

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

Volume 23 Number 54
Council Chambers, Pablo, MT

Held: June 13, 2023
Approved: June 15, 2023

MEMBERS PRESENT: Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy, Treasurer; Mike Dolson; Jennifer Finley; Jim Malatare; and Terry Pitts.

MEMBERS ABSENT: Carole Lankford (Personal Time Off); and James “Bing” Matt (Inter-Tribal Timber Council Meeting - Minneapolis, MN).

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 9:08 a.m. Quorum established. **Jim Malatare** is on personal time off this morning for a medical appointment and will join the meeting this afternoon.

The meeting was opened with a **prayer** by Jennifer Finley.

The **Tribal Council Meeting Minutes** for June 8, 2023 were presented for approval.

MOTION by Ellie Bundy to approve the Tribal Council Meeting Minutes for June 8, 2023, with corrections. Seconded by Mike Dolson. Carried, 5 for; 2 abstentions (Tom McDonald and Jennifer Finley).

The **agenda** was presented for approval.

MOTION by Martin Charlo to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (7 present).

Erica Shelby informed council that there will be a walk for MMIP. Mika West Wolf was killed on the highway on March 31. Erica requested a council presence for any portion of the walk. It begins today and ends on Friday. There will be speeches from family members and an honor song at the court house in Polson. They are finding several systemic problems from agencies. **Karissa Heavy Runner** is the mother of Mika. She shared her daughter’s story and wanted to shed light on the other families that lost their loved ones with similar accidents

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and help bring awareness. Karissa invited council to participate in the walk. **George Heavy Runner** is Karissa's father. He is glad to host the event on the reservation. George spoke to Scott Kipp, the chairman of the Blackfeet Tribe. The tribes should request through the Indian Affairs to have a field hearing. We need to have discussions on what is and is not working between the tribal, state, and federal agencies. There needs to be formal testimony. It could ascertain potential resources at the congressional level that could be provided. George would like the Tribes to send a letter to Senator Tester to work with the Chairman of the Select Committee. They are working to get equal justice under the law. He wants the Blackfeet Tribal Chairman to reach out to the CSKT Chairman about making a formal request to help the families in this effort. **Erica Shelby** requested a one-hour change of duty for employees to join the walk when the group walks through Pablo this Thursday. **Chairman McDonald** extended his condolences to the family. **Council** took the requests under advisement.

Andrea Thomas requested to meet with council in **executive session** to discuss a personal matter. **George Ducharme** and **Zanen Pitts**, Tribal Lands Department, were present for discussion.

Council reconvened into **regular session**.

Martin Charlo thanked council for supporting the Zoo Town disc golf open last weekend. It was a great event and we got a shoutout on the Disc Golf Network saying we are the first tribe to support a sanctioned Professional Disc Golf Association (PDGA) event like that and they acknowledged our homelands.

Martin Charlo informed council that he will be giving the welcoming remarks at Fort Missoula next Monday, June 19, 2023, which is Juneteenth, from 10:30 a.m. to 12:45 p.m.. All of the council members are invited to attend the event. **Chairman McDonald** reminded everyone that next Monday is the Juneteenth holiday.

Jennifer Finley gave a report on the National Congress of American Indians midyear conference she attended. NCAI paid for her registration and hotel costs because she serves on the Executive Committee. Jennifer presented a resolution regarding transboundary mining and it will go to the Executive Team for a vote. Jennifer toured a recycling facility that the Shakopee Tribe owns and she thinks it would be beneficial to have one that is tribally operated.

Jennifer Finley presented a request from Shawna Croft, a tribal descendant. Shawna is an artist and she created a large art piece that is going to be part of the Montana Meth Project. She wants to display it at the Ronan Senior Center. Shawna is looking for a permanent place for her art piece and it will be a billboard since it is an outside exhibit. It was the **consensus** of council to allow the permit for Shawna Croft to display her artwork at the Ronan Senior Center.

Len TwoTeeth discussed allowing employees to participate in the MMIP activities this week.

MOTION by Len TwoTeeth to grant employees two hours per day administrative leave, with supervisor approval, to partake in the MMIP activities this week. Seconded by Martin Charlo. Carried, unanimous (7 present).

John Neiss, Facilities Maintenance; and **Chad Cottet**, S&K Technologies; requested approval of a roofing contract with SKMM in the amount of \$964,870.00 for 17 roofs on tribal buildings throughout the reservation. **Len TwoTeeth** asked about the buildings in Elmo. John told him they would be included in the next round.

MOTION by Martin Charlo to approve the roofing contract with SKMM. Seconded by Mike Dolson. Carried, unanimous (7 present).

Council met in **executive session** with John Neiss, Facilities Maintenance; and Tony Incashola, Jr., Tribal Resource Management Director; to discuss departmental matters.

Council reconvened into **regular session**.

James Lozeau, Tribal Forestry, requested acceptance of the low bid for a hand piling contract for 595 acres for the fiscal year 2023 reporting season. The units are located in areas that are too rocky and steep for Forest Development equipment to pile in, so hand piles are a better solution. Division of Fire will burn the piles as part of the winter work they have planned. The low bid was from Cold Water Reforestation in the amount of \$357,000.00.

MOTION by Martin Charlo to accept the low bid from Cold Water Reforestation for a hand piling contract for 595 acres for the fiscal year 2023 reporting season. Seconded by Len TwoTeeth. Carried, 6 for; 1 opposed (Terry Pitts).

James Lozeau gave an update on the Green House funding. There have been tours to the Green House, and the council was invited to take a tour.

Len TwoTeeth talked about the barriers that prevent tribal members from bidding on projects, such as the bond requirement. Len would like the department to find a way to make it easier for tribal members to have an opportunity.

Kari Kingery, **Peter Bugoni** and **Shannon Clairmont**, Natural Resources Department, requested approval to apply for a Tribal Wildlife grant from the U.S.

Fish and Wildlife Service in the amount of \$143,572.34. The funding will be used to conduct a research project collaring lead female bison on the Bison Range and determining grazing patterns in proximity to invasive species Ventenata.

MOTION by Ellie Bundy to approve by resolution submission of an application for the Tribal Wildlife grant from the U.S. Fish and Wildlife Service. Seconded by Jennifer Finley. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 23-114

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR FUNDING TO THE U.S. BUREAU OF INDIAN AFFAIRS

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

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 Tribes have established a Tribal Wildlife Management Program to monitor wildlife populations and habitats, recommend appropriate wildlife and habitat management actions, inform the public about wildlife issues and oversee wildlife management projects; and

WHEREAS, the Tribes are eligible to receive funds to promote sound wildlife management activities for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted; and

WHEREAS, the Tribal Wildlife Management Program strives to inform and educate the public regarding wildlife populations and issues on the Reservation; and

WHEREAS, the U.S. Fish and Wildlife Service has funds available under the Tribal Wildlife Grants Program to assist Indian Tribes in meeting wildlife and habitat management objectives; **NOW, THEREFORE**,

BE IT RESOLVED that the Tribal Council of the Confederated Salish and Kootenai Tribes approves the submission of the attached application for funding to the U.S. Fish and Wildlife Service for examining the role of bison and their relationship to plant community dynamics, annual invasive grasses, and soil carbon storage.

BE IT FURTHER RESOLVED that the Tribal Council Chairman is authorized to negotiate and execute the grant documents and any amendments hereto.

Liz Sullivan and **Patty Davis**, U.S. Consumer Project Safety Commission, discussed a public safety ad campaign this summer. There will be a campaign on baby safety and a campaign on carbon monoxide safety. They used the census to determine the areas to do the billboard campaign. Half of the billboards will be placed on tribal lands or in high areas of population. The planned placement dates are from July 18 through October 17, 2023. There will be advertising spots on the National Native News and Native American Calling, and there will be coverage in Montana.

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

James Lapotka, Lake County Attorney, met with council to discuss various issues. Shane Morigeau, Tribal Executive Office, was present for discussion. The Lake County Commissioners do not plan to fund Public Law 280 any longer. Lake County has had 209 felonies so far this year and they are on track to have 400+ cases by the end of the year. The Drug Court is fully staffed and running well. Judge Owen took over for Judge Manley and has kept the program running. He had some discussions with licensed addiction counselors that work for the court and let them know he is here to offer any assistance. Mr. Lapotka discussed juvenile cases. There are times when the Tribal Youth Court turns cases over to the State. There are specific crimes, such as homicide, burglary and rape, where a juvenile will be prosecuted as an adult. The retrocession agreement does not properly address juvenile felony cases, and Mr. Lapotka would like it clarified in the agreement. The lawsuit Lake County has against the State is set for jury trial in December. James would like to have any settlement occur this year. The County Commissioners just want an answer for who is supposed to pay for these things. It is a financial burden on the county. James said he is frequently asked why he does not ask the Tribes for money and he has responded that he did not want to ask the Tribes for money because they already pay at least \$5 million in criminal justice costs with the programs/services they fund. **Chairman McDonald** commented we would not have this problem if tribes received equal rights and funding as states. Communication is critical and Tom appreciated Mr. Lapotka meeting with the council. When he thinks of funding the government and providing services to non-citizens of our Tribes, it bothered Tom when he had to pay thousands of dollars in property taxes and a billionaire with a two-acre orchard only pays \$320.00 per year in property taxes and are getting the full force and effect of all benefits provided by the county; there's something that's not right there. If he were a County Commissioner, Tom would focus on those folks; some of them are not Montana citizens. It is not equitable the way property taxes are assessed. **Mr. Lapotka** commented how we approach funding the government and providing services is fascinating and we want everyone to chip in and pay their fair share. James thinks it would be nice for

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people on a fixed income to be assured their property taxes will not increase year over year. He also appreciates the Tribes' entrepreneurial spirit in the ways they raise money and share the money with community members who are not tribal members. The Tribes bring many benefits that they share with the community. Mr. Lapotka is the Tribes' county attorney, as well, and he encouraged the Tribes to contact him with any issues or concerns. The discussion continued in **executive session**. **Dan Decker** and **Lynsey Gaudio**, Legal Department; **Shane Morigeau**, Tribal Executive Office; and **Tony Incashola, Jr.**, Tribal Resources Management; were present for discussion.

Council reconvened into **regular session**.

Heather Sobrepena and **Casey Lozar**, Center for Indian Country Development of the Federal Reserve Bank of Minneapolis, met with council to provide a report and receive some input on the Survey of Native Nations project. The CICD is focusing on the five specific areas of optimizing tribal tax authority, tribal enterprise diversification, business capital and credit, financing and tax credits, and economic infrastructure. Their strategic priorities are data initiative, business capital and diversification, and economic infrastructure. The CICD is a nonprofit organization and is not a governmental organization. The CICD Leadership Council has 16 members and provides counsel on research projects and ensures that as a center they are protecting the data that tribes share. CICD has a research team, policy team, and an engagement team. **Chairman McDonald** commented on the federal excise tax for sporting goods and the Tribes being excluded from any access to that tax revenue funding. That funding could help the Tribes develop tourism and manage the resources. Tom asked if the CICD is looking into the federal laws that are not equitable to tribes. Casey responded that we need to understand where the revenues are flowing in and not flowing in to Indian country and why. Through the data obtained from the surveys they can identify where that gap is. There is a way to address the excise tax question in the survey where they can make comparisons across governmental units. Heather stated they could determine where revenues flow in and not flow in throughout Indian country. They have a project that looks at revenues and expenditures for tribes. It will be piloted through the end of 2023. This is the data initiative for tribal governments in Montana. Heather gave an overview of the survey of native nations. The survey will be used to advance a data driven narrative that tribal governments can tell their contributions to local, state and regional economies. Heather went over the deliverables that the Tribes will receive, the timeline of the pilot, and next steps. The Tribes will be briefed on the survey results. **Greg Spahr**, Financial Management, advised the staff will determine some high level confidentiality questions and return to council this afternoon. Michael Barr serves as the Vice-Chairman of the Federal Reserve System Board of Governors and he would like to make a visit to CSKT. **Council** welcomed the visit. Casey will get the trip scheduled. **Shane Morigeau** stated one of the things the Tribes try to be careful on is putting that data together and

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people using it in a way to undermine them. Shane wants to be assured the survey will be managed in a way to prevent that from happening. Casey responded there is a long history of data being weaponized against tribes and the CICD wants nothing to do with that. They developed guidelines that stem from feedback from tribes around the country and do no harm is the number one guiding filter for the projects they do and they obtain permission from tribes. They can put things in place to safeguard that from happening. The team developed strategies and have the infrastructure in place to protect the data. **Chairman McDonald** commented that it is critical to deal with the issue of federal excise sports taxes. It is not right to have tribes compete against each other and he does not want the data used for that. **Council** took the request to participate in the survey under advisement.

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

Council reconvened into **regular session**.

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

Jim Malatare joined the meeting.

Council met in **executive session** to conduct interviews for the Mission Valley Power General Manager vacancy. **Teresa Wall-McDonald**, **Cindy Benson** and **Dan DePoe**, Mission Valley Power Utility Board; and **Cory Clairmont**, Personnel Department, were present for interviews.

Council reconvened into **regular session**.

Council **adjourned** at 5:35 p.m., and is scheduled to meet again on Thursday, June 15, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

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Martin A. Charlo
Tribal Council Secretary