

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

Volume 22 Number 32
Council Chambers, Pablo, MT

Held: February 10, 2022
Approved: February 15, 2022

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

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

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 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman McDonald.

The **Tribal Council Meeting Minutes** for February 8, 2022 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for February 8, 2022, with corrections. Seconded by Bing Matt. Carried, unanimous (9 present).

The **agenda** was presented for approval.

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

Thomas “Sonny” Lozeau, Jr., Tribal Member, read an editorial from Walter McDonald regarding amendments to the enrollment ordinance and the 1960 election, and Sonny discussed his concerns regarding the State of Montana vs. George Mitchell case from 1965.

Martin Charlo gave an update on COVID-19. The numbers have gone down by 33 cases and there are 170 active cases. There was an uptick of 24 cases, but there are cases dropping off. Martin reminded everyone to be careful. We are still losing people due to this virus. The mortality rate has surpassed the birth rate throughout the nation. We had a decline in our tribal enrollment last year.

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This virus has affected our area and tribal people. People need to be patient with and understanding of the businesses that are short-staffed and short on inventory supplies. COVID-19 has taught us many things. Testing kits are available at the Tribal Health Clinics. The testing kits are also available for purchase at gas stations. Martin asked people to do what is necessary to prevent the spread of the virus.

Len TwoTeeth requested approval of a revised organizational chart to place the Tribal Elder Advisory Committees alongside the Tribal Council instead of under a department.

MOTION by Len TwoTeeth to approve the revised organizational chart to move the Tribal Elder Advisory Committees alongside the Tribal Council. Seconded by Anita Matt. Carried, unanimous (9 present).

Ruth Swaney, Financial Management, requested approval of modification 5 to the fiscal year 2022 total budget allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds.

MOTION by Martin Charlo to approve by resolution modification 5 to the fiscal year 2022 total budget allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-069

RESOLUTION APPROVING MODIFICATION 5 TO THE FISCAL YEAR 2022 TOTAL BUDGET ALLOCATIONS FOR GENERAL FUND, DEDICATED TRUST, COMPACTS, CONTRACTS AND GRANTS, WATER COMPACT, AND SETTLEMENT FUNDS

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

WHEREAS, the total budget allocations need to be revised for increases and decreases for a net increase of \$21,623,747; and

WHEREAS, the total allocations by Fund and by Function will be as follows:

Function	Revised Total 1/25/2022	General Fund Increase/ (Decrease)	Dedicated Trust Increase/ (Decrease)	Compacts/ Contracts/ Grants Increase/ (Decrease)	Water Compact Increase/ (Decrease)	Settlement Fund Increase/ (Decrease)	Total Increase/ (Decrease)	Revised Total 2/10/2022
Government Services	\$15,633,914	\$0	\$0	\$1,134,479	\$0	\$0	\$1,134,479	\$16,768,393
Health and Human Services	\$76,865,189	\$0	\$0	\$9,321,127	\$0	\$0	\$9,321,127	\$86,186,316

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Natural Resources	\$46,077,461	\$0	\$0	\$2,981,586	\$0	\$0	\$2,981,586	\$49,059,046
Government Operating	\$2,134,538	\$0	\$0	\$0	\$0	\$0	\$0	\$2,134,538
Education	\$6,647,280	\$0	\$0	\$6,395,020	\$0	\$0	\$6,395,020	\$13,042,300
Administration	\$18,921,297	\$0	\$0	\$361,075	\$0	\$0	\$361,075	\$19,282,372
Court/Probation	\$1,373,729	\$0	\$0	\$450,000	\$0	\$0	\$450,000	\$1,823,729
Law Enforcement	\$3,041,500	\$0	\$0	\$0	\$0	\$0	\$0	\$3,041,500
Legal	\$4,100,912	\$0	\$0	\$0	\$0	\$0	\$0	\$4,100,912
Forestry	\$5,172,438	\$0	\$0	\$500,000	\$0	\$0	\$500,000	\$5,672,438
Capital Programs	\$8,305,985	\$0	\$0	\$0	\$0	\$0	\$0	\$8,305,985
Per Capita	\$9,800,000	\$0	\$0	\$0	\$0	\$0	\$0	\$9,800,000
Indirect Costs	\$3,852,706	\$0	\$0	\$0	\$0	\$0	\$0	\$3,852,706
Tribal Earmarks	(\$791,212)	\$480,460	\$0	\$0	\$0	\$0	\$480,460	(\$310,752)
Total by Fund	\$201,135,735	\$480,460	\$0	\$21,143,287	\$0	\$0	\$21,623,747	\$222,759,482

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 5 to the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds for a net increase of \$21,623,747; and

BE IT FURTHER RESOLVED that the FY 2022 Total Budget Allocations for General Fund, Dedicated Trust, Compacts, Contracts and Grants, Water Compact, and Settlement Funds are increased from \$201,135,735 to \$222,759,482; and

BE IT FURTHER RESOLVED that the Office of Financial Management is delegated authority to revise and reallocate the amounts for programs, services, functions, and activities within the total allocation authorized and available in the aforementioned Funds.

Martin Charlo commented now that we have moved the Elders Advisory Committee on the organizational chart, it is important for council to attend the elders meetings. The Salish Elders meeting is the first Wednesday of the month and the Kootenai Elders meeting is the second Wednesday of the month. If we are holding them to where they are at and we want to be using them as advisory committees, then it is important for the council members to attend those meetings each month. **Chairman McDonald** responded that the council members would like to attend those meetings, and he will ask that the meeting links be provided so they can participate.

Laurence Kenmille, Enrollment Office, requested approval of a resolution authorizing the April 6, 2022 per capita distribution. **Len TwoTeeth** mentioned his desire to find out if it is possible to find funding to increase the per capita

amount and requested that the per capita be discussed at the Budget Committee meeting.

MOTION by Martin Charlo to approve by resolution the April 6, 2022 per capita distribution. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-070

RESOLUTION AUTHORIZING THE APRIL 6, 2022 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 \$400.00 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 \$400.00 per capita distribution to be made during the month of April 2022; 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 6, 2022 per capita distribution will be made to those members enrolled in the Tribes as of March 17, 2022 at 5:30 p.m.; and

BE IT FINALLY RESOLVED that the deadline for claims to be withheld from individuals' April 6, 2022 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than March 17, 2022, at 5:30 p.m.

Laurence Kenmille informed council that the reason the Enrollment Office comes into council seeking approval of a resolution authorizing the per capita distribution is because it is over a certain amount and the constitution requires a resolution for taking the trust funds out of our accounts.

Lisa Shourds, Administrative Services; and **Corky Sias**, Department of Human Resources Development; requested approval of a contract with R&R Building Productions in the amount of \$267,800.00 for construction of the DHRD Bus Barn. The service was bid out and R&R was the only responsive bidder. The signature line title needs to be corrected on the template document.

MOTION by Martin Charlo to accept the bid from R&R Building Productions for construction of the DHRD Bus Barn, with the stated corrections. Seconded by Anita Matt. Carried, unanimous (9 present).

Len TwoTeeth asked about the Transportation program. **Corky Sias** stated DHRD will be hiring additional drivers for the Transit program. Len acknowledged the employees at Quicksilver and the great customer service skills they have.

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

Dan Decker, **Chelsea Colwyn**, and **Brian Upton**, Legal Department, requested to meet with council in **executive session** to discuss a legal matter. **Ryan Rusche** joined the discussion.

Council reconvened into **regular session**.

Gale Decker and **Steve Stanley**, Lake County Commissioners; **James Lapotka**, Deputy County Attorney; met with council to discuss the current county conditions advertisement that was published in the newspaper to provide the public a status report on issues the county is dealing with. Infrastructure of FIIP. **Chairman McDonald** likes how the memorandum of understanding is being drafted and would like to finalize that document with the County. **Casey Ryan**, Natural Resources Department, reported that the water compact settlement authorizes the Tribes to rehabilitate the Flathead Indian Irrigation Project structure. CSKT reorganized a division with the Natural Resources Department and the staff is working to implement the settlement and rehabbing the project. There are 7 projects currently in the engineering and design phase. There has

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been a great collaborative effort between the Tribes and the County on roads and bridges. **Steve Stanley** asked about resurfacing the road at Jocko. There are not enough taxpayers to get the RID. He wants to get a schedule built.

Public Law 280. Public Law 280 has been on the County's radar for quite some time. It is a model that the County does not want to get out of. The Lake County Commissioners have spoken to various senators and legislators. They believe it provides the best framework for law enforcement on the reservation and is a benefit for all residents. The funding has gotten to the point where it takes up about 40-60 percent of the County's budget and they have had to take money from other departments. Many legislators support the County, and Greg Hertz is in the video. There is a consensus among legislators that there is some liability by the State to fund these costs. The Commissioners are going to the governor with a funding request to help with those costs. There is a 60-day response window for the governor to respond. If the State will not direct any money to Lake County, then the Lake County Commissioners will file a lawsuit against the state of Montana. A law firm from Missoula has taken the lead on this project.

Water Management Board. **Melissa Schlichting**, Legal Department, gave an update. There is a board meeting today at the Ronan Community Center from 1:00 p.m. to 3:00 p.m. The fifth board member was selected last week, so the full board will have its first meeting today. There is an aggressive agenda, and the board is considering a position description for the Office of the Engineer. It is a key position that needs to be filled. There are significant challenges facing the board, including office space. They are working with the State on the other administrative needs of the board. Melissa requested a copy of the County's letter to the Department of Environmental Quality. **Gale Decker** can provide a copy of the letter. Lake County cannot approve any land divisions of any kind. The Planning Department has numerous land divisions waiting for final approval, but they cannot be approved at this point, per that letter. The county asked the Lt. Governor for an interim agreement that would allow the county to approve these land divisions, but the county has not heard anything from her. The county continues to pursue it.

Temporary Tribal Tax Exemption Injunction. There is an arbitration panel meeting next Tuesday and Steve Stanley suggested that the Tribes have someone sit in on that meeting to get firsthand information.

Finley Point Road Improvement District. **Gale Decker** reported it is a \$4 million project. There are 701 lots and 590 taxpayer IDs. The County applied the cost of the project to the benefited properties, and it came out to a payment of \$700 per year for ten years. There has been significant pushback by the taxpayers. The project is on hold and the County will see if there are other funding sources that they might be able to access to drive down the cost for these benefited properties. Chip sealing is not a permanent fix, but it would help. **Chairman McDonald** was

interested in collaborating with the county under the bipartisan infrastructure law. **Gale Decker** is going to apply for the Raise Grant for roads. Dublin Gulch Road and North Reservoir Road are in bad repair and there are not enough taxpayers to fund a special improvement district, so the county is applying for grants for those two road projects and might come to the Tribes for a letter of support for those funding applications. Lake County is trying to get federal funding for these costly road projects.

Marijuana Tax. **Gale Decker** wants to give the voters a choice on the ballot on what they want to do with the marijuana tax. It would be a three percent tax on recreational use only, a three percent tax on recreational/medical use, or a tax on neither of them. The commissioners are leaving it up to the voters. There has been no discussion on what they would do with the revenue generated from the tax. There are addiction services, mental health services, and lots of places it could be applied. The county has no idea what kind of revenue it could generate. **Chairman McDonald** commented that the Drug Court has benefited many people. The Tribes would like to participate in that and possibly partner on funding initiatives.

CARES/ARPA Funds. **Gale Decker** is trying to get some of this money allocated and sent out to different entities. Lake County received \$2.9 million and will be receiving an equal amount at a later date. The county took applications from many different entities that have needs, such as water and sewer districts, the Ronan Fairgrounds, and the county needs for funding. The applications were processed and Lake County received final approval for six projects. The largest one was the Pablo Water & Sewer District for \$439,000 in upgrades. There is funding for other water and sewer districts. Final approval from the State has been a slow process. Lake County plans to fund smaller projects throughout the county. Upgrades will be made to the 911 Dispatch Center and a generator for Lake County Public Health. **Shane Morigeau** discussed marijuana revenue sharing and he wants to have conversations with Lake County about what it would look like. CSKT passed a resolution to decriminalize marijuana for individuals 21 and older, which differs from Montana law. There will be civil penalties for those aged 18-21. Individuals aged 21+ can have less than 2 ounces and 16 grams of marijuana. The CSKT did not hear back from the Bureau of Indian Affairs within 90 days of passing the resolution to decriminalize marijuana, so it has become tribal law. **Steve Stanley** reported that Lake County responds to an average of 4,428 calls a month, 1,330 car wrecks, and 4,790 traffic stops. Municipalities are no longer charged dispatch fees. **Gale Decker** asked if the Tribal Council has talked about marijuana dispensaries and if the rules are different on the reservation. At some point there needs to be a discussion on the limits put on dispensaries and how we will address licensing. **Shane Morigeau** responded that the CSKT has not structured any regulatory framework yet; they just took steps to address decriminalization. It will impact everyone that lives here and we should have further talks with the county. **James**

Lapotka spoke to his counterparts in Missoula and the counties are not in the driver's seat for these regulations; it is within the cities. Once we reach the saturation point, there will need to be something done. The County wants to keep the limitations and regulations the same as the Tribes, if possible, to have a level playing field.

Election Office Update. **Gale Decker** received a letter from the Tribal Council requesting a satellite voting office in Elmo, and they are putting together a response for that. **Toni Kramer**, Elections Administrator, put together the numbers for the costs and the number of voters in the Elmo area. The total cost for equipment, laptops, printers, staff training, and staffing the office for six days is \$8,231.00. There were 82 votes casted in Elmo in 2018. There are 257 registered voters as of 2022 and 219 active voters. The potential polling place voters in 2022 is 89. **Chairman McDonald** pointed out that every voice matters and it is our right to vote, so he wants to make sure everyone has the opportunity and ability to cast their vote. We need to overcome the limitations. **Gale Decker** advised that staffing and training for the satellite office is a challenge. The staff needs to be trained on two different systems. Montana is moving to a different voting system so they have to run two parallel systems. The Election Officer suggested there be other options considered and she wants to have a conversation with the Tribes to respond to the Tribes' letter by the first of March. The service must be provided in an ADA building. Lake County needs 130 countywide election judges. The election judges are paid to provide this service and for going to the training. **Chairman McDonald** understands the challenge and he will assign tribal staff to work with Lake County as soon as possible to see what we can do to benefit the voters and work out something. The Tribes will try to recruit some election judges for them. Tom has been involved in the assistance and cooperation to help preserve our watershed from aquatic invasive species. Lake County has been a key partner with that, which includes the assistance of law enforcement at the check stations. We hit a new high of mussel infected boats trying to enter our state last year. The secondary check measures at the Ravalli check station has really helped. Tom appreciates the support of the county. Chairman McDonald wants to continue meeting with the Lake County Commissioners on a regular basis. **Gale Decker** wants to get with Chairman McDonald to figure out the protocols for the meetings and put together the agenda items.

Chairman McDonald commented we were working on a Ronan recognition of athletes. The Tribes like to acknowledge people for their achievements. Gale Decker was on the committee to recognize outstanding athletes at the Ronan school system last week. Tom was misdirected by staff of the location, so he missed the event. Chairman McDonald would like to work with Gale on recognizing the outstanding citizens in our area. **Jennifer Finley** asked if there are any tribal member election judges. **Toni Kramer** reported that she received 65 applicants, but the county does not track the applicants' tribal affiliation.

Gale Decker can send the list of judges to Jennifer. The commissioners can look into it and see how many tribal members there are. **Martin Charlo** commented on the power of social media and informed Gale that there are some tribal members that will be submitting applications to serve as election judges. **Len TwoTeeth** commented as a reminder that as elected leaders we have the common task of working for our people in this valley. We are fortunate because we truly live in God's country. It is a beautiful valley and it is important for both governments to meet like this, share information, and come to solutions. Len was glad to see that our relationship with Lake County has improved. **Anita Matt** commented on the number of wrecks. The tourism and people coming in and out of here have been a problem. She hopes they can talk about the congestion we feel here over the summertime. It is concerning. It is packed between the Charlo turnoff and Polson. Anita wants to continue meeting with the county to come up with a plan to see that growth and what we can do about that. **Chairman McDonald** will add that to the next agenda. It has a direct impact we provide as governments and we need to talk about the conflicts on the landscape, land use planning, how we fund so many different things, and how it affects us all.

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

Rick Eneas, Tribal Executive Officer; **Brian Lipscomb**, Energy Keepers, Inc.; and **Jean Matt**, Mission Valley Power; met with council in **executive session**. **Gene Sorrell**, Energy Keepers, Inc. Board Member; **Cindy Benson** and **Chuck Courville**, Mission Valley Power Utility Board Members; **Dan Decker, Sr.**, Energy Keepers, Inc. Legal Counsel; and **Jordan Thompson**, Deputy Executive Officer of Special Projects & Planning; were present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting. Seconded by Martin Charlo.

Council **adjourned** at 1:58 p.m., and is scheduled to meet again on Tuesday, February 15, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary