

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

Volume 23 Number 76
Council Chambers, Pablo, MT

Held: September 7, 2023
Approved: September 12, 2023

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

MEMBERS ABSENT: Ellie Bundy, Treasurer (Personal Time Off).

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 9:07 a.m. Quorum established.

The meeting was opened with a **prayer** by Martin Charlo.

Len TwoTeeth announced there will be an Election Board meeting during today’s lunch break.

The **Tribal Council Meeting Minutes** for September 5, 2023 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for September 5, 2023, with corrections. Seconded by Bing Matt. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Mike Dolson to approve the agenda, with changes. Seconded by Jennifer Finley. Carried, unanimous (9 present).

Carole Lankford gave a report on the Ronan/Pablo joint district meeting. Experts in the field of doing skateparks were in attendance. The meeting went well. The man that did a petition said he got 1,000 signatures to move forward with a skatepark in Ronan. She identified a parcel of land. It sounds like it will be a go. Medicare Part B had a good presentation. An expert from the Tribal Health Department was there and talked about the ins and outs of that. People are excited about having a little extra money in their checks. She would like more information about that pilot project. **Martin Charlo** thought the fentanyl crisis

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is on a lot of people's minds and there are still a lot of homeless people on the reservation. Martin plans to hold another meeting for the Pablo district regarding the available funding and other issues discussed. **Chairman McDonald** reported that the Pearl Jam Pool Works has a grant program that will match up to \$100,000 for a skatepark in Montana. It looks like we would qualify for a couple of skateparks, so it looks positive for Ronan to get a skatepark. Tom will zoom into the next Tribal Health Committee meeting to discuss Medicare Part B. Tracy gave a presentation on how she seeks out resources for tribal members. Part B provides pharmacy reimbursement, and that could add revenue to the Third Party revenue. Tom suggested expanding pharmacy services. Tom wants to pay the premium for Part B and limit that reimbursement benefits to tribal members only. There is a penalty for individuals that do not sign up for Medicare by the age of 65. Medicare Part A participants must do redundant applications every year. He wants to have a better way to reboot Tribal Health so beneficiaries do not need pre-authorizations for surgeries once individuals reach a certain age.

Council reviewed their upcoming calendar.

Council met in **executive session**.

Council reconvened into **regular session**.

Chad Cottet and **Dan Durglo**, S&K Technologies; **John Neiss**, Facilities Maintenance; and **Whisper Camel-Means**, Natural Resources Department; requested approval of SKMM Task Order 13 for the Blue Bay Dock project. The goal of the project is to rebuild the dock, conserve the existing crib, and add two bays and a boat lift. **Terry Pitts** would like to have a list of all proposed projects brought in for the council to rate. **Carole Lankford** talked about the pow wow grounds projects and wanted to know the status of those. **Chad Cottet** responded a list was given on what deferred maintenance had approved projects/budgets. The pow wow grounds were a separate issue and was added when ARPA funding was available at a later date. The staff is developing a one-, three-, and five-year plan for both pow wow grounds. Terry mentioned that there had been discussions about the bathhouse in Hot Springs. Dan remains in contact with the Director of Administration regarding deferred maintenance projects.

MOTION by Martin Charlo to approve SKMM Task Order 13 for the Blue Bay Dock project. Seconded by Carole Lankford. Carried, 8 for; 1 abstention (Terry Pitts).

Len TwoTeeth requested that the Director of Administration be the staff member that presents these requests in the future. **Chairman McDonald** will follow up with the Tribal Executive Officer.

Chauncey Means, Natural Resources Department; and **Melissa Maggio**, Montana Biocontrol Project; presented a request from Missoula County for a three-year collection permit to collect soil core samples from the Flathead Lake flowering rush biomasses on the southern half of the lake near the Ducharme Point fishing access. It would determine a baseline for flowering rush. Melissa has been in contact with Virgil Dupuis and he is supportive of the having additional tools to manage flowering rush.

MOTION by Martin Charlo to grant Missoula County a three-year collection permit to collect soil core samples from the Flathead Lake flowering rush biomasses on the southern half of the lake near the Ducharme Point fishing access. Seconded by Bing Matt. Carried, unanimous (9 present).

Terry Pitts would like a status report. **Chairman McDonald** asked Chauncey Means to contact Virgil Dupuis to provide a council update.

Whisper Camel-Means and **Cecille Brown**, Natural Resources Department, presented a request from Craig Pablo to renew a one-year commercial recreation permit for his business Native Waters Fly Fishing.

MOTION by Jennifer Finley to grant Craig Pablo a one-year commercial recreation permit for his business Native Waters Fly Fishing. Seconded by Mike Dolson. Carried, unanimous (9 present).

Whisper Camel-Means, Natural Resources Department, informed council that the water levels have gone up at the Mission Reservoir. The staff can either reopen the reservoir to fishing or can return to council next week to discuss further. **Chairman McDonald** asked the staff to come back next week.

Rusty Sydnor and **Whisper Camel-Means**, Natural Resources Department, requested to meet with council in **executive session** to discuss a departmental matter.

Rich Janssen, **Jim Westerman** and **Frank Acevedo**, Natural Resources Department, requested to meet with council in **executive session** to discuss a departmental matter.

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

Chelsea Colwyn, **Lynsey Gaudio** and **Katie Jones**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Greg Spahr and **Ruth Swaney**, Financial Management, requested approval to enact fiscal year 2024 spending authority for non-appropriated business programs.

MOTION by Len TwoTeeth to approve by resolution the fiscal year 2024 spending authority for Early Childhood Services Day Care. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-151

RESOLUTION APPROVING SPENDING AUTHORITY FOR FY 2024 FOR EARLY CHILDHOOD SERVICES DAY CARE CENTERS

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

WHEREAS, the Tribal Council has endorsed an early childhood services approach that combines day care and Head Start services in Tribal facilities; and

WHEREAS, the budget request includes an estimate of \$190,000 for Buildings and Improvements; and

WHEREAS, day care center revenues will reimburse for all expenditures up to the authorized spending amount of \$350,000; **NOW, THEREFORE,**

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve spending authority of \$350,000 for Early Childhood Services Day Care Centers for FY 2024.

MOTION by Martin Charlo to approve by resolution the fiscal year 2024 budget for the Tribal Credit Program. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-152

RESOLUTION APPROVING THE FISCAL YEAR 2024 BUDGET FOR THE TRIBAL CREDIT PROGRAM

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

WHEREAS, the Plan of Operation and Declaration of Policy of the Tribal Credit Program requires the approval of the budget by the Tribal Council; and

WHEREAS, the Tribal Credit Program is a significant factor in improving the socio-economic well-being of Tribal members; and

WHEREAS, the Program provides the only source of credit for many Tribal members; **NOW, THEREFORE**,

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve the amount of \$1,082,881 for FY 2024 budget for the Tribal Credit Program.

MOTION by Len TwoTeeth to approve by resolution the fiscal year 2024 spending authority for Quicksilver Express. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-153

RESOLUTION APPROVING SPENDING AUTHORITY FOR FISCAL YEAR 2024 FOR QUICKSILVER EXPRESS

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

WHEREAS, the Department of Human Resources Development (DHRD) manages Quicksilver Express; and

WHEREAS, DHRD has projected FY 2024 spending authority based on estimated revenues; and

WHEREAS, spending authority requires approval by the Tribal Council; **NOW, THEREFORE**,

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve spending authority for Quicksilver Express in the amount of \$4,211,250 for FY 2024; and

BE IT FURTHER RESOLVED that Quicksilver may not expend more than the actual receipts in FY 2024.

Len TwoTeeth would like to have discussion about turning the Gray Wolf Trailer Park property over to S&K Gaming. The purpose of purchasing the property was for S&K Gaming expansion. **Jennifer Finley** suggested having more discussion. The property could be used for housing and workforce housing. **Carole Lankford** would like to use the trailer park as housing for tribal members. **Mike Dolson** wanted to know why the trailer park business was not making a profit.

Len TwoTeeth wanted to know if the residents pay taxes to Missoula County. **Greg Spahr** will follow up with the Economic Development Office.

MOTION by Len TwoTeeth to approve by resolution the fiscal year 2024 spending authority for Gray Wolf Park. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-154

RESOLUTION APPROVING FISCAL YEAR 2024 SPENDING AUTHORITY FOR GRAY WOLF PARK

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

WHEREAS, Gray Wolf Park (formerly Coriacan Village) was established as a Tribal enterprise in Fiscal Year 2008 and its receipts are available to offset its operating expenses; and

WHEREAS, the FY 2024 spending authority for Gray Wolf Park requires approval by the Tribal Council; **NOW, THEREFORE**,

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve spending authority of \$39,600 for FY 2024 for Gray Wolf Park.

Greg Spahr, Financial Management, discussed fiscal year 2024 funding allocations. As we enter the new fiscal year, the Tribes are required to indicate their intentions on the allocation of the upcoming mandatory water settlement funding, indication on the receipt of the indexing amount from fiscal year 2023, as well as make a request for funding disbursement for the upcoming budget and expenditures.

MOTION by Len TwoTeeth to approve the letter to Pamela Williams, US Department of the Interior. Seconded by Jim Malatare. Carried, unanimous (9 present).

MOTION by Len TwoTeeth to approve the resolution authorizing the allocation of the fourth mandatory distribution from the Montana Water Rights Protection Act. Seconded by Martin Charlo. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-155

RESOLUTION AUTHORIZING THE ALLOCATION OF THE FOURTH MANDATORY DISTRIBUTION FROM THE MONTANA WATER RIGHTS PROTECTION ACT

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

WHEREAS, the Confederated Salish and Kootenai Tribes ("CS&KT" or "Tribes") are a Federally Recognized, Sovereign Tribe residing on the Flathead Indian Reservation in Western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

WHEREAS, the 116th U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

WHEREAS, by Resolution 21-046 the Tribal Council of the Confederated Salish and Kootenai Tribes approves and elects to carry out the Section 7(b) activities on the Flathead Indian Irrigation Project under the Montana Water Rights Protection Act; and

WHEREAS, Section 8 of The Act requires the Tribes to elect how they wish to direct the allocation of the mandatory distribution between their Compact Account and their Settlement Account; and

WHEREAS, the default provision for the allocation is equal division between the two accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Salish and Kootenai Tribes elect that their fourth mandatory funding deposit received into the Trust Fund in Fiscal Year 2024 be allocated equally between the Compact Account and the Settlement Account.

BE IT FURTHER RESOLVED, any indexing amount be allocated in the same manner and on a pro-rata basis, consistent with The Act's Section 9 (b)(l) (A-C) allocation of the indexing calculation.

MOTION by Len TwoTeeth to approve the letter to Shane Hendrickson, Bureau of Indian Affairs. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

MOTION by Martin Charlo to approve the resolution authorizing draw down of water compact funds for ongoing activities related to compact implementation. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 23-156

RESOLUTION AUTHORIZING DRAW DOWN OF WATER COMPACT FUNDS FOR ONGOING ACTIVITIES RELATED TO COMPACT IMPLEMENTATION

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

WHEREAS, the Tribes authorized the creation of the segregated account with Glacier Bank to manage the funds associated with the implementation of the Flathead Indian Irrigation Project according to the provisions set forth in the Water Compact agreement, and the Tribe is initiating activities associated with Water Compact Implementation initiating activities outlined in Section 8 (h)(2);

WHEREAS, Section 8(e)(2)(B) of the Montana Water Rights Protection Act provides that any amounts deposited into the Salish and Kootenai Compact Account, "shall be available to the Tribes on the date on which the amounts are deposited for the uses described in [Section 8(h)(2)]", which is for the administration, implementation, and management of the Tribal Water Right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the Law of Administration, and such infrastructure as is necessary to meet related programmatic needs; and

WHEREAS, the Tribes by Resolution: 23-143 dated August 15, 2023 adopted a budget for the upcoming fiscal year 2024. The Water Compact section indicates budget for Section 8(h)(2) activities in the amount of \$9,577,371.00. These activities are not subject to the application of the language attaching an oversight fee to the BIA pursuant to the executed MFA (Amendment #2 to the Multi-Year Funding Agreement for the Fiscal Years 2021-2025 between the Confederated Salish and Kootenai Tribes and the United States of America Act dated 8/23/2022,

WHEREAS, Article VI, Section 1 (a), (c)-(f), and (n), and (u) of the Tribes' Constitution and Bylaws, said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, authorizes the Tribal Council of the Confederated Salish and Kootenai Tribes to carry out activities related to the Flathead Indian irrigation project, the Compact, including the Law of Administration, and the Tribal Water Right; **NOW, THEREFORE**,

BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves that the draw down amount \$9,577,371.00 To be drawn from their Water Compact account with Bureau of Trust Fund Administration to be delivered by wire, ACH, or a more efficient manner, to the segregated Glacier Bank account so created.

BE IT FURTHER RESOLVED, this resolution may be used by the authorized officials of the Tribes on file with the Bureau of Trust Fund Administration for subsequent requests for Water Compact funds in accordance with the Tribes' duties and responsibilities outlined in Section 8(h)(2) of the Act and to further their work in accomplishing said activities.

Len TwoTeeth wanted to know what the hurdles were that are preventing the Tribes to receive access to the water settlement funds. **Greg Spahr** advised Dan is working through the appeals that have been filed.

Patricia Hibbeler, Director of Tribal Member Services; and **Patricia Courchane**, Department of Human Resources Development; requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

MOTION by Carole Lankford for a change to the Dire Need Policy to require all Dire Need approved payments to be paid vendor direct only and no further requirement of drug testing for any applicant. Seconded by Jennifer Finley. Carried, unanimous (9 present).

MOTION by Mike Dolson for a change to the Dire Need Policy to remove the requirement for the tribal member to have applied to Tribal Credit before individuals can be eligible for Dire Need. Seconded by Martin Charlo. Carried, unanimous (9 present).

Patricia Hibbeler, Director of Tribal Member Services; and **Patricia Courchane**, Department of Human Resources Development; requested to meet with council in **executive session** to discuss a departmental matter. **Rick Eneas**, Tribal Executive Officer, was present for discussion.

Council reconvened into **regular session**.

MOTION by Terry Pitts to approve an exemption for the Emergency Home Repair Program funded by ARP-A to be exempt from the contracting process for jobs up to \$5,000 that meet the guidelines and add the need for siding that is not cosmetic and urgent to the health of the home to approved Home Repair services. Seconded by Bing Matt. Carried, unanimous (9 present).

Patricia Courchane informed council that the CSKT DHRD Transit mobile app for rides came out today.

Quinnell Matt, Wendy Matt and Ron Matt, Arlee Celebration Committee, requested to meet with council in **executive session** to provide a report. **Greg Sphar**, Financial Management; and **Arlee Celebration Committee Members** were present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to accept the 2023 Arlee Pow Wow Committee report. Seconded by Martin Charlo. Carried, unanimous (9 present).

Council met in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 4:06 p.m., and is scheduled to meet again on Tuesday, September 12, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary