

**TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA**

MINUTES
April 16, 2007

Call to Order: President Little Coyote called the meeting to order at 9:15 a.m.

Invocation: Dan Carlson

Roll Call: Sharlene Evans, Secretary

1.	Charles Yellow Fox, Jr.	Present
2.	Matthew Two Moons, Sr.	Present
3.	Alfred Strange Owl, Jr.	Present
4.	Joe Fox, Jr.	Absent/Excused
5.	Allen Fisher	Present
6.	Alberta Fisher	Present
7.	L. Jace Killsback	Absent
8.	Dan Carlson	Present
9.	Jennie Lou LaFranier	Present
10.	Judith Spang	Present
11.	Rick Wolfname, V. Pres.	Present
12.	Eugene Little Coyote, PRES	President

Quorum: Yes. 9 present, 2 absent.

1. Minutes – March 19, 2007 -Sharlene Evans, Secretary

Tribal Secretary Sharlene Evans presented the minutes of March 19, 2007. The Tribal Council reviewed and made minor corrections.

A motion made by Charles Yellow Fox, Jr. to approve and adopt the minutes of March 19, 2007. Seconded by Alberta Fisher. VOTE: 9-0-0. Motion carried.

2. Budgets-Wilma LaRance, Treasurer

Tribal Treasurer Wilma LaRance presented a resolution for approval authorizing budget modification for the following list of budgets. The budgets have been reviewed and approved by the Budget and Finance Committee: 1. Fund 330A. FY07 Community Health. To approve the revised budget in the amount of \$5,814,341.00. There was budget line items adjustments in the Adult Treatment costs and unfilled salaried positions; 2. Fund 330E. Tribal Health. To approve the revised budget amount of \$1,001,311.10. There was a budget line item adjustment for parttime subs in EMS, Security, Housekeeping and Facilities; 3. Fund 218. Tribal Forestry. To approve the revised budget from \$461,912.78 to \$1,930,096.10. This reflects additional funding from FY06 carry over monies in the amount of \$1,377,920.68 and Indirect Cost adjustment of \$115,875.42; 4. Fund 246. Summer Youth Work Learn/BIA. To approve the

revised budget from \$26,499.00 to \$30,446.00. This reflects FY06 carry over monies of \$3,947.00; 5. Fund 420. Chronic Wasting Disease Awareness/USDA. To approve the revised budget amount of \$5,000.00. Moved supplies to field supplies; 6. Fund 576. Air 103 IMPROVE/Environmental Protection Dept. To revise the budget from \$52,676.00 to \$74,726.00. This reflects an additional awarded amount of \$22,050.00; 7. Fund 224. Water Resources-Natural Resources Department. To approve the revised budget from \$115,362.00 to \$237,560.00. This reflects FY06 carry over in the amount of \$122,198.00. The budget line item adjustments were made to professional services, equipment, telephone, supplies and travel.

A motion made by Alberta Fisher to adopt the resolution to authorize budget modifications/revisions for the above listed 7 budgets. Seconded by Charles Yellow Fox, Jr. VOTE: 9-0-0. Motion carried.

Tribal Treasurer LaRance presented another resolution to re-contract certain P.L. 93-638 Programs from the Department of the Interior and the Bureau of Indian Affairs. The programs includes but is not limited to the following: Tribal Court, Prosecution, Services to Children, Elderly, Families, Scholarships, Aid to Tribal Government, Youth Emergency Shelter, Water Resources, Natural Resources, Youth Work Learn, Housing Improvement, Child Find Part B & H, Johnson O'Malley, Job Placement and Training, Indian Child Welfare Act, Forestry, Noxious Weeks, Welfare Assistance, Community Fire Protection, Wildlife and Parks, Tribal Services, Transportation Planning and Agriculture Extension.

A motion made by Judith Spang to adopt the resolution authorizing the re-contracting of certain P.L. 93-638 programs. Seconded by Alberta Fisher. VOTE: 9-0-0. Motion carried.

A third resolution presented by Treasurer LaRance is for Tribal Council to authorize the submission of Scopes of Work and budgetary information to re-contract the Tribally Controlled Community College and Adult Education from the Department of the Interior and the Bureau of Indian Affairs.

A motion made by Alberta Fisher to adopt the resolution to re-contract the salary portion only of the P.L. 93-638 Adult Education Program. Seconded by Judith Spang. VOTE: 9-0-0. Motion carried.

3. Enrollment Relinquishments-Wallace Bearchum

Wallace Bearchum, Tribal Services/Enrollment Director presented an Ordinance for adoption to relinquish two (2) individuals from the Northern Cheyenne Tribal Enrollment Rolls. This has been reviewed by the Northern Cheyenne Enrollment Committee.

A motion made by Matthew Two Moons, Sr. to adopt an ordinance approving and authorizing the relinquishment of two (2) individuals from the Northern Cheyenne Tribal Enrollment Rolls. Seconded by Alberta Fisher. VOTE: 9-0-0. Motion carried.

4. Attorney Contract: John Arum-Judith Spang

Judith Spang presented legislation to amend an attorney contract with John Arum who is with the Ziontz, Chestnut, Varnell, Berley & Slonim Law Firm, to add \$30,000.00 dollars to the contract due to legal counsel representation on current litigation in 9th District Circuit Court in Montana.

A motion made by Judith Spang to adopt and approve a resolution to amend the legal counsel contract with Ziontz, Chestnut, Vernell, Slolim, and Berley to add an additional \$30,000.00 to cover legal costs. Seconded by Jenny Lou LaFranier. VOTE: 9-0-0. Motion carried.

5. L. Jace KILLSBACK

- a. Health Care Resolution: Table.
- b. Bear Butte: Dion KILLSBACK, Tribal Legal Counsel gave a report that an Amicus Brief was filed on behalf of the Northern Cheyenne Tribe in the Supreme Court of the State of North Dakota, regarding Bear Butte and its significance to the Northern Cheyenne Tribe. Dion informed the council that this action gives the Tribe "a foot in the door" to raise impacts of proposed commercial development.

6. Virtual Pharmacy – Informational-Eric Sharpe

Eric Sharpe gave a presentation on a proposal for a pharmaceutical company that would be 51% tribally owned, at no risk to the Tribe. He stated that the Tribe could sell to hospitals at a lower wholesale price. This would require the construction of a building on 1 to 2 acres of land. Dion KILLSBACK, Tribal Attorney, expressed a concern and cautioned the Tribe in that there are no contracts lined up, no business plan has been presented to the Tribe, and the risk of the Tribe on its label. Some of the Council felt that before any action is taken, the EDA Committee meet with Mr. Sharpe and make a recommendation to the Tribal Council. Other council felt that not to accept the proposal is a lost opportunity for the Tribe.

President Little Coyote stated that this item is listed as "Informational" on the Agenda and recommended that the meeting stay in its order. Tribal Attorney Dion KILLSBACK advised the Council that it would require 2/3 vote to change the agenda. No action to change the agenda. It was a recommendation that the EDA Committee make a commitment today to schedule a meeting with Eric Sharpe as soon as possible.

Break @ 11:00 a.m.

Reconvene @ 11:22 a.m.

7. WECO Administrator-President Little Coyote

President Little Coyote presented a resolution appointing alternates for the Western Energy Company Administrator to represent the Tribe in its dealing with Western Energy Company,

A motion made by Alfred Strange Owl, Jr. to adopt a resolution to concur with the appointments of Judith Spang, Jennie Lou LaFranier, and Matthew Two Moons, Sr., to serve as Alternates to the Western Energy Administrator Position. Seconded by Alberta Fisher. VOTE: 9-0-0. Motion carried.

8. Healing Hearts Grant Application-Glenn Littlebird

Glenn Littlebird presented a resolution to renew the Family Violence grant application with the U.S. Department of Health and Human Services with the Administration for Children and Families Bureau in Washington, D.C., to be used for hiring and maintaining qualified personnel and operations of the Northern Cheyenne Healing Hearts Program.

A motion made by Allen Fisher to authorize the submission of the Family Violence grant application with the Administration for Children and Families Bureau in Washington, D.C. Seconded by Judith Spang. VOTE: 9-0-0. Motion carried.

Additional budgets presented by Treasurer LaRance:

Wilma LaRance, Treasurer, informed the Council that the Budget and Finance Committee voted to remove the salary for James Rowland from the budget. President Little Coyote asked for the resolution and that the Tribal Council may act on it. He stated that the names shouldn't be associated with the salaries.

A motion made by Jennie Lou LaFranier to delete the line item for a salary for the Northern Cheyenne Tribal Commission of Education. Seconded by Charles Yellow Fox, Jr. VOTE: 9-0-0. Motion carried.

Discussion was held regarding the 50% profit of the gaming revenues from the Charging Horse Casino that is allocated and distributed in four different areas: Elderly, Health, Youth and Education. The Tribal Council as the Budget and Finance Committee will oversee the expenditure of these funds, with three (3) Tribal Council signatures for approval to expend.

A motion made by Jennie Lou LaFranier that the Budget and Finance Committee have oversight of the profits from the Charging Horse Casino. Seconded by Vice President Rick Wolfname. VOTE: 9-0-0. Motion carried.

9. Head Start-Clyde Wolfblack

Tribal Council members Judith Spang and Jennie Lou LaFranier have been involved with the Northern Cheyenne Head Start Program. They informed the Tribal Council that it is a requirement for the governing body to be involved with Head Start to meet the performance standards and encouraged other Council to get involved.

- a. Budget-Grant: Clyde informed the Tribal Council that cuts have been made to their budget, from 179 slots to 160.

- b. Governing Body Roles & Responsibilities: Clyde presented the Northern Cheyenne Head Start Program Governance of Governing Body Roles and Responsibilities for approval as required.

A motion made by Vice President Wolfname to adopt the resolution approving the Northern Cheyenne Head Start Program Governance. Seconded by Alberta Fisher. VOTE: 9-0-0. Motion carried.

- c. Community Grievance Procedures: Table
- d. Update other policies: no discussion.

10. Dion Killsback

- a. First Interstate Bank negotiations and recommendations: Dion recommended that the Tribal Council take action today to pay a portion of the Tongue River Lumber Company loan owed to the First Interstate Bank and approve the plan and terms of repayment of approximately 2.8 million dollars to take place over the next ten years through a partial payment of the Endowment Fund combined with a repayment plan. Treasurer LaRance expressed to the Tribal Council that in order for the Tribe to make best efforts in negotiating with the bank, Tribal representatives must be on the same page without any personal agendas, personal opinions. Information was provided to the bank and the negotiations went against the Tribe, and we didn't get the best deal.

A motion made by Rick Wolfname to adopt a resolution authorizing the repayment plan of the Tongue River Lumber Company loan with First Interstate Bank. Seconded by Allen Fisher. VOTE: 8-1(Judith Spang)-0. Motion carried.

- b. Tribal Council Indemnification: Dion presented a resolution to indemnify the Vice President and Tribal Council members: Charles Yellow Fox, Jr., Matthew Two Moons, Sr., Alfred Strange Owl, Jr., and Alberta Fisher, as acting within official scope and authority. Tribal Council member Dan Carlson questioned that when a Tribal Council member does wrong, how can he come back and be able to vote to be indemnified. Tribal Council member Judith Spang read for the record: Whereas; the Northern Cheyenne Tribal Council recognizes indemnification to mean: the action of compensating for loss or damage sustained; and, Whereas; the Northern Cheyenne Tribal Council does not find the dismissal of the criminal complaints as the basis for the indemnification; and, Whereas; the Northern Cheyenne Tribal Council does not find the non-adherence to the Hearings Ordinance 2(99) as the basis for the indemnification. She asked if the Tribal Council members truly know what those mean and if they know what they are voting for. She believes that there should be a hearing and each tribal council member should be able to express their individual decision, and that there should be a clear procedure or policy that guides the Tribal Council on this particular situation. Judy added that the people need to be informed on how their money is being spent. Tribal Attorney Dion Killsback explained that the Tribal Council made a collective decision in Executive Session to indemnify these individuals and adopted a resolution. He further explained that the Tribe

does not have a resolution or ordinance specifically identifying indemnification, but that there is case law that supports the rule of indemnification. If a Tribal Council determines that their actions were within their scope of duties and authority they are eligible to receive those reimbursed costs incurred.

A motion made by Alberta Fisher to indemnify Vice President Rick Wolfname, Tribal Council members Charles Yellow Fox, Jr., Alberta Fisher, Matthew Two Moons, Sr., and Aljo Strange Owl. Seconded by Charles Yellow Fox, Jr. VOTE: 6-1(Judith Spang)-1(Dan Carlson). Motion carried.

11. Northern Cheyenne Housing Authority-Lafe Haugen

- a. Title IV HUD Loan execution: Lafe presented a resolution to authorize the Northern Cheyenne Housing Authority to apply for a loan from the First Interstate Bank and to pledge a HUD approved portion of the Tribe's yearly NAHASDA allocation to pay on the loan, to remodel existing units, to build a Transitional Living Center, and to assist on the Hestanoa'o Park.

A motion made by Alberta Fisher to authorize the activation of the HUD loan with First Interstate Bank to use for the construction of a Transitional Living housing. Seconded by Dan Carlson. VOTE: 8-0-0. Motion carried.

- c. Restoration of Federal Reserve Trust Lands: Lafe presented a resolution to provide for the revoking of a reserve upon a Tract of Land across from the Police Department, for the Transitional Living Center.

A motion made by Alberta Fisher to revoke reserved tract of land for a Transitional Living Center. Seconded by Dan Carlson. VOTE: 8-0-0. Motion carried.

Closing Prayer: Wilma LaRance
Adjournment: 1:15 p.m.

Charlene Evans

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal Council by 9 for passage and adoption and 0 votes against passage and adoption and no abstentions this 7th day of May 2007.