

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

**REGULAR SESSION COUNCIL MEETING  
MINUTES**

February 18, 2008

**CALL TO ORDER:** President Wolfname called the meeting to order at 10:22 a.m.

**INVOCATION:** Judge John Robinson

**ROLL CALL:**

<b>Judith Spang</b>	<b>Absent</b>	<b>sick</b>
<b>Jenny LaFranier</b>	<b>Present</b>	
<b>Dan Carlson</b>	<b>Present</b>	
<b>L. Jace Killsback</b>	<b>Absent</b>	
<b>Alberta Fisher</b>	<b>Present</b>	
<b>Allen Fisher</b>	<b>Present</b>	
<b>Joe Fox, Jr.</b>	<b>Present</b>	
<b>Alfred Strange Owl, Jr.</b>	<b>Present</b>	
<b>Matthew Two Moons, Sr.</b>	<b>Present</b>	
<b>Charles Yellow Fox, Jr.</b>	<b>Present</b>	
<b>Rick Wolfname-Interim President</b>	<b>Presiding</b>	

Quorum Established

Exit out of Council Meeting for Permanent Fund Board Meeting

Permanent Fund roll call 10:26

**ROLL CALL:**

<b>Judith Spang</b>	<b>Absent</b>	<b>sick</b>
<b>Jenny LaFranier</b>	<b>Present</b>	
<b>Dan Carlson</b>	<b>Present</b>	
<b>L. Jace Killsback</b>	<b>Absent</b>	
<b>Alberta Fisher</b>	<b>Present</b>	
<b>Allen Fisher</b>	<b>Present</b>	
<b>Joe Fox, Jr.</b>	<b>Present</b>	
<b>Alfred Strange Owl, Jr.</b>	<b>Present</b>	
<b>Matthew Two Moons, Sr.</b>	<b>Present</b>	
<b>Charles Yellow Fox, Jr.</b>	<b>Present</b>	
<b>Rick Wolfname-Interim President</b>	<b>Presiding</b>	

**Presentation by Rick McCann, Vice President-First Interstate Bank**

Balance as of January 31, 2008 - 20.3 million dollars. Markets have been tough we are continually rebalancing portfolio. The account has a total value 20.3 million dollars.

950 thousand dollars –distributions were made to Tribe two weeks ago.

800,000 cash in account.

Rick Wolfname-How soon can managers come out?

Rick McCann – We need to give 3 or 4 weeks notice, sometime in the Spring when it's nicer.

Charles Yellowfox, Jr.-I have a question on the graph here, why is it up & down?

Rick McCann- Some because of distributions, some because of market changes.

Rick McCann – The portfolio – fixed income securities caused some of the bonds interest rates to fall. They are up in value about 5-10 percent. View is that it will start to recover next year.

**Permanent Fund Board Meeting adjourned-10:33 a.m.**

**10:34 a.m. Council Meeting**

**ROLL CALL:**

<b>Judith Spang</b>	<b>Absent</b>	sick
<b>Jenny LaFranier</b>	<b>Present</b>	
<b>Dan Carlson</b>	<b>Present</b>	
<b>L. Jace Killsback</b>	<b>Absent</b>	
<b>Alberta Fisher</b>	<b>Present</b>	
<b>Allen Fisher</b>	<b>Present</b>	
<b>Joe Fox, Jr.</b>	<b>Present</b>	
<b>Alfred Strange Owl, Jr.</b>	<b>Present</b>	
<b>Matthew Two Moons, Sr.</b>	<b>Present</b>	
<b>Charles Yellow Fox, Jr.</b>	<b>Present</b>	
<b>Rick Wolfname-Interim President</b>	<b>Presiding</b>	

**ADD EDA COMMITTEE TO AGENDA. Motion made by Allen Fisher. Second by Alberta Fisher.**

Jenny LaFranier – We discussed having a working session with Land Authority and EDA Committee.

Alberta Fisher- The Land Authority Chair is not even here, this needs to be discussed with the Land Authority to organize a working session.

Jenny LaFranier-It didn't go to the EDA Committee either.

Allen Fisher-Is the chair here?

Jenny LaFranier-Yes.

**Motion failed to add EDA Committee to the agenda.**

President Wolfname-Call Treasurer LaRance to the Council Meeting.

**Announcements:**

Tribal Leaders Conference – Tran western Bldg. 4<sup>th</sup> Floor tomorrow

Meeting with Edwards Law Firm – 1:30 p.m.  
 Friday – US Attorney coming from 9-12  
 Thursday – Northern Cheyenne Tribal Housing Authority Brainstorming Session 9-1

Jenny LaFranier- I spoke with Algen Young , one of our police officers, Denise Phoenix passed away. I recommend that the Council send a card and money to the family.

R.D. Bailey-Next Tuesday on February, 26 2008 we will be hosting a Presidential Candidate Forum from 6-9 p.m. at NCTS.

**BUDGETS-Presented by Wilma LaRance, Treasurer**

**Fund 357.** DHHS/Wireless Telecommunications. This budget revision approved in the amount of \$204,871.00.

**Fund 412.** NPS/NC Tribal Historic Preservation Office (THPO) budget revision approved in the amount of \$80,484.00.

**Fund 235.** BIA 638/Wildlife & Parks. This budget approved in the amount of \$70,953.84.

**Fund 250.** Buffalo/Pipeline Project. This budget revision approved in the amount of \$44,102.09.

**Fund 727A.** Tobacco Grant. This carryover budget approved in the amount of \$60,000.00.

President Wolfname-Was this passed through the budget & finance committee?

Wilma LaRance-Yes.

**APPROVAL OF BUDGETS PRESENTED BY TREASURER.** Motion made by Charles Yellowfox, Jr. Second by Matthew Two Moons, Sr.

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
Judith Spang			
Jenny LaFranier	X		
Dan Carlson	X		
L. Jace Killsback			
Alberta Fisher	X		
Allen Fisher	X		
Joe Fox, Jr.	X		
Alfred Strange Owl, Jr.	X		
Matthew Two Moons, Sr.	X		
Charles Yellow Fox, Jr.	X		

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

**MT Department of Revenue application for Economic Development**

Jenny LaFranier-Ben Bahr is not here. We need to have match, ANA Grant that is State funded so Tribe won't have to come up with any money.

President Wolfname-Is there a time frame?

Wilma LaRance-Need to submit back to the state as an application – second part of application. I did tell him he needs to go back to budget & finance – the grant for Telecommunications was submitted back in October, he was told to come up with cash match and in kind.

President Wolfname – We'll table this and process through budget & finance.

Ben Bahr enters.

President Wolfname-Is there a time line on this?

Ben Bahr-ANA agency is requesting a copy of approved budget. ICED funds have been available since July 07 and the deadline is March 31<sup>st</sup>. The amount is \$70,000, it needs an application, project description and resolution, and half will go to tribal match. Requests were approved through the last two EDA Committee meetings. Deadline next month.

Jenny LaFranier- What Benji is talking about is some kind of investment on tourism on Highway 212. EDA committee has always had this in the works. It will attract tourism, and provide authentic Cheyenne beadwork. The Governor earmarked some state dollars to get something going for Tribes to help them out.

Matthew Two Moons, Sr.-Years ago we had a tourist committee for things like the buffalo jump area and the craft center did consignment sales for beadwork.

President Wolfname-Any other grants need to go to budget & finance. Ben will present Wilma with budget.

Wilma LaRance –I will write a letter to programs. Ben bypassed and came here before budget & finance committee.

Alberta Fisher-I've brought that up in Council meeting numerous times – Directors should know, something should be enforced to reprimand them if they are late.

**RESOLUTION REQUESTING FINANCIAL ASSISTANCE TO CONDUCT BUSINESS DEVELOPMENT PROJECTS FOR AN ARTS AND CRAFTS PROJECT AND A WIRELESS TELECOMMUNICATION PROJECT FROM THE STATE OF MONTANA'S DEPARTMENT OF COMMERCE FOR ECONOMIC DEVELOPMENT AND AUTHORIZING THE TRIAL PRESIDENT TO SIGN, ON BEHALF OF THE TRIBE THE OFFICIAL APPLICATION FOR FUNDS. Motion made by Joe Fox, Jr. Second by Jenny LaFranier.**

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
Judith Spang			
Jenny LaFranier	X		
Dan Carlson	X		
L. Jace Killsback			
Alberta Fisher	X		
Allen Fisher	X		
Joe Fox, Jr.	X		
Alfred Strange Owl, Jr.	X		
Matthew Two Moons, Sr.	X		
Charles Yellow Fox, Jr.	X		

<b>8 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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President Wolfname- I am asking concurrence of the appointment of Lucinda "Cindy" Burns as the Executive Administrative Assistant for my office.

**RESOLUTION CONCURRING WITH THE APPOINTMENT OF LUCINDA (CINDY) BURNS AS THE EXECUTIVE ADMINISTRATIVE ASSISTANT FOR INTERIM PRESIDENT RICK WOLFNAME. Motion made by Allen Fisher. Second by Alberta Fisher.**

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
Judith Spang			
Jenny LaFranier	X		
Dan Carlson	X		
L. Jace Killsback			
Alberta Fisher	X		
Allen Fisher	X		
Joe Fox, Jr.	X		
Alfred Strange Owl, Jr.	X		
Matthew Two Moons, Sr.	X		
Charles Yellow Fox, Jr.	X		

<b>8 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**Northern Cheyenne Utilities Presentation -Muddy Cluster Pipeline-Winslow Whitecrane**

President Wolfname-Before you get started Winslow. My office directed him to bring materials to be reviewed.

Winslow Whitecrane-Northern Cheyenne Utilities is applying for a Coal Board Grant – We are doing a study to present at the Coal Board meeting in Helena next month.

Jenny LaFranier-The water pipeline won't affect LD community?

Winslow Whitecrane-No, the Muddy Cluster Water Line Project will be for 50 homesites between Muddy Cluster and Lame Deer.

Alberta Fisher-This specifically states Muddy Cluster water line. Cowboy Fisher & Kenny Kaline live on outlying areas and have their own wells, the water is orange it stinks and bubbles, smells like chlorine. Why didn't they include Birney? Our water is just as bad as Muddy, why weren't people there to advocate? Way worse than Birney, I wouldn't even let my dog drink that water. Almost all weekend we didn't have water, why didn't they include Birney in here?

Winslow Whitecrane-It's just the residents that were included, along Highway 8.

Charles Yellowfox, Jr.- On the fourth "Whereas", what laws are you going to put into this? What are we agreeing to? (*referring to language in draft resolution.. "The Northern Cheyenne Tribal Council agrees to comply with all applicable state laws and regulations and the requirements described in the Montana Coal Board application"*)

Winslow Whitecrane-When we applied for this grant, it requires some kind of language, something like a waiver that the coal board needs.

Charles Yellowfox, Jr.-Speaking of waiver, it should be in resolution

Major Robinson-In a much similar way the council works with state contracts, the Coal Board requirement is that they abide by state laws governing money.

Charles Yellowfox, Jr.-The reason why I asked – it don't specify here.

Major Robinson-It is important to look at what you passed for state funding and use that kind of language here. How tribe receives LIHEAP funds, etc.

Winslow Whitecrane- It can be changed or added.

Charles Yellowfox, Jr.- Change and add it here.

Alberta Fisher-I recommend that we table this until those changes are made, if it's something similar to LIHEAP, it should be written in the resolution.

Jenny LaFranier-Winslow, is there a deadline for this?

Winslow Whitecrane –We would like to present this at the March 14<sup>th</sup> Coal Board Meeting. Applications were due February 1, 2008.

President Wolfname –Have the amendments been added to it?

Jenny LaFranier-I'll make a motion as long as amendments are made

Joe Fox, Jr.-I'll second the motion as long as amendments are made.

Tim Lamewoman-As the General District Chair, we take minutes of our meetings – General Counsel Sessions tried to bring minutes to Council meeting. I would like to end 14 years of the General Counsel not being recognized by Council. In all our meetings, water has come up. The federal water rights act is illegal. Congress wanted referendum

vote to be conducted. Conducted water rights vote – was not 30 percent approved. Water concern is all districts, especially out in the country. Think about all your districts.

President Wolfname-Thanks for your comment.

Alberta Fisher-I would like to make comment before I vote, would like changes made first before it goes to vote. This sovereign immunity, could put us in a bind.

Charles-I need information attached before I vote for it.

**RESOLUTION TO APPROVE THE SUBMISSION OF A NORTHERN CHEYENNE UTILITIES COMMISSION APPLICATION TO THE MONTANA COAL BOARD FOR A PRELIMINARY ENGINEERING REPORT GRANT.** (Fourth "Whereas" amended to say "the Northern Cheyenne Tribal Council of the Northern Cheyenne Tribe desires to waive limited sovereign immunity per the Grant/Contract agreements for the Northern Cheyenne Utilities Commission Grant Application to the Montana Coal Board") **Motion made by Jenny LaFranier. Second by Joe Fox, Jr.**

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
Judith Spang			
Jenny LaFranier	X		
Dan Carlson	X		
L. Jace Killsback			
Alberta Fisher		X	
Allen Fisher	X		
Joe Fox, Jr.	X		
Alfred Strange Owl, Jr.	X		
Matthew Two Moons, Sr.	X		
Charles Yellow Fox, Jr.		X	

<b>6 votes Yes</b>	<b>2 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**Break for lunch 12:00 noon – return at 1:15 p.m.**

**Reconvened at 1:53 p.m.**

**Presentation NCT Housing Authority Ordinance - Lafe Haugen**

Wilma LaRance-With Audit there is a new 3 yr cycle. Discussing with Tiffany – decide on RFP that we put out there, how we’re going to incorporate Housing/College/NCTS. We need to meet on that.

Lafe Haugen-NCTHA Fiscal Year does not run with Tribe, Auditor said that it needs to be updated, really essence of self-determination. We went through these with a fine toothcomb. In Ordinance 007 (02) board terms run concurrent with President. Revising this Ordinance is to basically throw away what does not work and keep what does. Council has sole power, any time you can ask for revision. Page 4 -Article IV 1.2 Always hard to start from ground zero again retrain get them up to speed.

President Wolfname-Everything is not set in stone, the Council has power to revise.

Lafe Haugen-Page 5 (d). Trying to get in compliance with NAHASDA. Gave the Council a yearly update without this Ordinance. The board is just an extension of the Council. The new Ordinance combines 007(02) and 3(77).

Charles Yellowfox, Jr.-How do you appoint the commissioners? What credentials do they have?

Lafe Haugen – According to Ordinance 3(77) the President appoints, with this new Ordinance the Council appoints.

Charles Yellowfox, Jr.-What I would like to see is, to post announcements some place, if you're interested submit proposals. Instead of selecting someone that you know, select them on what they know about housing. Find people that are qualified.

Matthew Two Moons, Sr.-I think we should give the government back to the people. Districts should have some say on who's on the board and the Council concurs.

Jenny LaFranier- Have you had legal counsel review?

Lafe Haugen-Yes-I, Joe Rodriguez, and NAHASDA.

Dan Carlson -Page 6 Article V #2 needs to be reviewed.

Lafe Haugen-Limiting that not a general blanket to be sued. Council is not responsible in essence.

Alberta Fisher-Real good resolution, what we really need is continuity. They dismantle everything and start from square one. Housing is doing a real good job. We trust that they're going to operate housing to the best of their ability. Continuity is important. Very please with the way it's written. No matter how we write it or word it, we're still liable for lawsuits because the tribe is the grantee. Risks that we have to take, in the event that these funds are not being used right, then they can come back and get the money. I'm in agreement with this.

Jenny LaFranier -Summary-this is what NAHASDA requires and you had your attorneys look at it?

Lafe-Yes.

**ORDINANCE RESCINDING NORTHERN CHEYENNE TRIBAL ORDINANCES NO. 3 (77) AND NO. 007 (2002) IN THEIR ENTIRETY AND ESTABLISHING A CONSOLIDATED NORTHERN CHEYENNE TRIBAL HOUSING AUTHORITY ORDINANCE. Motion made by Allen Fisher. Second by Matthew Two Moons, Sr.**

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>Judith Spang</b>			
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Dan Carlson</b>	<b>X</b>		
<b>L. Jace Killsback</b>			
<b>Alberta Fisher</b>	<b>X</b>		
<b>Allen Fisher</b>	<b>X</b>		
<b>Joe Fox, Jr.</b>	<b>X</b>		
<b>Alfred Strange Owl, Jr.</b>	<b>X</b>		
<b>Matthew Two Moons, Sr.</b>	<b>X</b>		
<b>Charles Yellow Fox, Jr.</b>	<b>X</b>		

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

- **Update of the IRR System Inventory**
- **Traffic study on Hwy 39 North, US 212, & School Transportation**
- **2008 NC Transportation Improvement Plan (TIP) for the Indian Reservation Roads (IRR) Program-Janis Spear**

Janis Spear-We were told that the IRR Resolution needs to be passed as soon as possible. On the resolution, it says that there's attachments however Michael Addy said that since we aren't done with the inventory they'll do the attachments in June. As long as this resolution is passed before then the attachments can be done at a later date. This specific resolution needs to be passed every year before March.

Jenny LaFranier-- We don't have exhibit A

Janis Spear--The exhibit will come by July 15<sup>th</sup> to be approved. Blanket resolution. After we do all the proposed roads and the inventory.

Alberta Fisher-This other one will be approved by July?

Janis Spear-We need to have this approved by March.

Alberta Fisher-We have a problem with this, well I do-we need to make it complete.

Jenny LaFranier-Could you submit the projected priorities? It might be better if you attached projected priorities.

Janis Spear-The long-range plan is Exhibit B, I could attach Exhibit A , however it won't show any other proposed roads, our miles would stay the same. On the priority list, it has to be part of the inventory. What we did was the names on the list represents the last house on the roads, we did the GPS on it. We have to do that for all these and we haven't had a response from housing if they're going to do any building.

Janis Spear-I can present the first resolution at the next Council Meeting, for the inventory I'll just attach what we have today. The next resolution is the Department of Transportation-they requested a speed limit study because the Tribe wanted the speed limit on US Hwy 212 reduced. The DOT came down and did a study and they made

some recommendations. I've been working on the recommendations and they won't follow through with them until the Council approves them. I've gone through the traffic study and each bullet is what they recommended to change. This is what they approved with the exception of the speed limit. Are there any questions for the DOT resolution?

Charles Yellowfox, Jr.-There's a bridge at Muddy with no signage "No Air Brakes".

Janis Spear-There will be meeting in March to address them.

Joe Fox, Jr.-There was a resolution done for the Jake Brake problem. Busby is supposed to have a shoulder turn like at Muddy. There was a concern and I don't see it on here. They did the Muddy one but didn't do Busby.

Janis Spear-Last month the technicians and myself did a road safety audit in the Busby area and put that down as one of the hazards. If you want I can provide a copy for you.

Matthew Two Moons, Sr.-They had a meeting they invited previous administration.

Janis Spear-Meeting in March, preconstruction meeting, they're going to rehab where they stopped in Busby and that could be added into the road safety audit.

Jenny LaFranier-MDOT wants to keep 70 mph but we're saying "no" right? We want the speed limit in each area reduced.

Janis Spear- Yes, they made these recommendations, the only thing we don't agree with is the 70 mph speed limit. On 39 North between here and Jimtown, we're trying to make it safer. Working on doing double delineation and a rumble strip in the center.

Jenny LaFranier-One of our big concerns here is by Charging Horse Casino.

Janis Spear-There will be signs put on sides of casino. That was addressed at the road safety audit. Waiting for final report so it can be forwarded to State.

Charles Yellowfox, Jr.-You should have working session, it could be addressed.

Janis Spear-Presented traffic study to Council 4 or 5 times asking for comments and never received any. I did what I could working with Glendive administrator. The Muddy road has to be reconstructed, they haven't done any rehab on it.

**RESOLUTION CONCURRING THE MT DOT RECOMMENDATIONS REGARDING THE TRAFFIC STUDY CONDUCTED ON NORTHERN CHEYENNE INDIAN RESRVATION ON HIGHWAY 39 NORTH, US 212 AND SCHOOL TRANSPORTATION STUDY, WITH THE EXCEPTION OF THEIR DECISION TO RETAIN THE PRESENT SPEED LIMITS. Motion made by Jenny LaFranier. Second by Dan Carlson.**

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
<b>Judith Spang</b>			
<b>Jenny LaFranier</b>	X		
<b>Dan Carlson</b>	X		
<b>L. Jace Killsback</b>			
<b>Alberta Fisher</b>	X		
<b>Allen Fisher</b>	X		
<b>Joe Fox, Jr.</b>	X		
<b>Alfred Strange Owl, Jr.</b>	X		
<b>Matthew Two Moons, Sr.</b>	X		
<b>Charles Yellow Fox, Jr.</b>	X		

<b>8 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**TIP Presentation by Janis Spear.**

Alberta Fisher-Going round & round with the Jimtown cutacross. From the HWY 212 up to that gate, there's a lot of people that live on that road. Is there any way possible that this could be included with your road inventory?

Janis Spear- I did get a letter from the schools requesting for help on how to provide services to that area. I understand that the Land Committee took it off the inventory. The Council would need to get that put back on the inventory, even if it's just that section. Up to you guys to prioritize. Jimtown cut across road was in the planning stages to get that road paved. When the council took it off the IRR everything stopped.

Alberta Fisher-We were told we either do all of it or nothing.

Janis Spear-I asked Mike Addy if we can do part of it and he said yeah.

Joe Fox, Jr. – What was the recommendation by the Bureau?

Jenny LaFranier-Bureau said all of it or none of it.

Janis Spear-We were trying to make that section a training project.

Jennifer Spang-Casino project, we wanted it to be prioritized from the reservation to Tongue River. Would like to have casino project prioritized.

Janis Spear-The way the roads are prioritized is we go out to all the districts, then priorities are taken to Council.

Jennifer Spang-One thing people don't realize is that the casino will be ours and we're responsible for maintaining everything

Allen Fisher- In this IRR resolution, I would like to see the ninth "Whereas" taken out of resolution. *"Force account crew process as it has been implemented in the previous years for transportation construction activities; with the exception of Traffic Control and Laborer positions which the NC Transportation Planning Office will oversee"*.

Janis Spear – We do research, every year there's certain individuals, did checks every week, seen and documented laborers sleeping on the side of trucks. What I would really like to see is people who work that want to work. Asked for database on the reservation there are 51 flaggers on reservation – and only one that we know of that signs in. What we would like to do is have two six-hour shifts. I have made a recommendation to hire college students. There would be four flaggers and six laborers. The way we would like to have it is there would be 20 workers with six-hour shifts.

Alberta Fisher-On this Birney road, they catch those young boys sleeping on the job. There's always about ten people standing around and one person shoveling. One day the machinery was running, they were all sleeping in a culvert. Every day when I come through they probably say "She's coming through, get to work."

Allen Fisher – I'd like to make a motion to pass the IRR amend resolution deleting the ninth "Whereas".

**RESOLUTION OF THE NCT COUNCIL TO APPROVE THE 2008 NC TRANSPORTATION IMPROVEMENT PLAN (TIP) FOR THE INDIAN RESERVATION ROADS (IRR) PROGRAM, MAKE PROVISIONS FOR A P.L. 93-638 CONTRACT FOR UPDATING THE NC INDIAN IRR AND LONG-RANGE PLAN AND STATE THAT UNDER 25 CFR PART 170, THE NCT HAS THE RIGHT TO FIRST REFUSAL REGARDING CONSTRUCTION ACTIVITIES AND CONTINUES TO ELECT THE FORCE ACCOUNT PROCESS FOR IRR CONSTRUCTION ACTIVITIES ON NC WITH THE EXCEPTION OF MANPOWER IN THE TRAFFIC CONTROL AND LABORERS POSITIONS, WHICH THE NCT COUNCIL HAS DESIGNATED TO THE TRANSPORTATION PLANNING OFFICE. Motion made by Allen Fisher. Second by Alberta Fisher.**

#### **Request for increase in Homesite size-Ambrose Seminole**

Ambrose Seminole-We've been trying to get a homesite through Land Authority. Martin Reed from IHS said 1.5 acres wasn't big enough for septic. Paid \$450.00 for surveys. Mary Ann Bearcomesout said it wasn't approved.

Alberta Fisher-Clementine and Ambrose were approved in Land Authority meeting for 1.5 acres. The size didn't meet Indian Health Service requirement, Land Authority allocated them 2.5 acres to meet those requirements. It is written down in minutes and I don't know what more they want.

Jenny LaFranier-When did the Land Authority make that change from 2.5 to 1.5?

Alberta Fisher - When it changed, I don't know, we usually go on a case by case basis.

Jenny LaFranier- Maybe the Land Authority needs to reconsider the size.

Charles Yellowfox, Jr.-Mary Ann Bearcomesout – Plan of Operations 2.5

Clementine Seminole – IHS can't do anything unless there is 2.5 acres.

Charles Yellowfox, Jr.-We need to revisit Plan of Operations or have the Bureau come down and tell us where it's written.

Aljo Strangeowl-Realty recommended 1.25 this was one of the things that came up because home sites are running out. It was changed because some people have trailer houses and don't need much space. I disagree with minimum requirement, they are 1.25 acre each. We need to meet with them.

**RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL  
APPROVING A 2.5 ACRE HOMESITE FOR CLEMENTINE AND AMBROSE  
SEMINOLE. Motion made by Jenny LaFranier. Second by Dan Carlson.**

<b>ROLL CALL VOTE:</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>Judith Spang</b>			
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Dan Carlson</b>	<b>X</b>		
<b>L. Jace Killsback</b>			
<b>Alberta Fisher</b>	<b>X</b>		
<b>Allen Fisher</b>	<b>X</b>		
<b>Joe Fox, Jr.</b>	<b>X</b>		
<b>Alfred Strange Owl, Jr.</b>	<b>X</b>		
<b>Matthew Two Moons, Sr.</b>	<b>X</b>		
<b>Charles Yellow Fox, Jr.</b>	<b>X</b>		

<b>8 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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President Wolfname – Allen get the Treasurer, we'll be talking about budgets. We'll take a short break.

**Break 3:17**

**Reconvene 3:30**

- **Override of Resolution No. DOI-041 (08) Disapproved by President Wolfname.**
- **Budget Modification for Resolution DOI-041 (08)**
- **Diabetes Reapplication Grant – J. David Roundstone**

J. David Roundstone-Bringing back Resolution No 041 (08). I received a letter earlier this afternoon regarding the disapproval from the President. It was resolution that I introduced on February 4<sup>th</sup> to the Tribal Council regarding the organizational structure for Board of Health. How far would you like me to go into this? Do you have questions? I don't know what the right process is for me to take to reintroduce this resolution again. I understand the Budget Modification related to this re-organizational structure was also disapproved. I do have that on the agenda for reconsideration.

President Wolfname– David going for vote override?

David Roundstone- Yes, I am.

President Wolfname- The Council has my notice of disapproval. I listed some topics on here. What does the Council want to do?

Dan Carlson – I guess we'll just go through, the first one says you're not corresponding with budget authorizations, just go through them one by one.

David Roundstone-Okay, that's fair enough. Look at the three reasons here, I'll go through the disapproval reasons and answer each one of them. I'll start out with number one, it talks about scopes of work it talks about tying that into the budgets, it talks about unit of output. Looking for specifically what the President mean when he's asking for specifically scopes of work and how they tie into the present organizational structure.

President Wolfname-Exactly what it says the scopes of work do not correspond or tie in with the budget authorization. Went through finance to get their opinions this is what we came up with and Wilma can also add on to any other information.

David Roundstone- I have talked to Ray in the past about performance issues and concerns related to Tribal Health. We talked to Ray and Ruthie on terms of trying to streamline budgeting process to the scopes of work.

President Wolfname-One of the comments that Ruthie had is that she was never consulted on this.

David Roundstone-We had consulted-actually she was the one that had individualized or departmentalized the budgets for us related to the AFA. Ruthie is well aware of the budget part of what you're asking here. One of the things that I see is it's leaning toward Performance Assessment Rating Tool (PART). In the workshop that we had one of the things is that we have to create a baseline to make something measurable. They also said that it will take at least two years to create a baseline and we have to start somewhere. That's what we're starting with now this year. Number one item doesn't relate to the organization itself, the structure. All we're trying to do is to create some kind of hierarchy, chain of command. PART is a tool that helps programs measure their performance they qualify and quantify their data. Tribal Health is comprised of preventative services-preventative services are difficult to measure-we advocate and educate. There are a lot of elements to PART, we have to start somewhere.

President Wolfname- I would like Treasurer LaRance's opinion on number one, did meet with from her, the comptroller and programs administrator.

Wilma LaRance-When we went to that PART training we talked about that output service, prior to going into PART. Whether it gets implemented down the road. What I understand is that the way he did his budgets is you gave departments what they wanted and prorated it. What I meant is that it would have been good to coordinate it with your scopes of work. Because you're the largest program, assuming that you're already collecting your baseline data.

David Roundstone-What we're doing now has never been done before-treading into new ground. What we're doing now is scopes of work within the overall budget. It has specific areas specific to departments. That's where we got the budgets-if you have a carryover then the services are not getting out there. I don't think any other program has begun to move in this direction. We know what we need to do, been to PART training.

Even at the federal level agencies have moved in that direction and this is where we're coming from. They're not requiring it, but recommending that everyone use that system. It would be nice to have software that Indian Health Service has. That's something we're moving toward, we're going to have to have it.

Jenny LaFranier-When we were at Conference you worked closely with regional office? PART requires a lot of data this will help Board of Health doing it this way.

David Roundstone- Yes, PART tells you to plan for the upcoming year, to take a look at your objectives and make them as real as possible. As you go through there's outcomes, at the end of the year it helps evaluate.

Jenny LaFranier-Appears to have more accountability, each department having their own budget helps them to plan better that way.

David Roundstone-In the past the Supervisors didn't know where they were at with the budgets. Didn't even know how it was spent. Now, after implementation around September, this is something for them to realize how much money they have to work with. Makes them more responsible.

Allen Fisher- I make a motion to approve by override.

President Wolfname-I stand behind my disapproval.

Charles Yellowfox, Jr.- How many votes does it need to pass?

President Wolfname-In my letter it states six because of the resolution that we passed that the quorum will be seven. There might be questions to that too.

Charles Yellowfox, Jr.-Resolution DOI-022 (08) noted by BIA. Calls for a reduction on quorum because of the situation that's here. We approved it. Draw your attention to first page – sixth "Whereas" Article IV Section 2 of the Bylaws says that 2/3 of the Tribal Council shall constitute a quorum. The Constitution does not say that, "Future Powers". There is an error in the resolution here that was passed and noted. We can't apply our quorum with this error. We need to repass it.

Tim Lamewoman-I am a former BOH member disagree with statement, everyone refers to the "past" blames everything on the past. We never did anything that was wrong, fulfilled our duties at BOH. Only one that didn't do any work down there, hate to get personal Tony PB. We had plans for a detox center. Left carryover funds and we had a list for this Tribe to go in the direction towards -detox, wellness centers, and dialysis. Almost another four years over, those issues that we need so much. I don't see nothing under your administration or direction that has addressed those areas. They are a great concern to our health and well being on this reservation. Concentrating on meth, we need to concentrate on alcohol. What ever happened to those carryover funds? What happened to all the plans that were made? I don't see anything that addresses those areas of concern.

Wilma LaRance-A bigger issue than my comments about the budget is defining the organizational chart, it needs clarification. If the Council is going to start doing program management then we need to know. The way the direct line is on the chart is wrong.

Alberta Fisher-I was on Tribal Health Board. We had 3.2 million carryover dollars, they never provided adequate services and even kicked Council decisions. Not providing adequate support services to our people. Fell through cracks, still don't see direct services to people. We were specifically told that we were advisory, we were never told that we could hire or fire anyone. We allocated \$100 thousand dollars for our people and we were told they were turning people away. We're here for our people not for ourselves. Need to put our heads together, how are we going to better serve our people? Are we going to help our people or not?

**OVERRIDE OF RESOLUTION NO. DOI-041 (08) \*\*\*Requires 2/3 vote  
Motion made by Allen Fisher. Second by Jenny LaFranier.**

ROLL CALL VOTE:	YES	NO	ABSTAIN
Judith Spang			
Jenny LaFranier	X		
Dan Carlson	X		
L. Jace Killsback			
Alberta Fisher		X	
Allen Fisher	X		
Joe Fox, Jr.	X		
Alfred Strange Owl, Jr.		X	
Matthew Two Moons, Sr.		X	
Charles Yellow Fox, Jr.		X	

4 votes Yes	4 votes No	0 Abstentions	Motion Defeated
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President Wolfname-We had a comment on the quorum Steve. Maybe later on you can give us some comments on the resolution that Charles gave you and the Constitution.

Steve Kelly - Article IV – there's a typo should be Article V.

President Wolfname-We can amend that.

**Special Diabetes Programs for Indians Grant**

David Roundstone-I have a resolution here for approval of our Diabetes Reapplication Grant. I don't know how it was done in the past but it was never brought to the Council since the first grant was approved eight years ago. This resolution approves the Special Diabetes program for Indians beginning June 1, 2008 through May 31, 2009. It does have a budget and the total amount is \$502,242.00.

President Wolfname-Any questions or comments? Alberta and Tim brought something up that is in the works. We have a lot of diabetics out there?

Charles Yellowfox, Jr.– Wilma, what is your opinion on this?

Wilma LaRance-Did you put it on a regular budget form?

David Roundstone-No, this is the grant that will be sent in, the reapplication.

Lucy Gardner-It has an 8 year funding cycle.

Wilma LaRance-You will put it on a regular form? And nothing changed in salaries?

David Roundstone- No, nothing really changed in salaries, it's all pretty much the same.

**RESOLUTION APPROVING THE RE-APPLICATION OF THE SPECIAL DIABETES PROGRAMS FOR INDIANS GRANT FOR JUNE 1, 2008 THROUGH MAY 31, 2009. Motion made by Allen Fisher. Second by Alberta Fisher.**

<b>ROLL CALL VOTE:</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>Judith Spang</b>			
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Dan Carlson</b>	<b>X</b>		
<b>L. Jace Killsback</b>			
<b>Alberta Fisher</b>	<b>X</b>		
<b>Allen Fisher</b>	<b>X</b>		
<b>Joe Fox, Jr.</b>	<b>X</b>		
<b>Alfred Strange Owl, Jr.</b>	<b>X</b>		
<b>Matthew Two Moons, Sr.</b>	<b>X</b>		
<b>Charles Yellow Fox, Jr.</b>	<b>X</b>		

<b>8 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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President Wolfname-Strike #9 off the agenda (Amendment to NCTS Board Resolution)

Charles Yellowfox, Jr.-The errors we make, that's how we passed it that's how it was noted. I'd like to get something straight, we have to redo it. It's in the Constitution. Needs to be repassed. Has to come back to Council to show error, what happened, correct it and send it back down there.

President Wolfname-Steve, you have the floor

Steve Kelly – Basically if you look at the contract it's a contract to serve as legal counsel. The first and second page talks about my duties, and the rate of pay is \$125 dollars per hour. The fee cap is \$135,000.00 the expense cap is \$15,000.00 for a total of \$150,000.00. Two year term starting January 1, 2008 through December 31,2009. There's a 90 day notice provision, if the Council wants to terminate-I'm working for the Council and the Council should be the ones to terminate. Only thing that's excluded from services is special litigation, those things that are very time consuming and take up more time than day to day things. What I'm going to try to do is to be here as often as needed to service the contract. I'm going to try to satisfy you that way. After meeting with some of the Council members; Charles, Beaver, Jenny, Allen, Aljo, I was given a list of things to work on: Status of St. Labre Task Force, Review EDA Ordinance, Land Authority Ordinance, Agenda Committee Amendments, much like budget & finance committee policy, replacement of appellate judges, special prosecutor. I talked to Wilma about this it would probably take about \$10,000.00. Consider putting a provision in Rules of Order for Council Meetings, special request for agenda committee. It would be best to adopt rules of order that all committees will use. Gives a chance to have

everything heard, sometimes people don't get heard because the person chairing the meeting doesn't like you or does not want to hear what you have to say. Ho-chunk Tribe has a system in place to decide when a resolution is required or when a motion and minutes suffice. Sawmill has a list of inventory, would be good to match up with what's in there today. Other question, where's the money? Was there money given for the equipment, if there was money, where did it go? Other thing I was asked to look at was the building over here given by WECO, and who owns it. If there is something that needs immediate attention, we can have a conference call. If things look like you need someone here more often, I would pay someone to be here on a full time or part time basis. Play it by ear and see how it works. If there are questions, I will be happy to answer them.

President Wolfname-One of the Council concerns and Central Finance was on Michael Mason, his contract was two years. Is yours two years?

Steve Kelly-Yes, in my understanding that Chestnut also has two years. All my contracts have gone two years, everyone of them. If you want to shorten it, just give me a 90 day notice. One of the reasons I'm requesting 90 days is if I hire an attorney to come here I have to give at least a 90 day notice.

Wilma LaRance-Since I've been the Treasurer, we don't have any two-year contracts.

Steve Kelly-I don't care how long it's for, if you want to make it shorter that's fine.

Wilma LaRance - On the funding for this, last year we had \$120,00.00 set aside for attorney costs. We did a budget for \$100,000 for Holland & Knight. Of last year's money, we only had \$100,000 to pay Dion. There needs to be language included depending on funding availability in contract. If we get more money in, we have to do a revision.

President Wolfname-Any questions or comments?

Steve Kelly-That goes without saying, if you don't have money you can't pay me. The one thing that I want to stress to the Council is that I want to know as well as you do. I do appreciate the comment. I will add to page 2 Section d.1. Bills will be paid monthly subject to funding availability.

Charles Yellowfox, Jr.- On page 2 section d number 3, I have a question on that.

Steve Kelly-I may hire someone here if necessary, but I will let you know. I will pay out of my own pocket.

Alberta Fisher-Are you going to be upfront with us, with the consensus of the Council or are you going to work for just one person?

Steve Kelly-I'm going to leave that up to you guys, that's a good question-I'm glad you brought that up. The Legislative Counsel works like this, you don't have a two party system here. Everyone has their own interests. In order to get your interests advanced you have to pass a resolution. I don't have an opinion, you could bring something that's controversial, these are rough waters for me to tread. It is my job to prepare the

resolution, once the Council passes something your job is to carry it. If you pass something and want me to carry it out, write letters, or whatever you want. It isn't fair to me or any other attorney to get mad at me for doing my job. I understand that my job is to work for the Tribal Council. You always have people on the Council that are more active than others. I understand that my job is to do your bidding. One way to avoid scenario is to appoint one amongst you could be the Sergeant at Arms, or Committee Chairs, to deal directly with me. I'll leave that up to you. Until I'm told different, is to try to answer to every one of you which could be difficult and carry out actions of Council. If I'm doing my job I ask that you don't take it personal, because it's not personal to me. How you deal with me as your attorney, is up to you.

Alberta Fisher-If there's an issue at hand, it would be with the consensus of the Council not just one.

Steve Kelly-If there is something that is controversial and I sense that it's controversial-example. If there's something controversial you have a right to bring it forward. I will draft a resolution for you. If there's something like a letter that goes to the Governor, I will get a consensus of the Council-ask you to take it to the Council. If you're dealing with outside entities or the President, anything other than internal and you purport to be acting as a Council I will need a majority.

Alberta Fisher-Who asked you to look at, the Land Authority Ordinance?

Steve Kelly-With Legislative Counsel, when someone asks you to do something that is supposed to be confidential (at the state level). Personally, I don't care if you don't care. Tell me what the policy is, when you guys tell me what the rule is there I will answer your question.

Alberta exits at 4:47 p.m.

Wilma LaRance-When you were talking about -relates to budget when we have limited funds and we're paying out attorney costs, priority should be what is pressing to the Tribe. Why can't a form be developed so a consensus that person that's trying to get a legal opinion on something to get at least four other signatures. It would be the responsibility of that person to get the consensus. Is that something that can be done?

Steve Kelly- It can be done, what I would like to see is a set of rules in writing-a policy.

Wilma LaRance-Limited to \$120,000.00 and we only have \$60,000.00 left to pay both Steve's. You need to have that form that it's the consensus of the council for the key issues that are affecting the Tribe for you to work on. So we don't end up not having money to pay you.

President Wolfname-We've lost the quorum and cannot conduct any business. I've asked Tim Lamewoman to close it up with a prayer.

Steve Kelly-Mr. President if I may, let me tell you something. When you guys called on me to come help you, I came running. I didn't get paid a dime and this is what I get. I haven't been paid yet, I'm going to go in my office and pack up. I'm not going to be treated like this, I don't deserve it.

**Closing Prayer – Tim Lamewoman**

Alberta re-enters meeting at 5:57 p.m. I'd like to apologize for leaving the meeting, I had an emergency phone call.

President Wolfname-We'll just try to hold a special. We already closed it up.

Melissa Lonebear-There's a letter here and I need the Council's concurrence.

Allen Fisher-I'd like to make a motion to approve Steve Kelly's attorney contract.

President Wolfname-I guess we have to open it back up.

Charles Yellowfox, Jr.-We didn't adjourn the meeting yet.

Allen Fisher-The motion still stands, with amendment to add "dependent upon availability of funds".

**RESOLUTION APPROVING ATTORNEY CONTRACT WITH STEVEN A. KELLY. Motion made by Allen Fisher. Second by Alberta Fisher.**

<b>ROLL CALL VOTE:</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>Judith Spang</b>			
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Dan Carlson</b>	<b>X</b>		
<b>L. Jace Killsback</b>			
<b>Alberta Fisher</b>	<b>X</b>		
<b>Allen Fisher</b>	<b>X</b>		
<b>Joe Fox, Jr.</b>	<b>X</b>		
<b>Alfred Strange Owl, Jr.</b>	<b>X</b>		
<b>Matthew Two Moons, Sr.</b>	<b>X</b>		
<b>Charles Yellow Fox, Jr.</b>	<b>X</b>		

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

Steve Kelly-Dolly Rockroads submitted two items to the Secretary. One was an appeal and requested a hearing on the appeal. Appeal was to overturn the Ad Hoc School Board decision to terminate her. The second document was a complaint for removal of Charles Yellowfox, Jr. I was asked to review and give an opinion. If you agree with letter of Secretary's decision, the Council needs to concur.

Letter reviewed by Council.

**CONCURRENCE OF DENIAL LETTER DATED FEBRUARY 18, 2008 TO DOLLY ROCKROADS. Motion made by Allen Fisher. Second by Alberta Fisher.**

**ROLL CALL VOTE:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
<b>Judith Spang</b>			
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Dan Carlson</b>	<b>X</b>		
<b>L. Jace Killsback</b>			
<b>Alberta Fisher</b>	<b>X</b>		
<b>Allen Fisher</b>	<b>X</b>		
<b>Joe Fox, Jr.</b>	<b>X</b>		
<b>Alfred Strange Owl, Jr.</b>	<b>X</b>		
<b>Matthew Two Moons, Sr.</b>	<b>X</b>		
<b>Charles Yellow Fox, Jr.</b>			<b>X</b>

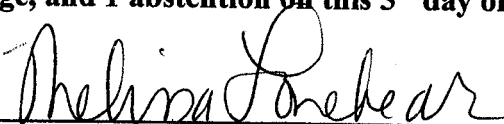
**7 votes Yes      0 votes No      1 Abstentions      Motion Carried**

**MOTION TO ADJOURN MEETING. Motion made by Allen Fisher. Second by Alberta Fisher.**

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

**Meeting adjourned at 5:37 p.m.**

**PASSED, ADOPTED, AND APPROVED by the Northern Cheyenne Tribal Council by 9 votes for passage, 0 votes against passage, and 1 abstention on this 5<sup>th</sup> day of May 2008.**

  
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**Melissa Lonebear, Tribal Secretary**