

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

**REGULAR SESSION COUNCIL MEETING  
MINUTES**

December 6, 2010

**CALL TO ORDER:** President Spang called the meeting to order at 9:35 a.m.

**INVOCATION:** Alec Sandcrane

**ROLL CALL:**

	PRESENT	ABSENT	EXCUSED
George Scalpcane	X		
R.D. Bailey	X		Arr. 9:40 a.m.
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		
Jennie Small LaFrance	X		
Marlene Redneck	X		
Vice President Fisher	X		Arr. 9:43 a.m.
President Spang			

Quorum Established

**NOMINATIONS FOR SERGEANT AT ARMS APPOINTMENT.**

L. Jace Killsback nominated Tracy Robinson. Second by Donna Fisher.  
George Scalpcane nominated Alec Sandcrane. Second by Jule Spang, Sr.

**MOTION MADE BY L. JACE KILLSBACK TO CLOSE NOMINATIONS. SECOND BY JENNIE LAFRANIER.**

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		

<b>Jennie Small LaFranier</b>	<b>X</b>		
<b>Marlene Redneck</b>	<b>X</b>		
<b>Vice President Fox</b>	<b>X</b>		

**11 votes Yes      0 votes No      0 Abstentions      Motion Carried**

**MOTION MADE BY JOE FOX, JR. TO VOTE BY SECRET BALLOT FOR SERGEANT AT ARMS POSITIONS. SECOND BY JENNIE LAFRANIER.**

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>George Scalpcane</b>		<b>X</b>	
<b>R.D. Bailey</b>	<b>X</b>		
<b>Tracy Robinson</b>	<b>X</b>		
<b>Vernon Small</b>	<b>X</b>		
<b>Alec Sandcrane</b>	<b>X</b>		
<b>Jule Spang, Sr.</b>		<b>X</b>	
<b>L. Jace Killsback</b>	<b>X</b>		
<b>Donna Fisher</b>	<b>X</b>		
<b>Jennie Small LaFranier</b>	<b>X</b>		
<b>Marlene Redneck</b>	<b>X</b>		
<b>Vice President Fox</b>	<b>X</b>		

**9 votes Yes      2 votes No      0 Abstentions      Motion Carried**

**RESOLUTION APPOINTING YULBERTON A. SANDCRANE, BIRNEY DISTRICT REPRESENTATIVE, AS THE SERGEANT AT ARMS FOR THE NORTHERN CHEYENNE TRIBAL COUNCIL (TERM UNTIL 2012 ELECTION). Motion made by L. Jace Killsback. Second by Tracy Robinson.**

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>George Scalpcane</b>	<b>X</b>		
<b>R.D. Bailey</b>	<b>X</b>		
<b>Tracy Robinson</b>	<b>X</b>		
<b>Vernon Small</b>	<b>X</b>		
<b>Alec Sandcrane</b>			<b>X</b>
<b>Jule Spang, Sr.</b>	<b>X</b>		
<b>L. Jace Killsback</b>	<b>X</b>		
<b>Donna Fisher</b>	<b>X</b>		
<b>Jennie Small LaFranier</b>	<b>X</b>		
<b>Marlene Redneck</b>	<b>X</b>		
<b>Vice President Fox</b>	<b>X</b>		

**10 votes Yes      0 votes No      1 Abstention      Motion Carried**

**ELDERLY UPDATE – Emmett Medicine Top**

**RESOLUTION APPROVING A \$500.00 EXPENDITURE FROM GENERAL FUND REVENUES AS A 40 YEAR SERVICE AWARD FOR GERALDINE FISHER.** Motion made by Tracy Robinson. Second by George Scalpcane.

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox	X		

11 votes Yes	0 votes No	0 Abstentions	Motion Carried
--------------	------------	---------------	----------------

**RECESS FOR PERMANENT FUND BOARD MEETING AT 10:50 A.M.**

**ROLL CALL:**

	PRESENT	ABSENT	EXCUSED
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox	X		
President Spang	X		

Quorum Established

**Permanent Fund Update-Paul McKean**

Paul McKean-Would you like me to talk a little about Permanent Fund spending rules? The Tribe voted to amend the spending rules for the fund. I suspect a lot of concerns were generated that the fund was unpredictable. There were very strict rules, on the market value. You can now

disperse 5% of the value of the fund each year. It will be a more consistent value each year. There is \$960,000 available this year. That's the maximum amount. Hopefully we'll see a much more consistent flow. The other issue is in the memo. We spoke about this briefly last week, this is one of the provisions in the new rules, no money can be dispersed if it drops below 15 million. We talked last week about protecting this from happening. CPPI is a strategy to protect. We'll set the floor at 16 million, you will still be able to make the annual disbursement. We take steps to make sure that it doesn't go below the 16 million. I don't think this plan will make a lot of changes in the investments. If this plan requires some change, I will be at the next Council Meeting.

Joe Fox, Jr.-I recommend that you touch base with Ben right away.

**RESOLUTION AUTHORIZING THE TRANSFER OF THE 5% ANNUAL AMOUNT FROM THE PERMANENT TO THE GENERAL FUND FOR USE IN FY2011 AS DESCRIBED IN THE PERMANENT FUND DOCUMENT ADOPTED THROUGH RESOLUTION NO. DOI-029 (2010).** Motion made by L. Jace Killsback. Second by Tracy Robinson.

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>George Scalpcane</b>	<b>X</b>		
<b>R.D. Bailey</b>	<b>X</b>		
<b>Tracy Robinson</b>	<b>X</b>		
<b>Vernon Small</b>	<b>X</b>		
<b>Alec Sandcrane</b>	<b>X</b>		
<b>Jule Spang, Sr.</b>	<b>X</b>		
<b>L. Jace Killsback</b>	<b>X</b>		
<b>Donna Fisher</b>	<b>X</b>		
<b>Jennie Small LaFranier</b>	<b>X</b>		
<b>Marlene Redneck</b>	<b>X</b>		
<b>Vice President Fox-PRESIDING</b>			

<b>10 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
---------------------	-------------------	----------------------	-----------------------

**Permanent Fund Board Meeting adjourned @ 11:07 a.m.**

**Break @ 11:08 a.m.**

**Reconvene @ 11:32 a.m.**

**Energy Development Committee-Tracy Robinson, EDC Chairman**

Tracy Robinson-I am resigning from all the committees I was on to focus on EDC and development. It will also be a big part with education. Whatever is put together will be taken back out to the Tribal membership.

R.D. Bailey-Do you accept his resignations?

President Spang-Yes.

Tracy Robinson-There was a consensus of names given for this committee.

George Scalpcane-There were only about half of us up there. I recommend that we schedule a working session Friday at 9:00 and bring it forward to the next Council meeting agenda.

R.D. Bailey-We need to put some Tribal members on these committees.

Tracy Robinson-There's two different proposals. One of them, it could be the EDA and then the Council members and Directors.

L. Jace Killsback-There was legal advice given, because of the proprietary information it should be the Council. The discussion there, the idea was this, if you really are serious about coal development, the discussion revolved around having a referendum vote. For two years, nothing has happened. At the working session, it was to have someone champion this coal development. I myself, said I don't need to be involved. If you want to be on this committee, you need to be committed to this. I'm just reiterating what was said. You don't need to have a 15 member committee. You can establish a committee by resolution.

Tracy Robinson-This is going to select a committee in charge of putting a proposal together to take back out to the Tribal membership for vote. If we're going to do this, we have to do it right. We have to make sure that all these different areas are protected.

R.D. Bailey-You have to look at the simplicity of our people. They have a hard time understanding the permanent fund.

L. Jace Killsback-The proposal has to be comprehensive, specific. The committee has to be responsible for the education part of it.

Joe Fox, Jr.-I was there for the committee discussion. There's some good dialogue that needs to go on amongst the leadership. I recommend that you recess this issue until Friday and have a working session on it. I think we should table this until Friday and reconvene.

L. Jace Killsback-The discussion up there warranted us to put it on the agenda. I am reiterating information that was shared up there.

Tracy Robinson-Another purpose for having a committee, is that dealing with things in its entirety is on it. To have a committee is to have a driving force behind it.

L. Jace Killsback-Leroy, we used the last two years as an example. In two years, not much has happened. There is a need by creating a committee, we could consolidate everyone's interest.

R.D. Bailey-I wasn't advocating for or against it. I think we need to give some of these committees back to the Tribal members.

Marlene Redneck-When I first got here, I see a lot of confusion and conflict. There needs to be a push by someone to get something moving. The longer we wait, the longer we discuss this, no one is going to push it. When we set up meetings, be there on time and set up on time and everyone participate. Whenever you have a job you're supposed to be there at 8 or 9. Be there at 9, not 5 after.

Working session on Friday @ 9:00 a.m. – Council Chambers

**APPROVAL OF COUNCIL MEETING MINUTES FOR May 3, 2010, May 18, 2010.**

Motion made by Alec Sandcrane. Second by R.D. Bailey.

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox	X		

<b>11 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
---------------------	-------------------	----------------------	-----------------------

Break for lunch 12:05 p.m.

Reconvene @ 1:28 p.m.

**ROLL CALL:**

	PRESENT	ABSENT	EXCUSED
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox		X	
President Spang	X		

Quorum Established

**Linc Energy Presentation**

**Underground Coal Gasification**

Tremendous Opportunity for the Tribe. They want to put you on the leading edge for coal development.

Don Schofield, President- I'm happy to be here today, privileged to come here and tell you what we do. We have operations around the world. We are interested in working with you. We are rapidly emerging as the leader in this technology. We have a couple of things to show you.

George Scalpcane-I would like to see what the Tribe would realize in dollars.

L. Jace Killsback-Where have you used your technology in America?

Don Schofield-Wyoming and Alaska.

L. Jace Killsback-I think we can refer this to the Energy Development Committee.

Tracy Robinson-What would you like to see as a next step?

Don Schofield-We would like to get your geographical data on what's here. I think we have to have a signed agreement before we start drilling and taking samples.

George Scalpcane-Some of the people talk about presentations and education. We've had a couple of energy forums. We will have attempted to reach the membership. We usually have the forums at the Bingo hall. Over the next several weeks we can set something up.

**RESOLUTION ESTABLISHING THE ROAD CONSTRUCTION PROJECT PRIORITY LIST FOR THE NORTHERN CHEYENNE INDIAN RESERVATION.** Motion made by Tracy Robinson. Second by L. Jace Killsback.

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>George Scalpcane</b>	<b>X</b>		
<b>R.D. Bailey</b>	<b>X</b>		
<b>Tracy Robinson</b>	<b>X</b>		
<b>Vernon Small</b>	<b>X</b>		
<b>Alec Sandcrane</b>	<b>X</b>		
<b>Jule Spang, Sr.</b>	<b>X</b>		
<b>L. Jace Killsback</b>	<b>X</b>		
<b>Donna Fisher</b>	<b>X</b>		
<b>Jennie Small LaFranier</b>	<b>X</b>		
<b>Marlene Redneck</b>	<b>X</b>		
<b>Vice President Fox</b>			

<b>10 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
---------------------	-------------------	----------------------	-----------------------

**RESOLUTION ACCEPTING INVITATION TO BE "CONCURRING PARTY" TO ONE-YEAR EXTENSION OF ORIGINAL (2005) PROGRAMMATIC AGREEMENT FOR PROPOSED TONGUE RIVER RAILROAD.** Motion made by Tracy Robinson. Second by Jennie LaFranier.

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
<b>George Scalpcane</b>	X		
<b>R.D. Bailey</b>	X		
<b>Tracy Robinson</b>	X		
<b>Vernon Small</b>	X		
<b>Alec Sandcrane</b>	X		
<b>Jule Spang, Sr.</b>	X		
<b>L. Jace Killsback</b>	X		
<b>Donna Fisher</b>	X		
<b>Jennie Small LaFranier</b>	X		
<b>Marlene Redneck</b>	X		
<b>Vice President Fox</b>			

<b>10 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
---------------------	-------------------	----------------------	-----------------------

**Bear Butte Oil Drilling**

Steve Brady-Bear Butte, Sacred Mountain. The center of our cultural identity. The evidence that we still have with that is our sacred arrows. It's our central, cultural way of life. There is oil drilling that started less than 1.5 west of Bear Butte. We're going to have to gather information. My understanding is that the oil drilling is on private property. There has been some legal analysis on it. Another separate issue is BLM would like to withdraw their leases. I recommend their withdrawal indefinitely. There are also proposed wind towers 7 miles east, on the Cheyenne side.

Alec Sandcrane-I found a notice of the meeting and a notice of the comment period which ended November 2<sup>nd</sup>. I'm wondering why we got the notice so late. I called the number that was there, and their comment was that there's no tribal lands affected. I found out that we do own the minerals on all the land there. They already approved another 16 wells at 40 acre spacing. If they find oil, they will reduce that to 10 acre spacing. One of the Sioux tribes filed an injunction. We need to figure out whether we need to file an injunction.

L. Jace Killsback-My take is that there needs to be an injunction filed. I think we need to use Steve as a resource. He was involved when they proposed a firing range near Bear Butte. I need to know if we're all in agreement and would like to put some resources toward it.

Tracy Robinson-How do we go about it?

L. Jace Killsback-Dion filed in conjunction with another Tribe. We need to give someone authority to work to protect Bear Butte.

Tracy Robinson-I think it should be the Culture Commission and Land Authority.

L. Jace Killsback-I would like something here from the Council.

Steve Brady-I recommend passing a resolution opposing.

Robert Littlewolf-I spoke with Alec a week ago. I brought up the NHL site, is there a buffer zone? I think that should be looked into also.

Allen Clubfoot-Jim Stone from ITBC contacted us. I talked to Leroy and Joe. I think this should be a great concern for us. We're going to be impacted. We dealt with that saloon over there. If we all work together, let's team up on this and maybe we can go someplace.

Steve-The firing range case is NC vs Martinez. The lawyer that represented us paid for it himself, and the cost was about \$40,000.

**RESOLUTION OPPOSING THE OIL DRILLING NEAR BEAR BUTTE STATE PARK AND PROTECTING THE PARK FROM FUTURE DEVELOPMENT.** Motion made by L. Jace Killsback. Second by Tracy Robinson.

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback	X		
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
--------------	------------	---------------	----------------

**Failed Septic Systems Bid**

**R.D. Bailey-Request Ex. Session 3:47 p.m.**

**Exit Ex. Session @ 4:32 p.m.**

**MOTION MADE BY R.D. BAILEY TO SET A HEARING DATE FOR DECEMBER 21, 2010 AT 9:00 A.M. AND TO PUT A STAY ON THE AWARDED FAILED SEPTIC SYSTEMS CONTRACT. SECOND BY MARLENE REDNECK.**

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson			X
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback			
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox			

**8 votes Yes      0 votes No      1 Abstention      Motion Carried**

**ADJOURNMENT OF MEETING.** Motion made by Alec Sandcrane. Second by George Scalpcane.

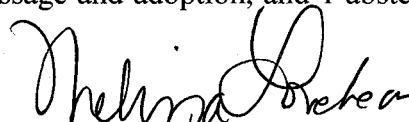
**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
George Scalpcane	X		
R.D. Bailey	X		
Tracy Robinson	X		
Vernon Small	X		
Alec Sandcrane	X		
Jule Spang, Sr.	X		
L. Jace Killsback			
Donna Fisher	X		
Jennie Small LaFranier	X		
Marlene Redneck	X		
Vice President Fox			

**9 votes Yes      0 votes No      0 Abstentions      Motion Carried**

**Meeting Adjourned at 4:35 p.m.**

**PASSED, ADOPTED, AND APPROVED** by the Northern Cheyenne Tribal Council by 9 votes for passage and adoption, 0 votes against passage and adoption, and 1 abstention this 16<sup>th</sup> day of May 2011.

  
 Melissa Lonebear, Secretary  
 Northern Cheyenne Tribe