

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

**REGULAR SESSION COUNCIL MEETING
MINUTES**

November 1, 2010

CALL TO ORDER: President Spang called the meeting to order at 9:43 a.m.

INVOCATION: Alec Sandcrane

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpene	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane	X		
L. Jace Killsback	X		
Dan Carlson	X		
Jennie LaFramier	X		
Judith Spang	X		Arr. 9:47 a.m.
Vice President Fox - PRESIDING	X		
President Spang	X		

Quorum Established

R.D. Bailey-I want to apologize to my Tribal Members for my absence from the Council Meetings. My 4 year old daughter passed away. I give my sincere apologies to the Northern Cheyenne Tribal members. It's good to be back.

Joe Fox, Jr. - We give our sincere condolences R.D. Glad to see you back.

Joe Fox, Jr. - I'll give an update on the Tongue River Railroad/PA. Steve Brady is here, and we've been involved in this RR railroad extension. We had a conf call with Valerie in D.C., we sent her a memo. We had a meeting there. Right now the dialogue, we're communicating with them. The record stands until the Tribal Council takes any other action.

L. Jace Killsback-Is this the issue where the President set out a memo supporting the PA. when we already passed a resolution opposing it? The correspondence went to D.C. We passed a resolution opposing the extension and you sent another letter in support of it. Did you send a letter clarifying it?

President Spang-I will.

L. Jace Killsback-I think we need to look at the seriousness of it. It's almost an embarrassment to the tribe that we are sending out contradicting statements. I would like to make sure that the President stays in line with the Tribal Council actions we're taking, with the resolution that you signed.

Judith Spang-How did you get confused to send that letter?

President Spang-It was to extend that for ten years.

Judith Spang-How did you not know to send that letter? Who helped you with it?

President Spang- It was my mistake, I sent it myself.

L. Jace Killsback-I think we should take a look at resolutions and letters that we send out. This is serious.

Enrollment – Wallace Bearchum

RESOLUTION APPROVING AND GRANTING THE REQUEST FOR NORTHERN CHEYENNE MEMBERSHIP THROUGH AUTOMATIC ENROLLMENT OF TEN (10) INDIVIDUALS UNDER THE APPROPRIATE SECTION OF THE NORTHERN CHEYENNE AMENDED CONSTITUTION AND BYLAWS. Motion made by Allen Fisher. Second by L Jace Killsback.

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

ORDINANCE APPROVING AND GRANTING THE REQUEST FOR NORTHERN CHEYENNE MEMBERSHIP THROUGH ADOPTION OF TWENTY FIVE (25) INDIVIDUALS. Motion made by Allen Fisher. 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		X	
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

10 votes Yes 1 vote No 0 Abstentions Motion Carried

RESOLUTION APPROVING AND GRANTING NAME CHANGES FOR FIFTEEN (15) MEMBERS ON THE NORTHERN CHEYENNE MEMBERSHIP ROLLS. Motion made by Allen Fisher. Second by L. Jace Killsback.

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

RESOLUTION APPROVING AND GRANTING DATE OF BIRTH CHANGES FOR THREE (3) TRIBAL MEMBERS ON THE NORTHERN CHEYENNE MEMBERSHIP ROLLS. Motion made by Allen Fisher. 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	X		
Dan Carlson	X		
Jennie LaFranier	X		

Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

ORDINANCE RELATING TO THE RELINQUISHMENT OF ONE (1) INDIVIDUAL FROM THE NORTHERN CHEYENNE TRIBE. 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		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION ACCEPTING USDA RURAL DEVELOPMENT LOAN AND GRANT OFFER FOR LAME DEER / MUDDY CLUSTER WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING EXECUTION OF SECURITY AGREEMENT PLEDGING GAS TAX REVENUES AS SECURITY FOR LOAN. Motion made by Allen Fisher. 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	X		
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

11 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION SUPPORTING THE NEW NATIONAL HISTORIC LANDMARK NOMINATION FOR BIGHORN MEDICINE WHEEL/MEDICINE MOUNTAIN.

Motion made by L. Jace Killsback. Second by Jennie 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 Sanderane	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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MOTION MADE BY GEORGE SCALPCANE TO BIA ROADS AND TO TRY TO FIND AN AVENUE TO GO FORWARD WITHOUT INTENT TO 638 THE PROGRAM. SECOND BY L. JACE KILLSBACK.

ROLL CALL VOTE:

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sanderane	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 OF RESERVING THE RIGHT TO CONTINUE TO WORK WITH THE CTEP OFFICE OF THE MONTANA DEPARTMENT OF TRANSPORTATION, AND AUTHORIZE THE PRESIDENT TO WITHHOLD ANY FURTHER PARTICIPATION IN THE MEMORANDUM OF AGREEMENT BETWEEN THE MONTANA DEPARTMENT OF TRANSPORTATION, THE BUREAU OF INDIAN AFFAIRS AND THE NORTHERN CHEYENNE TRIBE.

Motion made by Allen Fisher. 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			
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang			
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

ORDINANCE ADOPTING A SOLID WASTE CODE. Motion made by Allen Fisher.
Second by Jennie 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			
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang			
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION AUTHORIZING THE MODIFICATION AND OR ADOPTION OF BUDGETS-Fund 330A-BOH –Administration-\$2,195,699.61. Motion made by Tracy Robinson. Second by Jennie 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			
Dan Carlson	X		

Jennie LaFranier	X		
Judith Spang			
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION AUTHORIZING THE MODIFICATION AND OR ADOPTION OF BUDGETS-Fund 108-Land Authority-\$353,058.42, Fund 124-NC Tribal Courts-\$92,490.80, Fund 190-HIP-\$ 44,000.00, Fund 202-Natural Resources-\$59,483.00, Fund 214-NC Tribal Courts-\$306,522.82, Fund 229 -BlackFootedFerret-\$27,794.00. Motion made by Tracy Robinson. Second by Jennie 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			
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang			
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

BIA Letter of Intent to contract the Roads Dept.

Dutch Simpson-I guess a lot of people are worried, how is it going to affect us that are working out there? The way the hiring goes with the BIA, I'm pretty squared away.

George Scalpcane-There will be no change, as far as I can see. I just want to contract this so we'll get more bang for the buck.

Dutch Simpson-Come tomorrow, how can you guarantee that?

George Scalpcane-We've already had a negotiation with the Tribe. I'll still be here.

Dutch Simpson-They're giving us wages, and retirement. What I'm worried about is getting a drop in wage and losing my benefits.

L. Jace Killsback-I think there's a bigger picture here. The whole purpose of self determination is to be self sufficient one day. Rocky Boy and Salish Kootenai, are self governance and that's where we want to be.

Dutch Simpson-All of us have families here. I'm the only one who would come in here and speak up.

Jennie LaFranier-The crew that is being affected should be involved.

Judith Spang-I want to tell you that from my experience is that those things are going to drop. Historically, by Tracy talking there are some of us on here that know this might happen. Are we ready? You are demanding from us that we should be ready. If we do this, we need to make sure that the wages are there.

George Bement- I think you need to find out what the budget is first and what's been spent the past two to three years. It's important for us to get this good wage here. There's probably 4-5 operators. Where you going to get your equipment? You're not part of the pool if you 638. The stimulus, the leadership they had was not good. That wasn't there, that's not our fault.

L. Jace Killsback-I take your words as testimony, I'm still in favor of this. These are things we need to hear about. We're able to make a more informed decision here. We should, in time look at contracting all of our programs. We will get all the information that you're talking about here. We did this with law enforcement, we got all the information and we couldn't do it. The wages were an issue, the housing was an issue, As tribal officials, right now we don't get involved in the hiring and firing.

Dutch Simpson-If anyone hires an inexperienced operator and they wreck a loader, that's probably half your budget right there.

George Scalpcane-We're not even close to that point.

Dutch Simpson-Right now, I'm saying that it's working for us.

Clementine Morrison-I've been hearing people saying that we're the only ones that are getting hired here. It's up to them up there, who they want to put to work. I myself, don't think this is good either. But, I like what I'm doing, I enjoy my work.

L. Jace Killsback-I think the core to your concern, is job security. I would have more confidence in working for the Government than the Tribe.

Dutch Simpson-I'm all for hiring experienced, productive people.

George Bement-The other concern, let's go back and take a look at that pot of money. Let's take a look at what's been spent.

George Scalpcane-There have been requests to the area office, and nothing has been done.

Jennie LaFranier-I think if we contact them, schedule some meetings and get the employees involved in this process.

Break @ 11:08 a.m.

Reconvene @ 11:30 a.m.

RESOLUTION APPOINTING CONRAD FISHER TO THE CUSTER COUNTRY BOARD OF DIRECTORS. Motion made by Joe Fox, Jr. 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			
Dan Carlson	X		
Jennie LaFranier	X		
Judith Spang			
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

***Resolution did not make deadline date. Re-passed at later date.**

RESOLUTION AUTHORIZING THE RE-CONTRACTING OF CERTAIN PROGRAMS FROM THE DOI-BUREAU OF INDIAN AFFAIRS. Motion made by Alec Sandcrane. Second by Allen Fisher.

*Tribal Courts, Prosecution, Scholarships, Aid to Tribal Government-Tribal Services, Rosebud Lodge, Water Resources, Natural Resources, Youth Work Learn, Housing Improvement, Preschool-JOM, Johnson O'Malley, Job Placement and Training, Indian Child Welfare Act, Forestry, Noxious Weeds, Community Fire Protection, Wildlife and Parks, Tribal Services, Transportation Planning and Agriculture Extension.

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 0 Abstentions Motion Carried

RESOLUTION AUTHORIZING THE NORTHERN CHEYENNE TRIBAL PRESIDENT TO SIGN THE SETTLEMENT AGREEMENT BETWEEN THE NORTHERN CHEYENNE TRIBE AND U.S. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, IN THE ADMINISTRATIVE LITIGATION ENTITLED *NORTHERN CHEYENNE TRIBE V. DEPARTMENT OF THE INTERIOR, CBCA 1856-ISDA*. Motion made Jennie 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	X		
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
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RESOLUTION AUTHORIZING THE SUBMISSION OF A NORTHERN CHEYENNE UTILITY COMMISSION APPLICATION TO THE STATE OF MONTANA COAL BOARD FOR A CONSTRUCTION GRANT. Motion made by Tracy Robinson. Second by Jennie 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	0 Abstentions	Motion Carried
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R.D. Bailey-We know what kind of headache we're having with Procurement. I went over the NCTHA Procurement policies with Colleen. They are still making minor changes to it. The Purchasing Management System is really thick for the Tribe.

Basically what we need to change is the language from NCTHA to the Tribe. It refers to titles and officers here.

Joe Fox, Jr.-We had sole sourced a contract to have Dr. James Rowland to look at our policies. You're going to be involved in all the redlining of the policies anyway. Part of the policies takes someone to work on them every day. He's working closely with my office, Treasurer, President, and William's office. That's what is going to happen with that part. This part will be streamlined.

R.D. Bailey-We spent 100,000 to pay for that white guy and we still have nothing here.

Jennie LaFranier-I talked with Norma and I talked to the Bureau and they told us that they have money here and wanted to know what we need.

Tracy Robinson-What kind of a timeline is set here?

Joe Fox, Jr.-The first phase will be done in December. He was supposed to start about a month ago. Ben's been working with him and took some money out for his contract.

Tracy Robinson-What's he going to do in phase 1?

Joe Fox, Jr.-Personnel.

Jennie LaFranier-Is he going to review all the policies? Are they going to bring in the programs?

R.D. Bailey-The problem I have is that we always struggle with payroll. We always meet back there trying to meet payroll. All we have to do is re-word this to our liking. FOR FREE.

Joe Fox, Jr.-Frank's working with Chuck Johnson's initiative that we passed here. They're going to fit what we passed.

R.D. Bailey-There is a bunch of allegations that are made that doesn't look good to this governing body.

Judith Spang-Orville Speelman has a complaint and by adopting this, it will solve the problem?

R.D. Bailey-I don't know, do you check your mail box.

Judith Spang-Give me a complaint and I'll see that by passing this, it will solve it. Is there anything from the President responding to those contractors?

Tracy Robinson-Especially since we've been dealing with these ARRA funds, they're put out and then jerked back and re-advertised.

Judith Spang-Is it a matter of broken policy, or is it a matter of Administration doing whatever they want?

Joe Fox, Jr.-Ben oversees the procurement process, have you consulted with Ben on this? We should have the courtesy to get his advice on this.

L. Jace Killsback-NCTHA seems to have a really good procurement policy. It's not as simple as changing the names, let James focus on the Personnel policies.

R.D. Bailey-Look at the 5th whereas, it says to provide equitable treatment to all firms by the NCT.

George Scalpcane-I'd like to see all the changes made, and do all the CFR regulations here that apply to the Tribe.

Tracy Robinson-I agree with R.D. Our procurement needs to be fixed. I asked R.D. if he had a re-written one. I guess if I'm going to put my final stamp, I'd like to see the cut and paste. If it was changed over, I'd vote for it today.

Jennie LaFranier-Did you visit with our Treasurer on this? I thought he wanted to get these changed. My concern is that we didn't include the Treasurer, in working with various individuals to get this job done. I'll vote yes as long as you get the changes made.

Judith Spang-I have frustration because we have all these complaints. I'm for fairness and equity.

Joe Fox, Jr.-I think we need to be courteous. I don't disagree with change; we've had a lot of complaints about the procurement process. We'll take the time to visit with Ben, and Dr. Rowland, we might have to come back with amendments with our federal regulations.

RESOLUTION OFFICIALLY ADOPTING AN UPDATED PROCUREMENT POLICIES AND PROCEDURES. Motion made by R.D. Bailey. Second by L. Jace Killsback.

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			
Jennie LaFranier	X		
Judith Spang		X	

Vice President Fox	X		
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6 votes Yes 3 votes No 0 Abstentions Motion Carried

***Resolution Disapproved by President Spang**

AGENDA ADDITION-EDC BUILDING PURCHASE. Motion made by Tracy Robinson. Second by L. Jace Killsback.

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			
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

RESOLUTION AUTHORIZING THE NORTHERN CHEYENNE HOUSING AUTHORITY (NCTHA) TO OBTAIN A LOAN FOR THE PURPOSE OF RENOVATING PROPERTY FOR USE BY THE NORTHERN CHEYENNE ECONOMIC DEVELOPMENT COMMITTEE. Motion made by Tracy Robinson. 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			
L. Jace Killsback	X		
Dan Carlson			
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

9 votes Yes 0 votes No 0 Abstentions Motion Carried

ADJOURNMENT OF MEETING. Motion made by Tracy Robinson. Second by Allen Fisher.

ROLL CALL VOTE:


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			
Jennie LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

9 votes Yes	0 vote No	0 Abstentions	Motion Carried
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Meeting Adjourned at 12:28 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 16th day of May 2011.


Melissa Lonebear, Secretary
Northern Cheyenne Tribe