review. T-HIP and ARPA funds are available to pay the lease fees. **Carole Lankford** would rather look into purchasing or building a facility. She would like the opportunity to tour the space. **Jennifer Finley** wondered if the space would be large enough if the department serves a higher percentage of the T-HIP eligible population.

**MOTION** by Carole Lankford to approve the three-year lease agreement with Logan Health. **MOTION WITHDRAWN. Joe Durglo** will set up a tour for next week and then return to council at a later date to seek approval of the lease agreement.

**Len TwoTeeth** mentioned Char Neal's program needs a credit card and he wanted to know what the barrier is for that to happen. There are times services are needed outside regular working hours and Char needs the credit card to provide those services. **Joe Durglo** advised he is taking steps to address it and has a meeting scheduled with CloAnn. Joe has been having the staff use the DHRD credit card. Len will request an update next week. **Carole Lankford** expressed her frustration about employees not having the resources needed to do their jobs effectively to provide services to the membership.

**Lisa Shourds**, Director of Administrative Services; **Renee Joachim** and **Cory Clairmont**, Personnel Department; discussed the COVID-19 Leave Policy for calendar year 2024. 5% of the employees used the full 40 hours allocated, 88% of the employees did not use any COVID-19 leave, 75% of the employees surrendered all of their hours in 2021 and 2022 compared to 88% to date. 20 employees exhausted their COVID-19 leave balances compared to 41 employees the prior year. Personnel could not pull the requested information out of the payroll system for the number of employees that did not have any leave. Council reviews the policy annually to determine whether to extend or terminate the COVID-19 leave. **Carole Lankford** wanted to wait until the end of the calendar year to see if there are any increased cases. Renee explained the data is collected by having the employees self-report. **Chairman McDonald** believes the Tribes offer great benefits and he was opposed to extending COVID-19 leave. **No action taken.**

**Dan Decker, Michael Wheeler, Katie Jones, Christina Courville, Chelsea Colwyn, Yolanda Page, Lynsey Gaudio, Zach Zipfel, Melissa Schlichting, Shane Morigeau, John Harrison, and Danna Jackson**, Legal Department, requested to meet with council in **executive session** to discuss a personnel matter. **Maylinn Smith**, Tribal Prosecutors Office; and **Teresa Wall-McDonald**, Mission Valley Power Utility Board; were present for discussion.

Council reconvened into **regular session**.

**MOTION** by Carole Lankford to approve the leave payout of the General Manager for his previous position, to be retroactive. Seconded by Ellie Bundy. Carried, unanimous (9 present).

**Dan Decker, Katie Jones, Christina Courville, Chelsea Colwyn, Yolanda Page, Lynsey Gaudio, Zach Zipfel, Melissa Schlichting, and Danna Jackson**, Legal Department; and **Jordan Thompson**, Tribal Executive Office; requested to meet with council in **executive session** to discuss legal matters. **Maylinn Smith**, Tribal Prosecutors Office, was present for discussion.

**Dan Decker, Katie Jones, Christina Courville, Chelsea Colwyn, Yolanda Page, Lynsey Gaudio, Zach Zipfel, Melissa Schlichting, and Danna Jackson**, Legal Department, continued to meet with council in **executive session** to discuss legal matters. **Rick Eneas** and **Jordan Thompson**, Tribal Executive Office, were present for discussion.

**Jennifer Finley** left the meeting for the remainder of the day to go to a medical appointment.

**Stephen Smallsalmon**, Tribal Member, requested to meet with council in **executive session** to discuss personal matters.

**Council** met in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

Council **adjourned** at 1:16 p.m., and is scheduled to meet again on Tuesday, November 28, 2023, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Martin A. Charlo  
Tribal Council Secretary