

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

Volume 22 Number 37
Council Chambers, Pablo, MT

Held: March 1, 2022
Approved: March 8, 2022

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

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 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Anita Matt.

The **Tribal Council Meeting Minutes** for February 24, 2022 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for February 24, 2022, with corrections. Seconded by Anita Matt. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Ellie Bundy McLeod to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (10 present).

Michelle Mitchell, Tribal Education Department, requested a change of duty, with supervisor approval, for the Yamncut and Mission Valley Honor Guard members to participate in the opening and closing of the Class 7 PD II at the UM March 8 – 9, 2022. The list of employees would be Dan Trahan, SKQ; Donald Stanger, Frank Stanger, and Gordon Fyant, SKHA; Les Trahan and Trevor Sheridan, IT; Art Trahan and Thomas Trahan, Division of Fire; Vic Stevens, Tribal Forestry; Shirley Trahan, Salish Pend d’Oreille Culture Committee; Louie McDonald, Tribal Lands Department; Carlin Matt and Jesse Courville, Tribal Health Department; Stephanie Gillin and Garret Fenton, Natural Resources Department; Linda Ferris, SKC; Dan Decker, Legal Department; and Mike Durglo, Preservation Office.

MOTION by Anita Matt to approve a change of duty, with supervisor approval, for the list of employees to participate in the event on March 8-9, 2022 at the University of Montana. Seconded by Bing Matt. Carried, unanimous (10 present).

Thomas “Sonny” Lozeau, Tribal Member, discussed a water issue. He was refusing to pay a reconnect fee or anything involved in that as SKHA disconnected his water during the pandemic when they were not supposed to be disconnecting anyone. Sonny’s water was turned back on in November. His water bill dated December 1, 2021, was for \$70 for November, and it added \$50 for a reconnect fee. He received a seven-day notice for \$160 in February for nonpayment. He needs to pay the \$150 by tomorrow or his service will be turned off again. Sonny has been trying to meet with Superintendent Radford since September and has not been able to. Sonny thinks it is inappropriate to request a drug test in order to receive Dire Need since the clients are never given possession of the money; the money is paid directly to the vendor. **Council** suggested that Mr. Lozeau fill out the paperwork and comply with the requirements of the programs. Sonny wanted to know who to contact to represent tribal members in Tribal Court. It was the front-page article of the February 17, 2022 paper. **Council** was not aware of the article being referred to. **Martin Charlo** stated that Sonny needs to meet us half way in order to receive water and power. **Chairman McDonald** told Sonny he would respond to his issue in writing.

Stephen Smallsalmon, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Craig Couture**, Law & Order, joined the discussion.

Council reconvened into **regular session**.

Scott Johnston, Natural Resources Department, requested the chairman’s signature on the MDT letter dated March 3, 2022, regarding the 2022 reevaluation of the FSEIS for US 93 Ronan-North project.

MOTION by Carole Lankford to authorize the Chairman to sign the letter. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Scott Johnston, Natural Resources Department, requested approval of Modification 14 to Agreement No. 16-184 with DJ&A to add the scope of work for PSA 21 – Nationally Significant Federal Lands and Tribal Projects grant application.

MOTION by Anita Matt to approve Modification 14 to Agreement No. 16-184 with DJ&A to add the scope of work for PSA 21– Nationally Significant

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Federal Lands and Tribal Projects grant application. Seconded by Bing Matt. Carried, unanimous (10 present).

Ruth Swaney, Financial Management, presented a request to purchase capital equipment for the Records Management office consisting of a shredder/baler in the estimated amount of \$30,000 to dispose of destroyed records. The purchase would require no increase to the capital equipment budget.

MOTION by Jennifer Finley to authorize the purchase of capital equipment for the Records Management office consisting of a shredder/baler in the estimated amount of \$30,000 to dispose of destroyed records. Seconded by Jim Malatare. Carried, unanimous (10 present).

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

Rick Eneas, Janet Camel, Mark Couture, Jami Pluff, Stu Levit, Pete White, and **Lynsey Gaudioso** requested to meet with council in **executive session**.

Dan Decker, Brian Upton, John Harrison, Lynsey Gaudioso, and **Stu Levit**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Bing Matt to allow the Arlee celebration rodeo to take place during the July 4 pow wow. Seconded by Jim Malatare. Carried, unanimous (10 present).

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

Rich Janssen, Casey Ryan, Seth Makepeace, Jace Smith, Greg Wilson, Tabitha Espinoza, Rob McDonald, Brian Hogenson, and **Stephanie Irvine**, Natural Resources Department, gave an update on the projects that are in the design or planning phase related to the settlement. **Casey Ryan** informed council that the Water Monitoring & Measurement Network program was established in 1982. Realtime data is available on the site. The data is used for many different reasons. Casey gave an overview of water reallocation and adaptive water management. **Len TwoTeeth** commented on the council's desire to hire tribal members to fill positions and the possibility of entering into educational contracts in order to reach our goal to hire tribal members to work on projects. Casey and Seth stated there are many positions that will need to be filled and they encourage tribal members to apply. They see job creation as a priority, but there are many challenges with how to make it work. **Jace Smith** and **Seth Makepeace** gave an update on the rehabilitation and betterment projects. The department would like to create an in-house construction crew. The current

projects are the Jocko K headworks, Lower Jocko J Headworks, NF Jocko Area projects, Falls Creek Headworks, Jocko North: canal to pipe conversion, Valley View: 31A Canal Chute, Flathead pumping plant, Charlo planning area, and the Placid headworks and canal. Seth would like to develop a position description to sponsor a tribal member through the Fish & Wildlife Service, to be funded through compact dollars, that would act as an agent for the CSKT. **Greg Wilson** reported on parts of an earthen dam project, Kicking Horse Dam, Mission Dam, and Upper Dry Fork Dam. **Tabitha Espinoza** gave an overview of the Restoration program. Goals include collaborating with other Tribal efforts, utilizing local plant materials where possible, utilizing local workforce to the greatest extent possible, incorporating training opportunities for Tribal staff and SKC students, utilizing culturally important plants in revegetation work, and engage the community in the work and celebrate successes. **Seth Makepeace** reported that they are building a program in the Division of Engineering & Water Resources that will advocate for the tribal water right. Seth is working with a consulting firm and preparing a scope of work for a noncompetitive negotiated contract that will be brought to council for approval. **Rob McDonald** helps translate what the staff is doing and gets information on compact implementation out to the general public in various ways. Public meetings are scheduled throughout the communities. Tomorrow's meeting will take place at KHJCC at 3:00 p.m. A Zoom link will be available. There are a number of vacant positions that are currently being advertised.

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

Carole Lankford left the meeting for the remainder of the day.

Fred Noel, Salish Kootenai College, requested approval of a resolution to submit an application to the Institute of Museum & Library Services for the fiscal year 2022 Native American Library Services Basic Grant funding.

MOTION by Mike Dolson to approve by resolution submission of the application to the Institute of Museum & Library Services for the fiscal year 2022 Native American Library Services Basic Grant funding. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-075

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION TO THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES

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

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WHEREAS, the Confederated Salish and Kootenai Tribes have been organized to represent, develop, protect and advance the views, interests, resources and education of its members; and

WHEREAS, the Salish and Kootenai College was established to provide post-secondary education and vocational training to Indians on the Flathead Reservation; and

WHEREAS, the Salish and Kootenai College's D'Arcy McNickle Library provides library materials and programs of need and interest to the members of the Confederated Salish and Kootenai Tribes; All materials are cataloged and shelved for the use of residents of the Flathead Reservation. Special attention is given to collect all materials relating to the Tribes, their history, culture, and Reservation affairs; **NOW, THEREFORE**,

BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes approves the submission of the attached application to the Institute of Museum and Library Services for the FY2022 Native American Library Services Basic Grant funding.

BE IT FURTHER RESOLVED, that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant documents and any amendments hereto.

Julie Cajune, Tribal Member, requested permission to publish the five tribal land status maps in an essay written by Donald Grinde, Jr. The essay will be published in the book Our Way: A Parallel History. The book is a compilation of historic essays from 16 Indigenous scholars. Julie wants the Bison Range to be included in the current land status map. The maps will be copyrighted by the Tribes.

MOTION by Jennifer Finley to grant permission to publish the five tribal land status maps in an essay written by Donald Grinde, Jr. Seconded by Anita Matt. Carried, unanimous (9 present).

Anita Matt would like to know how many acres we have purchased back and what the total cost is. **Julie Cajune** commented that we have that data. A multimedia history of our land tenure was created and broken down by decade. The largest land purchase occurred in the 1950s. Virgil Dupuis had this project done, so he could provide the data to the council. Julie can obtain the data from Virgil.

Dan Decker, Legal Department, requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

MOTION by Anita Matt to approve by resolution an attorney contract for Daniel J. Decker to serve as Managing Attorney of the Legal Department. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 22-076

A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH DANIEL J. DECKER

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes;

WHEREAS, the Tribal government maintains a Legal Department, employs contract attorneys to staff that department, and contracts with additional attorneys, with Legal Department coordination, when such outside assistance is needed;

WHEREAS, the Legal Department provides to the Tribal Council and Tribal government its civil legal services;

WHEREAS, Daniel J. Decker is a licensed attorney in the State of Montana, and wishes to provide legal services to the Tribes through the Legal Department;

WHEREAS, Daniel J. Decker, Attorney, has agreed to provide his legal services according to the terms and conditions of his Attorney Contract;

NOW THEREFORE BE IT RESOLVED, the Tribal Council approves said agreement and authorizes its execution by the Chairman and the Tribal Secretary.

MOTION by Len TwoTeeth to direct Dan Decker to come back with a revised pay plan for the Legal staff to reflect their years of service. Seconded by Bing Matt. Carried, unanimous (9 present).

***Martin Charlo**, for the record, “This very issue with PayScale goes to what I mentioned last week about losing employees. The legal team is very good, but we have lost some good lower level employees because of PayScale, so it is something we need to fix.”*

Anita Matt thinks it is an unfair system and our Directors need to find a way to retain the good employees we have. She had wanted a report on it, but she has not heard anything. Anita wants to discuss this with the Directors next Monday. **Chairman McDonald** commented that we have talked about our employees being the key to our success and we need to provide a competitive living wage to them.

Martin Charlo mentioned this is Invasive Species Week and he will have Crystal share information on ways to limit invasive species. **Chairman McDonald** announced the check stations will open this month.

MOTION by Bing Matt to adjourn the meeting.

Council **adjourned** at 4:03 p.m., and is scheduled to meet again on Thursday, March 5, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary