

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

Volume 24 Number 27
Council Chambers, Pablo, MT

Held: February 6, 2024
Approved: February 8, 2024

MEMBERS PRESENT: Tom McDonald, Vice-Chairman; Martin Charlo, Secretary; James Steele, Jr., Treasurer; Jennifer Finley; Danielle Matt; James “Bing” Matt; and Len TwoTeeth.

MEMBERS ABSENT: Mike Dolson, Chairman (Negotiated Rulemaking – Washington, DC); Carole Lankford (Personal Time Off); and Jim Malatare (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:14 a.m. Quorum established.

The meeting was opened with a **prayer** by James Steele, Jr.

The **Tribal Council Meeting Minutes** for January 30, 2024 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for January 30, 2024, with corrections. Seconded by James Steele, Jr. Carried, 6 for; 1 abstention (Tom McDonald).

The **agenda** was presented for approval.

MOTION by Jennifer Finley to approve the agenda, with changes. Seconded by Danielle Matt. Carried, unanimous (7 present).

Arlen Tellier, Enrollment Office, requested approval of the April 3, 2024 per capita distribution. The distribution will be made to those members enrolled in the Tribes as of March 14, 2024, at 5:30 p.m.; and the deadline for claims to be withheld from individuals’ April 3, 2024 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than March 14, 2024, at 5:30 p.m.

MOTION by Jennifer Finley to approve by resolution the April 3, 2024 per capita distribution. Seconded by Len TwoTeeth. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 24-043

RESOLUTION AUTHORIZING THE APRIL 3, 2024 PER CAPITA DISTRIBUTION

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

WHEREAS, The Tribal Council established policy by Resolution 96-83 to make per-capita payments to tribal members three times annually during the months of December, April and August for each fiscal year; and

WHEREAS, said policy states that three equal per capita payments of \$500.00 will be made annually and that one-half (1/2) of each per capita distribution for each minor child enrolled in the Tribes is to be issued to said minor's parent or legal guardian and the other one-half (1/2) is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Northwest Regional Director is requested to authorize the \$500.00 per capita distribution to be made during the month of April 2024; and

BE IT FURTHER RESOLVED, that the Director of Financial Management is directed and authorized to request sufficient tribal monies on deposit in the United States Treasury to be advanced to local status to effect said distribution; and

BE IT FURTHER RESOLVED, that the Superintendent, Flathead Agency, and the Director of Financial Management are authorized to apply these funds to judgments held by Tribal Court, to assignments through Tribal Credit, and voluntary child support and to those accounts under the control of the Superintendent; and

BE IT FURTHER RESOLVED, that the April 3, 2024 per capita distribution will be made to those members enrolled in the Tribes as of March 14, 2024 at 5:30 p.m.; and

BE IT FINALLY RESOLVED that the deadline for claims to be withheld from individuals' April 3, 2024 per capita for judgments, assignments and IIM holds

through the Superintendent and Director of Financial Management shall be no later than March 14, 2024, at 5:30 p.m.

Tom McDonald informed council that he gave the Tribal Ag Fund information to Rick Eneas. Rick told him that Pete White looked at that funding before since it is related to farmers/ranchers not being allowed the same access to loans as regular folks and the fund was set up to mitigate for those lost opportunities for the past six years. We should be able to submit a proposal.

Len TwoTeeth informed council that CSKT was invited to a presentation on crop insurance in Scottsdale, Arizona. It is a good opportunity, and this is something we should engage in. EDK will pay for two CSKT representatives to attend the presentation. Len showed interest in going. **Mark Couture**, Tribal Lands Department, went through a different group to have more options. CSKT had asked them to look at west of the river and the Bison Range in general, but nothing on this side of the reservation due to the snowpack. It could be beneficial for the Bison Range but it would depend on the tower systems they are going off of. Mark has been looking at different levels of insurance. **Tom McDonald** thought it made sense to look at the west side of the river.

Mark Couture and **Rachael BigSam**, Tribal Lands Department, discussed a request from Tony Undum and the Raceway Board for a waiver of the \$5,000.00 performance bond for the remainder of the lease term. Tony has a five-year business lease on Tract T7035, which began in 2022, and he has made many repairs and improvements that cost \$23,500.00, such as a safety wall, concrete slabs, constructed a 50x60-foot steel building, and will be installing a new safety catch fence on the end of the track. The Tribes charge a gate rate and has received \$19,000.00 in revenue so far for the first two years of the lease term. Tony brought in the Montana 200 race and increased the capacity and revenue of the track. Mr. Undum also requested a new tribal flag for the racetrack, and he would like to know the CSKT's point of contact to perform the honor song and flag song for the first race of the season. The Lands staff supported the request. Tony would like to expand the site to include campsites. All payments due to the Tribes have been paid on time. **Tom McDonald** wondered if Tony has engaged S&K Gaming for marketing and rooms rates. Mark responded Tony would like to work with S&K Gaming to have a shuttle run from the KTN to the racetrack. Tom advised Tony could purchase a new tribal flag from Property & Supply. **Danielle Matt** thought the \$10,000.00 annual rental fee was low for a parcel of property that large, and she suggested having an annual minimum rate. Mark gave an overview of issues with the past two lessees. Mr. Undum has been good to deal with. Tony has a number of races scheduled and he personally put up the \$10,000.00 for the first race. **Council** would like to review the lease terms when the lease term expires.

MOTION by Martin Charlo to approve the request from Tony Undum and the Raceway Board for a waiver of the \$5,000.00 performance bond for the remainder of the lease term. Seconded by James Steele, Jr. Carried, 6 for; 1 opposed (Danielle Matt).

Mark Simpson, Natural Resources Department, requested approval to accept and award the low bid and contract to Dick Anderson Construction for the Falls Creek diversion project. The diversion site is located 14 miles southeast of St. Ignatius and is up above the Twin Lakes area. Three bids were received and the low bid was \$2,414,460.00. Mark consulted with the Indian Preference Office and the Legal Department on how to proceed with an Indian Preference bidder that bid within ten percent of the low bid. The names on the Indian Preference certificate did not match the names on the business documents, so that business was not given the opportunity to meet the low bid. July 15 is the projected start date, but with the current snowpack level they hope to get in there by July 1 to give the contractor adequate time. The current bridge will be removed.

MOTION by Martin Charlo to accept and award the low bid and contract to Dick Anderson Construction for the Falls Creek diversion project for the amount of \$2,414,460.00. Seconded by Bing Matt. Carried, unanimous (7 present).

Patricia Hibbeler, Director of Tribal Member Services, gave an overview of HB 872's purpose, process, and meeting dates March 4-5, 2024. HB 872 is a commission that is looking at \$300,000,000.00 that focuses on mental health and disability services. The commission will look at model programs, where the issues are, and the processes. There was a request to hold a meeting specifically to discuss American Indian issues in Montana, and that meeting is scheduled for March 5. Patricia will prepare an issue paper and talking points. It was the **consensus** of council to have Danielle Matt and Jennifer Finley attend the meeting. There will be a meeting to discuss workforce development on March 28-29, 2024 in Havre. The next American Indian Health Leaders meeting is scheduled for March 18-19, 2024 in Fort Peck.

Patricia Hibbeler, Director of Tribal Member Services, requested approval of a resolution to establish founding membership to the Red Shield 8 Nations, Inc. under the Fort Peck Tribes Comprehensive Code of Justice and the Articles of Incorporation. Both documents underwent legal review. On March 31, 2022, the Tribal Council approved Resolution No. 22-087 for their participation and support in the development of a regional tribal substance abuse disorder treatment (healing) center.

MOTION by James Steele, Jr. to approve the resolution to establish founding membership to the Red Shield 8 Nations, Inc. under the Fort Peck Tribes Comprehensive Code of Justice and Articles of Incorporation and the

Articles of Incorporation. Seconded by Daneille Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 24-044

RESOLUTION TO ESTABLISH FOUNDING MEMBERSHIP TO THE RED SHIELD 8 NATIONS, INC.

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

WHEREAS, The Confederated Salish and Kootenai Tribe is a federally recognized Tribe, recognized by the United States Government and all of its governing bodies and agencies for the Tribal Council to act pursuant to its inherent and retained sovereignty, empowered in all matters that concerns the health, safety, and wellbeing of the Tribe and its tribal members; and

WHEREAS, protection and promotion of the general welfare and health of tribal members is among the top priorities of the Confederated Salish and Kootenai Tribes as demonstrated in our priority resolutions; and

WHEREAS, Red Shield 8 Nations, Inc. is an outcome of a feasibility and planning project supported through Tribal Resolution No. 22-078; and

WHEREAS, the Confederated Salish and Kootenai Tribes Tribal Health Department provides outpatient substance use disorder services and provides inpatient treatment through payment of services for tribal patients to differing residential treatment centers both in-state and out-of-state; and

WHEREAS, the Confederated Salish and Kootenai Tribes' acknowledges that our participation as a founding member in Red Shield 8 Nations, Inc. will improve and increase access to locally derived substance use disorder treatment and provide coordinated services with culturally competent care to our tribal members.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council supports establishment and incorporation of Red Shield 8 Nations, Inc. under Fort Peck Tribes Comprehensive Code of Justice; and

BE IT FURTHER RESOLVED, that the Tribal Council appoints and authorizes Jennifer Finley, Councilwoman, to serve as the Tribe's Primary Director and representative on the Board of Directors and Kathy Ross, Tribal Opioid Response Coordinator, to serve as the first Alternate Director when the Primary Director is unavailable; and Joe Durglo, Tribal Health Director, or Patricia Hibbeler, Executive Director Tribal Member Services, to serve as alternates; and

BE IT FURTHER RESOLVED, that the Confederated Salish and Kootenai Tribal Council authorizes the Tribe's Primary Director to execute Articles of Incorporation, hereinafter, attached to this Resolution; and

BE IT FURTHER RESOLVED, that the Primary and Alternate Directors are fully vested to vote on matters related to Red Shield 8 Nations, Inc.'s development, operations, and initiatives in accordance with its Articles of Incorporation and Bylaws until a new appointee is authorized by Tribal Council action;

FINALLY, BE IT RESOLVED, that this resolution takes effect immediately upon Tribal Council signatures.

Patricia Hibbeler discussed an architectural firm that has experience designing treatment facilities and bringing in cultural elements from different tribes into the building process. The location for a treatment facility has not been determined yet, but it was recommended that it be constructed on CSKT land.

Dan Decker, Chelsea Colwyn and **John Carter**, Legal Department; **Tony Incashola, Jr.**, Director of Tribal Resources Management; **Rich Janssen** and **Frank Acevedo**, Natural Resources Department; and **Kevin Askan**, Culture Preservation Office; requested to meet with council in **executive session** to discuss departmental matters. **Chauncey Means** and **Craig Pablo**, Natural Resources Department, were present for discussion.

Council reconvened into **regular session**.

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

Caryn Miske, Montana Sierra Club; **Tony Incashola, Jr.**, Director of Tribal Resources Management; **Lynsey Gaudio** and **Chelsea Colwyn**, Legal Department; discussed the Montana Sierra Club. The club is the oldest environmental organization in the country and has been in Montana since 1983. They have a long track record in environmental conservation. Caryn wants to establish a working partnership with tribal nations. Caryn gave an overview of the partnership for Bitterroot projects, including the Bitterroot front, consisting of 148,000 acres; the Bitterroot ecosystem restoration project for a linkage zone for grizzly bear connectivity; and the Sheep Creek Mine project, which is a mining project being proposed on the Bitterroot National Forest by a Canadian company. The Club wants to be prepared to move with opposition for the Sheep Creek Mine project. The impacts of this project will be in perpetuity for the Clark Fork system and stopping grizzly bear expansion through the zone. The Montana Sierra Club wants to shift their model. They took a preliminary look in the state of Montana, and there are 3,000 abandoned mine sites. Of those sites, about ten percent potentially have rare minerals onsite. The other project they are involved in is to

Tribal Council Meeting Minutes
February 6, 2024

help various entities apply for IRA funding. Caryn asked the council to consider working with them to oppose the Sheep Creek Mine. **James Steele, Jr.** mentioned having diversity on the board and suggested having a Native American representative if they want to engage with tribal nations. He thought it may be beneficial for CSKT to explore a partnership with the club. **Tom McDonald** discussed the negative impacts of mining and the Tribes' efforts against Elk River Mining on our aboriginal territories and watersheds. It is important to collaborate and partner as much as possible. **Tony Incashola, Jr.** was not aware of the mining project. He will have Katie McDonald reach out to the Bitterroot National Forest to request consultation and update on the permitting process for Sheep Creek. **James Steele, Jr.** asked Caryn to contact the Canadian Sierra Club to help CSKT on the Elk River Mining issue.

Dan Decker, John Harrison, Chelsea Colwyn, Lynsey Gaudioso, Katie Jones, Shane Morigeau, Melissa Schlichting, Stu Levit, Katie Jones, Michael Wheeler, Danna Jackson, and Zach Zipfel, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to approve the rate of pay for Letitia Kallowat to be paid as the Acting Program Director for the Probation Office at the hourly rate recommended by the department head, to be effective January 22, 2024. Seconded by Jennifer Finley. Carried, unanimous (7 present).

Patricia Hibbeler, Director of Tribal Member Services, returned to council to discuss the resolution establishing founding membership to the Red Shield 8 Nations, Inc. and requested approval of the appointment of the Tribe's Primary Director and representative on the Board of Directors and the Alternate Director when the Primary Director is unavailable. It was the **consensus** of council to appoint Kathy Ross and Jennifer Finley. If Kathy declines the appointment, the Tribal Council recommended Patricia Hibbeler or Joe Durglo.

Council followed up on topics from the Tribal Health Committee meeting. **Tom McDonald** discussed an issue regarding two individuals trying to get the Tribal Health Pharmacy to fill their Suboxone prescription. The Tribal Health Pharmacy would not recognize the prescription from a different medical provider, and Tom did not understand why tribal members would be required to have a Tribal Health provider as their primary care provider in order to get the prescribed medication. **James Steele, Jr.** mentioned the need to have an accounting done on the tribal settlement funds and he wanted to know if that funding could be used for some of the things that are needed, including Red Shield 8. **Danielle Matt** would like the roadblocks removed that are preventing people from getting their prescriptions filled at the Tribal Health Pharmacy for medication due to a prescription being from an outside medical provider. **Len TwoTeeth** was notified

Tribal Council Meeting Minutes
February 6, 2024

by Misty Kuhl about some allegations of tribal member prisoners being mistreated in the prison system. Patricia will follow up. **Bing Matt** talked about substance abuse and the effects on families. **Jennifer Finley** would like the department to provide a list of all preferred providers that are approved through Tribal Health. There are no physicians at Tribal Health that are taking new patients as their primary care provider. **Patricia Hibbeler** will follow up on the issues discussed. She is pushing the department head to get the needed policies in place and to review and revise the department's internal policies to meet the needs of the membership, for such things as prescriptions and medical procedures. The Paid Care (previously Deferred Services) funding has been carried over every year and Patti will find out the balance in that account. That funding needs to be used to approve services for tribal members. Patti is going to have a meeting with Ruth, Greg, and Katie to look at the ARPA funds for the departments under her supervision. Some of the funding has restrictions, but we need to find a way to use the funding for our specific needs.

Council **adjourned** at 1:19 p.m., and is scheduled to meet again on Thursday, February 8, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary