

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

**REGULAR SESSION COUNCIL MEETING
MINUTES**

January 12, 2009 (Rescheduled Regular Session)

CALL TO ORDER: President Spang called the meeting to order at 9:30 a.m.

INVOCATION: Alec Sandcrane

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		Arr. 9:58 a.m.
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		
President Spang	X		

Quorum Established

AGENDA ADDITION - COMMITTEE APPOINTMENTS. Motion made by Tracy Robinson. Second by Alec Sandcrane.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback			
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang		X	
Vice President Fox	X		

9 votes Yes 1 votes No 0 Abstentions Motion Carried

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.

AGENDA ADDITION- MARK ROUNDSTONE COMPLAINT. Motion made by R.D. Bailey. Second by George Scalpcane.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang			X
Vice President Fox	X		

10 votes Yes 0 votes No 1 Abstention Motion Carried

AGENDA ADDITION- GRAZING BOND WAIVER. Motion made by L. Jace Killsback. Second by Allen Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

APPROVAL OF TRIBAL COUNCIL MEETING MINUTES NOVEMBER 17, 2008. Motion made by Jenny LaFranier. Second by Allen Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		

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Alec Sandcrane	X		
L. Jace Killsback			
Dan Carlson			
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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PRESENTATION BY ED PARISIAN, BIA ROCKY MOUNTAIN REGIONAL DIRECTOR.

Ed Parisian-I would like to congratulate the newly elected new Council. This is a courtesy visit to hear what some of your questions and concerns are. I am the Regional Director for the BIA. I keep in contact with the local agencies at least on a weekly basis.

Tracy Robinson-Is the roads department under you?

Ed Parisian-Northern Cheyenne is still under BIA. It would be directly under the Deputy Gordon Jackson who supervises Steve Wilkey. I supervise Operations & Maintenance and it goes through the Superintendent. When the roads get really bad we change the supervision to the Superintendent. The roads department only does BIA roads.

Tracy Robinson-Funding is always an issue and I know that it's the way congress appropriates money. When we question it, we're limited on our funds. If funding is an issue, it seems that you would be asking for more money. By rights, BIA is obligated to provide this service and keep the roads clear.

Ed Parisian-What some Tribe's are doing is working with their construction dollars. Some requested emergency dollars. One option is to use some construction dollars. We try to work with you. I don't know what's going to happen with the continuing resolution. If you look roads they're going to take a 50 % cut.

Jenny LaFranier-We're hearing that Obama has a huge Economic Stimulus plan. We have one gas station here, Cheyenne Depot. Is it possible for BIA roads could at least do the Cheyenne Depot parking lot. It's dangerous, even to walk, the BIA uses our station.

George Scalpcane-I and Jule used to work for roads. Granted the funding isn't there but why can't the roads get out there before the school buses get out there. These aren't allegations, they're facts. There's no excuse why someone can't get out on a plow at 6 a.m. or even 4 a.m.

Ed Parisian-Every situation is a judgment call. Safety first, make the best judgment and try to get to them to the best of our ability.

Joe Fox, Jr.-A lot of our fences have been damaged. Who's responsible once the fence is damaged? Does it go back to the land owner, tribe, land authority, or BIA.

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Desi Rollefson-The way we've been handling is, I've been sending my techs out on the state roads to patch up any fences. Tribal roads have been taken over by Merilee and Tom from the Land Authority.

GeorgeScalpcane-Who has to do maintenance on right away fences?

Desi Rollefson-We have been assuming that duty.

Tracy Robinson-The roads department is the BIA's trust responsibility. I would like to see Steve Wilkey, Gordon Jackson and who ever else is involved in that.

Ed Parisian-I'm going to come out and spend a week as your Acting Superintendent. I'm looking at end of February because it's the end of the leasing season.

Jace Killsback-Another issue we have is with our timber harvest. We want some actual reasoning behind it. The last three projections have not been met or even partially met.

Ed Parisian-I'm aware of this situation. The honest truth is there is no market. We've had timber sales and nobody will bid on them.

Jace Killsback-How do we know that there's no sales?

Ed Parisian-There are reports.

Marge Eagleman-I would like to make a comment, one of the reasons for not having timber sales is the closure of the sawmill.

Tracy Robinson-Through your office, are all reservations treated equally or are some reservations treated better than others?

Ed Parisian- All reservations are treated equally. If you have any knowledge that is unequal treatment, I need to know about it.

Tracy Robinson-Northern Cheyenne takes a back seat to others. With our roads, we were ordered to take the pavement plant to another reservation. We were almost done and it was moved to another reservation that had only four miles to go.

Ed Parisian-Some of it had to do with running out of asphalt.

George-One of the things, each reservation had they're own engineer and they moved them all to the Area Office. Now there's so many engineers they have their own building.

Marge Eagleman-I don't think Northern Cheyenne is being left out, not necessarily true. As far as I know with Northern Cheyenne, we're right there with everybody else.

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Judy Spang-One of the questions that I have. Sitting on Council we get a lot of concerns. Some people don't feel comfortable going to the BIA or President's office. There's always complaints on the lack of law enforcement. There's elders that have worked all their lives and they're not made a priority. I am concerned with the stats and reports. There are things that happen that would be felonies in the real world. Like car theft and breaking out windows. There are complaints and some of these complaints have not been filed. It's really a helpless feeling. Being on the Tribal Council you hear there's a lack of funding. We need to get to the root of these problems. One of the things is that everything is in Billings now.

Ed Parisian-Part of the problem is that we stovepipe so many things. None of those entities report to the Regional Director any more. Hopefully this change in Government will take a look at that. What you just talked about is all law enforcement issues. I try to take any issues I hear back to Law Enforcement. There's a bill for 2 million dollars for law enforcement. Hopefully there's help coming for law enforcement. Not just for elders but it's across the board. I will try to work collaboratively to address the needs of the reservation.

Marge Eagleman-One of the things is to have some sort of communication between the agencies on the reservation. We would like to have better communication. I asked to make a report at least once a month during a Council meeting or to at least schedule a couple of hours to hear concerns of people that aren't comfortable going to the BIA.

Ed Parisian-My philosophy is to work with the Tribe's to see what they want to do. I told my staff to let them know, give them an answer. I hope that we're dealing that way with you. Communication is important to me.

Jenny LaFranier-We need technical assistance and help with probate. We have no storage for our wills. With the new laws it's changed completely.

Ed Parisian-Technical assistance may be available to establish probate codes.

Marge Eagleman-I think OST has had trainings.

Jenny LaFranier-I didn't know that. I think it makes a difference who organizes the meeting.

Ed Parisian-Thank you for your time if you need to contact me, you may call my office or e-mail me with questions or concerns.

Break @ 11:06 a.m.

Reconvene @ 11:26 a.m.

RESOLUTION APPROVING THE HOLIDAY LIST FOR THE PERIOD OF JANUARY 1, 2009 THROUGH DECEMBER 31, 2009 WITH THE UNDERSTANDING THAT IF A HOLIDAY FALLS ON A REGULAR

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SCHEDULED MEETING, THE MEETING WILL BE MOVED TO THE NEXT DAY. Motion made by Allen Fisher. Second by Jenny LaFranier.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane			X
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson			
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes 0 votes No 1 Abstention Motion Carried

ORDINANCE ADOPTING THE REVISED WATER QUALITY STANDARDS OF 2005 AND MAKING LAW THE REVISED WATER QUALITY STANDARDS AT 2-2 AND ESTABLISHING THE DATE FOR IMPLEMENTATION AND ENFORCEMENT-JANUARY 12, 2009. Motion made by Jenny LaFranier. Second by Dan Carlson.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.		X	
R.D. Bailey		X	
George Scalpcane		X	
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang		X	
Vice President Fox		X	

6 votes Yes 5 votes No 0 Abstentions Motion Carried

Break for lunch @ 12:17 p.m.

Reconvene @ 1:41 p.m.

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.

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		Arr. 1:42 p.m.
Jennie LaFranier	X		
Judith Spang	X		Arr. 1:49 p.m.
Vice President Fox	X		
President Spang	X		

Quorum Established

RESOLUTION APPOINTING CERTAIN TRIBAL MEMBERS TO SERVE ON BOARDS, COMMITTEES, AND COMMISSIONS PER PRESIDENT SPANG'S RECOMMENDATION. Motion made by Tracy Robinson. Second by R.D. Bailey.

* Lists have been distributed.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback		X	
Dan Carlson		X	
Jennie LaFranier	X		
Judith Spang		X	
Vice President Fox	X		

8 votes Yes	3 votes No	0 Abstentions	Motion Carried
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RESOLUTION APPOINTING CERTAIN TRIBAL EMPLOYEES TO SERVE ON THE NORTHERN CHEYENNE APPEALS BOARD, PER PRESIDENT SPANG'S RECOMMENDATION. Motion made by George Scalpcane. Second by Jule Spang.

*Charlene Alden, Jay Littlewolf, Keene Bends, Carrie Braine, Clyde Wolfblack, and alternates: Renee Bearquiver and Annette Scalpcane.

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ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey		X	
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback		X	
Dan Carlson		X	
Jennie LaFranier	X		
Judith Spang		X	
Vice President Fox	X		

7 votes Yes 4 votes No 0 Abstentions Motion Carried

RESOLUTION FORMALLY RECOGNIZING JOE FOX, JR. AS EX-OFFICIO, TRIBAL COUNCILMAN ROBERT D. BAILEY AS POWWOW COORDINATOR, AND TRIBAL MEMBERS FROM EACH DISTRICT, THE TRIBAL TREASURER, TWO REPRESENTATIVES OF THE OMAHA SOCIETY AND A REPRESENTATIVE FROM THE TRADITIONAL CHIEF'S SOCIETY TO SERVE AS THE 2009 CHIEF'S POWWOW COMMITTEE.

Motion made by R.D. Bailey. Second by Allen Fisher.

*Joe Fox Jr., ex-officio, Robert D. Bailey, Powwow Coordinator, Stefan Rainingbird, Busby District, August (Tiger) Scalpcane, Muddy District, Keith Shoulderblade, Lane Deer District, Lavonne King, Birney District, Dee Dee Harris, Ashland District, Allen Clubfoot Sr., Omaha Society, Conrad Fisher, Omaha Society, Eric Killsnight, Chief's Society, Tribal Treasurer.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.		X	
R.D. Bailey	X		
George Scalpcane		X	
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

9 votes Yes 2 votes No 0 Abstentions Motion Carried

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Break @ 2:44 p.m.

Reconvene @ 3:02 p.m.

BUDGETS

RESOLUTION AUTHORIZING THE MODIFICATION AND OR ADOPTION OF BUDGETS: Fund 331A-“AFA Carryover” requested budget revision in the amount of \$1,971,914.00. Fund 40-“Tribal Scholarship” requested budget revision in the amount of \$28,248.99. Fund 230B-“Johnson O’Malley” requested budget revision in the amount of \$139,753.18. Fund 551A-E-“Workforce Investment Act Program” requested budget minor revision. Fund 379-“Headstart” requested budget amount of \$1,537,569.00. Fund 200-“Community Fire Protection” requested budget amount of \$121,930.03. Fund 234D-“Prosecution requested budget in the amount of \$50,000.00. Motion made by Tracy Robinson. Second by Joe Fox, Jr.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes	0 votes No	0 Abstentions	Motion Carried
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RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS BETWEEN ACCOUNTS HELD IN TRUST BY THE OFFICE OF SPECIAL TRUSTEE. REMAINDER OF THE 2ND QUARTER FY2009 GENERAL FUND DRAW OF \$206,040.95 FROM ACCOUNT PL7324-70-7 LAND ACQUISITION FUND TO ACCOUNT PL7320-70-5 OPERATING. Motion made by R.D. Bailey. Second by Tracy Robinson.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		

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L. Jace Killsback	X		
Dan Carlson			
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

MOTION MADE BY ALLEN FISHER NOT TO ACCEPT MARK ROUNDSTONE'S SWORN COMPLAINT ON BUSBY COUNCILMAN L. JACE KILLSBACK DUE TO THE LACK OF POLICY AND PROCEDURE TO ENSURE DUE PROCESS. SECOND BY R.D. BAILEY.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane			X
L. Jace Killsback			X
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

9 votes Yes 0 votes No 2 Abstentions Motion Carried

ORDINANCE AMENDING ORDINANCE NO. DOI-001 (06), THE NORTHERN CHEYENNE GRAZING ORDINANCE, FOR THE PURPOSE OF ALLOWING EXTENSIONS, FEE CHANGES AND BONDING ISSUES IN THE PERMITTING PROCESS UTILIZED BY THE BUREAU OF INDIAN AFFAIRS. Motion made by Alec Sandcrane. Second by Tracy Robinson.

Article I, Section A is amended to read:

A. All grazing permits awarded under authority of this Ordinance shall be in effect from the date of issue to February 14, 2010, because of the improvements sought from the permittee's in the units or pastures permitted to them,

Article II, Section A is amended to read:

A. The grazing rate charged for Tribal Original and Tribal Acquisition land permitted to grazing by allocation shall be \$12.00 per AUM. The grazing rate for allotted land

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permitted to grazing by allocation shall remain at the federally appraised rates determined by the Bureau of Indian Affairs and the Office of Special Trust.

Article III, Section C (3) is amended to read:

3. Allocation awards will be made by the Land Authority Committee according to the privileges and rules set forth in this ordinance. Successful applicants will be notified by receipt of a BIA bill for their allocation by **March 15, 2009**. Grazing fees are due on or before **April 1, 2009**. Failure to pay grazing fees by the due date will result in immediate cancellation of the unpaid permit.

Article X, Section H is amended to read:

H. The Land Authority Committee authorizes the Bureau of Indian Affairs to cancel the grazing permit for any permittee that does not pay by the due date.

1. Cancellation of permit is effective immediately.
2. Permittee would not be reallocated the grazing permit.
 - i. Permittee will have to bid on the grazing permit.
 - ii. Permittee will have to post a bond equal to the grazing rental before the Superintendent approved the grazing permit.
 - iii. There are no appeal rights for bond requirements.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey			
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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ADJOURNMENT OF MEETING. Motion made by George Scalpcane. Second by Jenny LaFranier.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey			


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George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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Meeting Adjourned at 4:54 p.m.

PASSED, ADOPTED, AND APPROVED by the Northern Cheyenne Tribal Council by 10 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstentions this 2nd day of March 2009.



 Melissa Lonebear, Tribal Secretary