

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

REGULAR SESSION COUNCIL MEETING

MINUTES

March 1, 2010

CALL TO ORDER: President Spang called the meeting to order at 9:32 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		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		
President Spang	X		

Quorum Established

AGENDA ADDITION-BOYS & GIRLS CLUB. 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		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes	0 votes No	0 Abstentions	Motion Carried
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AGENDA ADDITION-NADC. Motion made by Allen Fisher. 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		
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

AGEDA ADDITION-CENSUS APPOINTMENTS. Motion made by Alec Sandcrane. 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		
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

BUDGETS

Ben Lonebear- We had problems getting a quorum last week so the budgets are being presented directly to the floor. The amount we've incurred for burial and trash is \$200,000 and we need to address where the money is going to come from. We looked at BOH and Housing, regardless of how we do it, it needs to be done today.

Judith Spang-Does Housing pay a portion? They get money from low rent and they don't have to pay for garbage disposal.

Ben Lonebear-We're running into an issue with cash flow. We need to make a decision on how to fund those two areas.

Jenny LaFranier-For the remainder of the FY how much do we need to cover?

Ben Lonebear-The projections have not changed, they're basically the same every year.

Jace Killsback-How much is in the cigarette tax?

Ben Lonebear-About \$600,000 right now.

Jace Killsback-In hindsight, the idea of taking a percap to pay for trash and the burial cost will take the full amount. Whatever is left over, we'll have to pay.

Tracy Robinson-The President was talking about BOH for trash disposal.

President Spang-We talked to the area office, you can't use that money for trash.

Jace Killsback-For those of us who attending the meeting in Billings last week, it not only gave us program updates but we were able to look at budgetary information. The BOH money is already earmarked.

Judith Spang-The carryover is earmarked, how is it earmarked?

Jace Killsback-Right now they currently using carryover to operate their programs. Our AFA gets this much money and only a percentage is for actual program operations. They have to supplement programs with carryover. In two years they'll have that money spent. They want to do more strategic planning, they want to start looking at alleviating 80% salaries. That's why I don't think we should take the MNI money. Those tribal members who reside on the reservation are the ones who get counted for the CTT, they should benefit from the payment for burial and trash pickup.

Ben Lonebear- All of these discussions need go in the annual report and I need to put a solid budget together that will last to the end of the end of the year.

Tracy Robinson-We're right to the threshold that we're barely making payroll.

Jace Killsback-We took this to the permanent fund twice. This is something that the Council has authority over. Something that a tough decision has to be made. It's all lining up now where we have to put this to an end. This is an immediate relief that will allow us to address the trash pile up.

Joe Fox, Jr.-I don't disagree with what Jace is talking about. We spent a lot of money to clean up these creeks. If we don't pick up our trash it's going to end up back there again. We've been working on getting a canister sight in Ashland. The other pressing issue is our burial funds, its pressing we're going to have that cost not matter what.

Ben Lonebear-Burial fluctuates between \$80,000 and \$120,000.

Joe Fox, Jr.-We have to make this concession again.

Jace Killsback-If we take it now, there may be something we can do if we fall into money we can replenish the fund.

Ben Lonebear-That was done before and Joe did you ever get your money back?

Joe Fox, Jr.-The understanding is that we're going to replenish this to get money to our people. I think we need to take a hard look at MNI and we should be able to use this at our discretion.

ORDINANCE RESCINDING TRIBAL ORDINANCE NO. DOI-006 (2004) AND AUTHORIZING THE ALLOCATION OF THE CIGARETTE AND GASOLINE TAX MONIES TO BE USED TO COVER THE TRIBE'S SANITATION SOLID WASTE DISPOSAL COST AND THE TRIBAL MEMBERSHIP BURIAL EXPENSES. 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	
Jenny LaFranier	X		
Judith Spang		X	
Vice President Fox	X		

8 votes Yes 3 votes No 0 Abstentions Motion Carried

George Scalpcane-If we didn't do this, we probably would not get paid this week and our people would have to pay their own burial cost and trash would be lying all over.

RESOLUTION AUTHORIZING THE MODIFICATION AND OR ADOPTION OF BUDGETS-Fund 255-ICWA-78,461.66, Fund NEW-MIPPA-1,000.00, Fund 320A-Transportation-8,510.83, Fund NEW-Tribal Energy Retrofit Project-177,000.00, Fund 912-Elderly Generated Income-3,288.75, Fund 254-Rosebud-309,156.74, Fund 235-Finance Office Audit-46,020.97, Fund 397-NSIP-23,992.00, Fund 379-Headstart-1,410,542.00, Fund 210-IRR Transportation Planning-537,993.00, Fund 700-PPL-110,000.00, Fund 910-CITGO-123,750.00, Fund 717F-Family Preservation-76,597.00. 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		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

Break @ 11:05 a.m.

Reconvene @ 11:15 a.m.

APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 5, 2009. Motion made by Allen Fisher. 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		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

ECOPHASER & B&M TRUCKING PRESENTATION-SAWMILL CLEANUP.

Discussion followed.

BOYS & GIRLS CLUB PRESENTATION

Geri Small- We have some young people that belong to a group called the Young Leaders of the Boys & Girls Club. We have two here to speak to the Council, Teton Magpie and Dane Bowers.

Teton Magpie- We're trying to find somewhere for teens to go right after school. The teens around town, the crime rate has been going up. The little kids don't leave until 7:00 and from the time school gets out it will give less time for teens get into mischief. I went to Washington D.C. and the youth across the country the rates are going up higher with crimes, suicides, etc. We need some place for teens to go to spend their spare time. We've committed time to actually get things going.

Dane Bowers-There's two air force houses at NCTHA that have been sitting there for two years.

George Scalpcane-Have you approached the Housing Authority for one of these units?

Jace Killsback-R.D., Jenny and I were able to attend a youth leaders meeting. We told them we would support them. What the Council is going to recommend is that you go to the Housing Authority, and if you don't get a response, then you can come back to us. We were happy that you were able to bring some of the concerns to us.

Geri Small-I talked to Joe Fox, Jr. about a month ago. Lafe said that the Council had plans to move those to the Districts for about 5 years now. They were slated to go out to the Districts, we are wondering where that's at.

Allen Fisher-We need to approach them for the house and also approach them to help set it up too.

Tracy Robinson-If you get this house set up, what kind of activities will you have?

Teton Magpie-We did a survey and we would like at least a big screen TV. and computers. Just some place for us to hang out after school and do homework.

Dane Bowers-We started a trend here skateboarding. There's a lot of kids trying to skateboard. A youth center will help youth do something productive, there was a skateboard park was promised to be added to the end of People's Park.

Jace Killsback-The original plans for the people's park included a skate park. It was one of the most costly things because of the concrete. There was a design of a skate park.

Geri Small-Another issue was the liability issues in case someone gets hurt.

Dane Bowers-I've researched foundations like the Tony Hawke foundation, we can apply for a park. We just need a place to put it.

Teton Magpie-This center would be open to anybody, the Tribe's concern should be the youth. It would benefit our youth, parents, and a lot of people on the reservation.

Tracy Robinson-As the governing body, if we've already been given those air force houses, upon their proposal we can release one of them houses to the B & G Club.

Jace Killsback-Let us know what NCTHA says. We can give the support for other resources.

Jenny LaFranier-I was very impressed with these young people. They're doing research and they're going to work on this until the end. If NCTHA has already given the Tribe those two buildings, we should be able to decide what we're going to do with them. We should go on record supporting these kids.

Joe Fox, Jr.-I want to commend these gentlemen. Someday you're going to be sitting here. You came here for the governing body, we represent you. Your efforts will be well rewarded.

Geri Small-Dane will bring back the skateboard park proposal. I want to thank the Tribal Government and I'm really proud of Teton and Dane. Teton is the President for the youth group in Montana/Wyoming.

Teton Magpie-I am also in CLOSEUP and represent at a national level.

Geri Small-If this all works out, the house will be set up where Father's house was when it belonged to the church.

RESOLUTION AUTHORIZING THE ALLOCATION OF TWO (2) AIRFORCE HOUSING UNITS FROM THE NORTHERN CHEYENNE TRIBAL HOUSING AUTHORITY TO THE BOYS & GIRLS CLUB OF THE NORTHERN CHEYENNE NATION FOR THE SOLE PURPOSE OF BENIFITTING NORTHERN CHEYENNE YOUTH. Motion made by Jenny LaFranier. 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			
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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MOTION MADE BY ALLEN FISHER TO SUPPORT THE PROCLAMATION PRESENTED BY THE BOYS & GIRLS CLUB OF THE NORTHERN CHEYENNE NATION. PROCLAIMING THAT MARCH 21-27, 2010, AS BOYS

**& GIRLS CLUB WEEK ON THE NORTHERN CHEYENNE RESERVATION.
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			
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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Allen Fisher-I have a request for NCTS to be moved up on the agenda and have a request for an Executive Session.

Cowboy Fisher-I think you need to have a representative from NCTS here.

Executive Session @ 12:23 p.m.

Exit Executive Session @ 12:34 p.m.

Jace Killsback-I want to make some clarification to the teachers that are here. The Council decided to have a review committee to take into consideration the teachers, students, parents and admin issues at the school. Sort of like an investigation of each issue that comes up. We'll have our first meeting tomorrow and will have a plan. We put a stay on any of the school boards decisions. They violated that law by having a meeting and suspending the superintendent. We have the right to review any decision any board makes. We gave them a chance by saying don't do anything until we review it. We suspended the school board for violating the resolution. Upon the review, the committee will make recommendations to the Council for final action.

Denise Shirley-Teacher at NCTS- I put in a grievance and I think everything went accordingly.

Tracy Robinson-We're going to start tomorrow and everyone will have an opportunity to voice their opinions. It's not going to be drug out.

R.D. Bailey-There will not be a hearing, the committee will recommend to the Council for final action.

Jace Killsback-The school board is suspended now. It's in our hands.

Sue Parker-The previous resolution, when was that passed?

Denise Shirley-There was three people on the grievance committee, the other people didn't really know.

Jace Killsback-The school board violated the stay. We told them not to do anything. We had no reports from the school for three months. We created a stop to this. Everyone says best interest of the kids.

Allen Fisher-We did the stay, and the same night, they had a meeting and fired the superintendent again.

Sue Parker-The separation of powers only pertains to the judicial branch. It's not a complete separation of powers. We're citing the Constitution.

Allen Fisher-We can review all board actions. They went against a law that was passed.

Jace Killsback-The newspaper is not the way to go, we're not here to play this power struggle. We're here to review.

MOTION MADE BY ALLEN FISHER TO APPOINT A COMMITTEE TO REVIEW THE NORTHERN CHEYENNE TRIBAL SCHOOLS. THE PRESIDENT APPOINTED L. JACE KILLSBACK, R.D. BAILEY, TRACY ROBINSON, JOE FOX, JR. AND WILLIAM WALKSALONG. THE COMMITTEE RECOMMENDATIONS WILL BE ACTED ON AT THE NEXT COUNCIL MEETING. 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			
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION SUPPORTING THE NATIVE AMERICAN DEVELOPMENT CORPORATION APPLICATION TO THE NATIONAL TELECOMMUNICATIONS & INFORMATION ADMINISTRATION (NTIA) OPERATING AS THE MONTANA INTER-TRIBAL TELECOMMUNICATION CONSORTIUM (MITTC). Motion made by Tracy Robinson. 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		
Jenny LaFranier	X		
Judith Spang			
Vice President Fox	X		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION SUPPORTING THE APPLICATION OF THE SPECIAL DIABETES PROGRAMS FOR INDIANS GRANT FOR JUNE 1, 2010 THROUGH MAY 31, 2011. Motion made by R.D. Bailey. 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	X		
Jenny LaFranier	X		
Judith Spang			
Vice President Fox	X		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION CONCURRING WITH THE TRIBAL PRESIDENT'S APPOINTMENT OF WARREN SPANG AND ANN BOOKER AS TRIBAL LIAISONS FOR THE 2010 CENCUS COUNT. 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		
Jenny LaFranier	X		
Judith Spang			
Vice President Fox	X		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION TO UPDATE THE NORTHERN CHEYENNE INDIAN RESERVATION ROADS SYSTEM INVENTORY. 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		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	PRESIDING		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

NCUC Discussion

Winslow Whitecrane-I request that you rescind Resolution No. DOI-224 (2009) (moratorium on water rate increases). There is a Resolution No. 36 (66) that gives NCUC authorization to set rates.

Allen Fisher-You continued to raise the rates and that's a violation of the Tribal Council's law. Why was that resolution not followed?

Winslow Whitecrane-There was a meeting in Billings that we invited everyone to attend. We wanted to come to an understanding.

Jace Killsback-I don't think this Council is going to rescind the moratorium. We haven't had an explanation as to why.

Jenny LaFranier-You have never followed this resolution and you violated the law. I want an explanation.

Winslow Whitecrane-The moratorium came after the increase.

Jace Killsback-The rate increase happened before the moratorium?

Jenny LaFranier-In the Council meeting in September 2009, we put a moratorium on the increase. The letter from the President also says to stop the increase. You have not done that. The Council passed legislation and you and the Board have not followed legislation.

Tracy Robinson-We pass law and the Administration upholds that law. Have you ever approached the board and asked why they increased and went against our law?

Leroy Spang-Yes, and they said that it was for everyone but the elders.

Winslow Whitecrane-Our understanding is that the moratorium was for the elders.

Tracy Robinson- @ President Spang-You appoint them and they didn't adhere to the resolution and the letter that was written to them. Administration needs to take some type of action.

Jenny LaFranier-There's law in place and you need to go back and do that decrease.

Jace Killsback-The President could do a mandate to the Board.

Alec Sandcrane-We went against the NCUC Ordinance when we did that moratorium.

Jace Killsback-We're not going to change the ordinance, we're asking them to justify their rate increase.

Jenny LaFranier-There is law that was passed and they're violating it.

ADJOURNMENT OF MEETING. Motion made by Allen Fisher. Second by Jenny LaFranier.

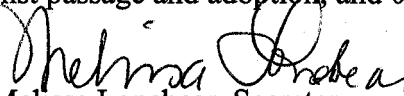
ROLL CALL VOTE:

	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			
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes 0 votes No 0 Abstentions Motion Carried

Meeting Adjourned at 2:05 p.m.

PASSED, ADOPTED, AND APPROVED by the Northern Cheyenne Tribal Council by 8 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstentions this 21st day of July 2010.


Melissa Lonebear, Secretary
Northern Cheyenne Tribe