



NORTHERN CHEYENNE TRIBE

ADMINISTRATION

P.O. BOX 128

LAME DEER, MONTANA 59043

(406) 477-6284
FAX (406) 477-6210
TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA



SPECIAL SESSION COUNCIL MEETING

MINUTES

December 28, 2007

Called to order: President, Rick Wolfname called the meeting to order at 9:30 a.m.

Invocation: Gilbert Whitedirt.

President, Rick Wolfname recommended the Council need a motion to appoint a temporary secretary.

Motion on the floor by Allen Fisher to temporarily appoint Lori L. Limberhand as acting secretary, to record the minutes for this special session council meeting today, December 28, 2007. Motion seconded by Alberta Fisher to temporarily appoint Lori L. Limberhand as acting secretary, to record minutes for this special session council meeting only.

VOTE: 8-0-0. Motion carried.

Roll Call: Lori L. Limberhand, Acting Secretary.

1.	Charles Yellowfox, Jr.	Present
2.	Matthew Two Moons, Sr.	Present
3.	Alfred Strange Owl, Jr.	Present
4.	Joe Fox, Jr.	Present
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	Absent
11.	Rick Wolfname, Act. President	Presiding

Quorum: Yes, 8 present, 2 absent.

AGENDA:

1. Trespass.

LITTLE WOLF AND MORNING STAR - Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.

2. Budgets.
3. Election process.

1. Motion on the floor by Allen Fisher to pass a resolution DOI 014 (2008) of the Northern Cheyenne Tribal Council declaring Eugene Little Coyote to be in trespass and requesting the Bureau of Indian Affairs to remove Mr. Little Coyote from the Little Wolf Capital Building. Motion seconded by Charles Yellowfox. VOTE: 8-0-0. Motion carried.

Rick Wolfname, Acting President: We will move onto #3. of the agenda, as the Treasurer is not here yet.

3. Motion on the floor by Allen Fisher to start the Election process to fill the vacancy position of Tribal President. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

2. Budgets: Allen Fisher states Wilma LaRance, Treasurer is not in but she is aware that we will be passing the Budgets and she also stated the Budget and Finance Committee have already passed them. Motion on the floor by Allen Fisher to pass resolution DOI 001 (2008), that the Northern Cheyenne Tribal Council hereby authorizes the following budgets to be appropriated, authorized, adopted and approves the contemplated expenditures contained in the presented budgets, subject to the listed conditions, restrictions or constraints: Fund No. (NEW) Tribal Transit Program. Approved the initial budget of \$444,326.14 for US Department of Transportation Contract No. MT-18-027-00 Fund No. 210. Transportation Planning. Approved a FY 2008 Budget of \$168,303.22. Fund No. 221. Tribal Forestry. Approved the modification to the FY 2007 budget for the final amendment to the contract and a revised total budget of \$267,892. Fund No 193. BIA Fire and Aviation. Approved the FY 2008 budget of \$17,485.20. Fund No. 166. Food Distribution- Tribal Match. Approved the Tribal Matching Budget of \$87,737.40 for FY 2008. The source of these funds is the Tribal General Fund. Fund No 200B. Fire Protection. Approved the FY 2008 revision for a revised total budget of \$2,750.57. Fund No. 214. Tribal Court. Approved the FY 2008 budget of \$303,097.16 for the operation of the Northern Cheyenne Tribal Court. Fund No. 230B. JOM. Approved a budget for the unexpended FY2007 funds to be expended in FY 2008 in the total amount of \$37,946.88. Funds No. 230C. Higher Education. Approved the FY 2008 budget for Higher Education in the amount of \$405,924.72. Fund No. 230D. Adult Vocational Training. Approved the FY 2008 Budget of \$127,008.82. Fund No. 218. Tribal Forestry. Approved a revision to the FY 2008 Budget for a revised total budget of \$1,069,887.30 Fund No. 232. Aid to Tribal Government. Approved a modification to the FY 2007 Budget reflecting an increase of \$20,000 for a revised total budget of \$153,116.88.

Fund No. (NEW) Arrest Policies. Approved the FY 2008 budget of \$170,149.20.
Fund No. 221. Tribal Forestry Approved the FY 2008 budget of \$267,892.
Fund No. 200 Fire Protection. Approved the FEMA grant for Equipment of \$225,000.
Fund 330A. FY07 Tribal Health budget revision in the amount of \$5,990,831.00.
Increase in award of \$11,751.00. The line item of vehicle lease was adjusted. Fund
138A. FY08 Ashland District budget in the amount of \$19,862.00.
Fund 138B FY 08 Birney District Plan of Operations/ Budget in the amount of
\$14,896.00. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 002 (2008) of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of certain budgets for the expenditure of available funds and hereby rescinds Resolution No. DOI-611(07); and, that the Northern Cheyenne Tribal Council hereby directs the following budget to be modified and, authorizes, adopts and directs that funds be moved from other carry-over balances of the Indian Health Service AFA funds to the FY 08 Budget Supportive Services line item in Fund 330 in the amount of \$ \$100,000. Tribal Council further Directs that the Northern Cheyenne Tribal Treasurer, in the absence of the Tribal Health Director, shall hereafter have discretionary authority to approve emergency medical assistance expenditures not to exceed \$2,000 per incident, from said budget, and said expenditures are to be ratified by the Tribal Health Director upon his/her return. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 004 (2008) of the Northern Cheyenne Tribal council authorizing the following budgets to be modified and approves the contemplated expenditures contained in the presented budgets, subject to the listed conditions, restrictions or constraints: Fund 162. FY08 TERO Fees budget in the amount of \$63,440.88. Fund 531. FY08 Tribal Youth Program budget in the amount of \$81,744.00. Fund 383A. FY08 State of MT/Transportation budget in the amount of \$4,032.59. Fund 383A. FY08 State of MT/Elderly Transportation budget in the amount of \$4,032.59; 383C Elderly/Congregate Meals--\$29,179.41; 383D Elderly/Home Delivery --\$12,282.66; 383E Elderly/Caregiver--\$5,770.20; 383H Respite Care --\$1,517.70. Fund 146. FY08 NC Elderly Program budget in the amount of \$47,478.00
Fund 382. FY08 Title VI-Admin on Aging budget in the amount of \$107,168.00.
Fund 398. FY08 Title VI-Caregiver budget in the amount of \$37,062.11.
Fund NEW. WIA/Dept. of Labor budget revisions in the amount of Administration --\$39,972.40; Classroom Training (B)--\$18,877.82; Training Assistance--\$125,217.36; Work Experience--\$27,341.07; Supportive Services--\$18,877.81. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 003 (2008) of the Northern Cheyenne Tribal council authorizing the following budgets to be modified and approves the contemplated expenditures contained in the presented budgets, subject to the listed conditions, restrictions or constraints: Fund 356, FY08 NEW Native Employment Works program budget revision in the amount of \$59,456.00. Fund 108. FY08 Land Authority budget in the amount of \$491,701.94. Fund 136. FY08 Grazing Board budget

in the amount of \$137,950.00. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 005 (2008) of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of certain budgets for the expenditure of available funds: Fund 166. FY08 Food Distribution/GF Match budget in the amount of \$74,759.00. Fund 726. FY08 Food Distribution/State of Mt budget revision in the amount of \$199,478.95. Fund 108. FY08 Land Committee budget in the amount of \$534,904.62. Fund 136. FY08 Grazing Board budget in the amount of \$98,066.59. Fund NEW. EDA-Telecommunications Project/ANA Grant budget in the amount of \$163,897.00. The budget was adjusted to reflect Indirect Costs with the budgeted amount. Fund 138D. Lame Deer District budget \$24,793.00 was approved without the meeting cost line item of \$5,000.00. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 006 (2008) of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of certain budgets for the expenditure of available funds: Fund 100. General Fund budget revision was made with no increase or decrease in the overall budget. The line item of license plates was decreased by 4,000.00, the Little Bighorn Riders line item decreased by 650.00 and a new line item created under professional services/security services for \$4,652.00. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 007 (2008) of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of certain budgets for the expenditure of available funds: Fund 726. Food Distribution/State of Montana budget revision in the amount of \$198,295.00. The only adjustment was to correctly calculate the COLA 3% on salaries/fringe. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 008 (2008) of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of certain budgets for the expenditure of available funds: Fund 406. National Park Service budget revision in the amount of \$13,000.00. Fund NEW. Arrest Policies budget to approve in the amount of \$170,149.20. Fund 576. EPA budget revision in the amount of \$99,609.00. There was an additional monies awarded and reflected in said budget. Fund 395. Childcare Discretionary budget revision in the amount of \$224,248.78 and Childcare Mandatory budget revision in the amount of \$257,912.18. This is reflected in adjustments to said budgets. Fund 379 A,B,C,D. Head start budget revision approved in the amount of \$1,346,774.00. There was additional monies awarded and reflected in this budget. Fund 138D. Lame Deer District budget in the amount of \$29,793.00. There were adjustments made to reflect this amount. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to approve resolution DOI 009 (2008) of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of

certain budgets for the expenditure of available funds: Fund No. 970. Northern Cheyenne Tribal Schools. Approved the FY08 budget revision for the ISEP funds in the amount of \$804,509.75. Fund No. 970A. Northern Cheyenne Tribal Schools. Approved the FY08 budget for the ISEP/SPED budget in the amount of \$144,099.41. Fund No. 971. Northern Cheyenne Tribal Schools. Approved the budget for the Administrative budget revision in the amount of \$364,139.53. Fund No. 972. Northern Cheyenne Tribal Schools. Approved the budget for the Operations costs budget in the amount of \$326,416.00. Fund No. 973. Northern Cheyenne Tribal Schools. Approved the budget for the Transportation budget revision in the amount of \$425,000.00. Fund No. 976B. Northern Cheyenne Tribal Schools. Approved the budget for the Emergency MI&R Fire Ext Hood funds budget on the amount of \$3,575.00. Fund No. 978. Northern Cheyenne Tribal Schools. Approved the budget for the NEW 21st Century Grant budget on the amount of \$122,000.00. Fund No. 982. Northern Cheyenne Tribal Schools. Approved the budget for the School Nutrition budget in the amount of \$9,999.06. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Wilma LaRance Treasurer, enters room 11:05 a.m. Acting President Rick Wolfname: The Council has questions on resolution DOI- 010 (2008) the whole scope of budgets. Fund 203. Resolution DOI 010 (2008) is TABLED.

Wilma LaRance presents Fund 138. Motion on the floor by Allen Fisher to approve a resolution of the Northern Cheyenne Tribal Council authorizing the modification and or adoption of certain budgets for the expenditure of available funds: Fund 138. FY08 Busby District budget in the amount of \$19,862.00: FY08 Muddy District budget on the amount of \$14,896.00 and FY08 Birney District in the amount of \$14,896.00. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Wilma LaRance presents Resolution No. DOI-011 (2008) for approval. Motion on the floor by Allen Fisher to approve resolution DOI 011 (2008), a resolution of the Northern Cheyenne Tribal Council waives limited sovereign immunity per Grant/Contract agreements for the following programs. State of Montana Woman, Infant, & Children (WIC) Agreement limited waiver sovereign immunity. State of Montana Title IV-E Foster Care limited waiver sovereign immunity. State of Montana Low Income Heating and Energy Assistance Program (LIHEAP) limited waiver sovereign immunity. State of Montana Low Income Heating and Energy Assistance Program (LIHEAP) Community Services Block Grant application. State of Montana Public Health Emergency Preparedness contract limited waiver sovereign immunity. State of Montana Tobacco Prevention contract limited to sovereign immunity. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Wilma LaRance, Treasurer: We need to establish a 2008 Holiday list. Acting President, Rick Wolfname suggests that we use the old one until a new updated Holiday list is established. Motion on the floor by Allen Fisher to observe December 31, 2007 and January 1, 2008 as the holiday, with the Treasurer to make a new list for 2008. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to pass codification of amendments to Ordinance No. 5 (97) System of Operations, Ordinance No. DOI 001 (2008) that the Northern Cheyenne Tribal Council hereby amends Ordinance 5 (97) by making the following amendments:

1. Paragraph 1 on page 2 of the System of Operations is amended as follows by striking "a" and inserting "the":

"The main purpose of the Tribal Council is to be a the governing body with its authority derived from the Amended Constitution and Bylaws, as approved on May 31, 1996."

2. The second sentence of paragraph 3 on page 2 of the System of Operation is amended as follows by striking "Seven" and inserting "two-thirds of the members":

"Two-thirds of the members of the Council shall constitute a quorum duly authorized to transact business on behalf of the Tribe."

3. The following sentence is added as the last sentence to paragraph 3 on page 2 of the System of Operations:

The Tribal Council shall review the agenda at the beginning of each meeting and may at any time during the meeting make any amendments it deems appropriate to the agenda, provided that any amendments to the agenda are approved by a majority of the Council present at the meeting.

4. Paragraph 4 on page 2 of the System of Operations is amended as follows:

"Extra sessions of the Tribal Council shall be convened upon a call signed by at least three members of the Council, to consider those matters specified in the call and any additional matters added by majority vote of the members present at the extra session."

5. The second paragraph 5 on page 4 of the System of Operations is amended as follows:

"The Secretary shall receive agenda requests and shall serve the Agenda Committee in an administrative, non-voting capacity to assist the Committee in organizing and finalizing the agenda for the council meeting."

6. Paragraph 1 on page 6 of the System of Operations is amended as follows:

"The Sergeant At Arms shall keep order in all council meetings and shall be a voting member and the chairman of the Agenda Committee. The Sergeant At Arms shall have the authority to declare any individual, including any officer of the Tribe or councilman, disruptive and a disturbance to the orderly process of a Council meeting and seek the assistance of Law Enforcement to have that person physically removed from the meeting and detained by Law Enforcement for the duration of the meeting."

That the amendments effected by this Ordinance shall be binding and of full force and effect as of the date of adoption of this Ordinance by the Council. That the Council's action to adopt this Ordinance and the provisions of this Ordinance shall not be subject to review by the Northern Cheyenne Tribe's Constitutional Court, any other Tribal court or any other court or forum. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Motion on the floor by Allen Fisher to pass Codification of an amendment to Ordinance No. DOI 002 (99) excepting removal hearings from the Ordinance. The Tribal Council desires to avoid any future manipulation, while providing to an officer or councilman the process due under Article VII, Section 2 of the Tribe's Constitution & Bylaws which is:

1. That a written, sworn complaint be served upon the councilman or officer subject to the complaint; and
2. That the officer or councilman be afforded a fair opportunity to be heard in his own defense.

The Council further finds that the Tribe's Constitution is clear on the point that the Council's decision on removal is final and not subject to review by the Constitutional Court, any other Tribal court, or any other court or forum, and that the finality of the Council's decision on removal applies to its decision on procedural and substantive matters concerning removal hearings; and the Council believes that the Hearing Ordinance has caused confusion concerning the finality of the Council's decisions concerning removal hearings; and the Tribal Council desires to avoid any further confusion and limit the process due an officer or a councilman subject to removal to the protections provided by the Tribe's Amended Constitution. That the Northern Cheyenne Tribal Council hereby amends Ordinance DOI 002(99) by making the following amendments:

1. The last sentence of Section 1-1-1 General Statement is amended as follows:

"This Ordinance shall govern all hearings before the Tribal Council, other than hearings and other proceedings "Removal Hearing and Proceedings") under Article VII, Sections 1-3 of the Tribe's Amended Constitution and Bylaws. Removal Hearings and Proceedings are expressly excluded from this Hearings Ordinance."

2. Strike the fourth sentence of Section 1-3-5 Decisions of the Tribal Council as follows: "~~Regarding removal hearings, a two thirds vote of the Council is necessary to remove any Council member or officer.~~" Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Jennie Lou LaFranier: For the record, the Boys and Girls Club would like a letter of support from the Tribe to apply for Grants from Gaming Tribes. The Shaclocaple Tribe requires a letter of support from the Tribal Council and President before the Boys & Girls Club can apply. The Council is in support of this.

Matthew Two Moons, Sr. makes a motion to adjourn. Seconded by Allen Fisher.

Invocation: Thelma Fisher.

Meeting adjourned @ 11:30 a.m.

PASSED, ADOPTED, AND APPROVED by 8 votes for passage, by 2 votes against passage (Judy & L. Jace), and 0 abstentions this 4th Day of February, 2008.


Melissa Lonebear, Secretary