

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

**REGULAR SESSION COUNCIL MEETING**

**MINUTES**

October 19, 2009

**CALL TO ORDER:** President Spang called the meeting to order at 9:45 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. 9:49 a.m.
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		
President Spang	X		

Quorum Established

**AGENDA ADDITION-GRAZING RATES.** Motion made by Judith Spang. 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		

9 votes Yes	1 vote No	1 Abstention	Motion Carried
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**Motion made by Joe Fox, Jr. to adjourn October 13, 2009 Council Meeting. 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		

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

**Motion made by Allen Fisher to exit out of Council Meeting for Permanent Fund Board Meeting @ 9:52 a.m. Second by Tracy Robinson.**

**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.

**PERMANENT FUND UPDATE**

Paul McKean-Lots of good news, there was a 1.5 million dollar increase from the end of June to the beginning of September. Worst is behind us as far as DOW turn. We've gone from negative growth to positive growth. Housing market has stabilized; we've seen signs of stabilization. The economy has grown rapidly in the third quarter. We are optimistic but cautious in our investments. Total portfolio is worth \$17,977,207.47. In terms of asset allocation, we're pretty close to being on target. We recommend that we make a move into fixed income. Move \$125,000 into the larger international markets.

Our estimates for the U.S. are that we'll likely have slow growth. These other countries will have better growth. I request that the Permanent Fund Board approve these rebalancing actions.

Introduction of Kathy Frank, the new President for FIB in Colstrip.

Kathy Frank-I've been at FIB for 20 years. When Les was still in Colstrip, Steve Chestnut called Les regarding a loan for 2.5 million dollars for a land purchase.

Judy Spang-This is the Dull Knife property, the paperwork is ready to be reviewed by one of the officials.

Kathy Frank-The modification of documents hasn't been approved yet. We were waiting to see if the resolution was passed.

Tracy Robinson-I think you had FIB do that when Dull Knife and Greens came up. I think that's why the President called Les. Since then, we've already taken action to purchase the Dull Knife property.

Judy Spang-I think it would be better if that was touted through the land committee. It hasn't been officially approved by the Land Committee.

Tracy Robinson-It still has to come through budget and finance.

Danny Carlson-We need to set some money aside for the Culture Commission because they are dealing with land.

**RESOLUTION AUTHORIZING THE APPROVED REBALANCING ACTIONS OF THE PERMANENT FUND BOARD.** \*\*Transfer \$150,000.00 from Acct. 5111992C (Stonebridge) to Acct. 5111992B (FIB)\*\*Transfer \$500,000.00 from Acct. 5111992D (Harris) to Acct. 5111992B (FIB). Motion made Allen Fisher. Second by Tracy Robinson.

**ROLL CALL VOTE:**

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

10 votes Yes	0 votes No	1 Abstention	Motion Carried
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**Motion made by Allen Fisher to adjourn Permanent Fund for Council Meeting.  
Second by Tracy Robinson.**

**Exit Permanent Fund Board Meeting @ 10:07 a.m.**

**ROLL CALL:**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
<b>Jule Spang, Sr.</b>	<b>X</b>		
<b>R.D. Bailey</b>	<b>X</b>		
<b>George Scalpcane</b>	<b>X</b>		
<b>Tracy Robinson</b>	<b>X</b>		
<b>Allen Fisher</b>	<b>X</b>		
<b>Alec Sandcrane</b>	<b>X</b>		
<b>L. Jace Killsback</b>		<b>X</b>	
<b>Dan Carlson</b>	<b>X</b>		
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Judith Spang</b>	<b>X</b>		
<b>Vice President Fox</b>	<b>X</b>		
<b>President Spang</b>	<b>X</b>		

Quorum Established

**MOTION MADE BY JENNY LAFRANIER TO TABLE THE BOARD PAY  
AGENDA ITEM (TO INCREASE THE TRIBAL PROGRAMS BOARD PAY  
FROM \$75.00 TO \$100.00). SECOND BY R.D. BAILEY.**

**ROLL CALL VOTE:**

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

<b>10 votes Yes</b>	<b>0 votes No</b>	<b>1 Abstention</b>	<b>Motion Carried</b>
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**RESOLUTION CONCURRING WITH THE TRIBAL PRESIDENT'S  
APPOINTMENT OF FLOYD CLUBFOOT TO THE CULTURE COMMISSION  
REPRESENTATING THE BIRNEY DISTRICT. 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			
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox	X		

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

**RESOLUTION EXPANDING THE TRIBAL JUSTICE PLANNING COMMITTEE TO INCLUDE REPRESENTATION FROM ALL AGENCIES AND PROGRAMS THAT WILL BE INVOLVED WITH THE PROPOSED JUSTICE CENTER.** 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**

**RESOLUTION APPROVING THERESA A. SCHNEDER, AN ATTORNEY, TO REPRESENT THE INDIAN CHILD WELFARE ACT PROGRAM, UNDER THE NORTHERN CHEYENNE HUMAN SERVICES DEPARTMENT.** 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		

<b>Alec Sandcrane</b>	<b>X</b>		
<b>L. Jace Killsback</b>	<b>X</b>		
<b>Dan Carlson</b>	<b>X</b>		
<b>Jenny LaFranier</b>	<b>X</b>		
<b>Judith Spang</b>	<b>X</b>		
<b>Vice President Fox</b>	<b>X</b>		

<b>11 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**GRAZING RATE INCREASE**

L. Jace Killsback- I would like to table the Grazing Rate increase because I can't get it off my computer. I want to change the ordinance as a whole. The grazing ordinance had a sliding scale in the one that I presented. The proposed rate is \$13.50 for three years. We can discuss that more. We didn't get to do education for the ordinance.

Tracy Robinson-Basically just roll that permit.

L. Jace Killsback-We're not basing that rate by allottees rate. We're changing the rate but we have to change the language for that rate too.

Jenny LaFranier-Are we going to have a working session on the ordinance?

L. Jace Killsback- I would like to have a commitment for approval, contingent upon a working session.

Presentation by Robert McLean, Legal Counsel for Renee Keplin. Merits of case were not discussed, requested hearing regarding employment issue.

**MOTION MADE BY ALLEN FISHER TO REFER RENEE KEPLIN TO THE EDA COMMITTEE. SECOND BY TRACY ROBINSON.  
ROLL CALL VOTE:**

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

<b>11 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**MOTION MADE BY R.D. BAILEY TO PUT RENEE KEPLIN ON THE EDA COMMITTEE AGENDA. Motion withdrawn, Allen Fisher-Chairman will put it on the EDA agenda on Wednesday.**

**Break @ 10:55 a.m.**

**Reconvene @ 11:10 a.m.**

## **TERO**

Eugene Limpy-I met with Administration on Friday. The resolution on Range, Big Horn Electric, and TERO. I told Leroy the amount of fees that they pay is only 50 dollars per year and they make a lot of money on the Tribe every year. He recommended that these companies establish training positions for NC members for them to become permanent employees of the companies.

Jenny LaFranier-I was in the TRECO meeting for a short time. Every time the group suggests something, he said it comes back out of consumer costs, I wonder if they'll add on additional costs. Did you check to see if they're open to this and what their thoughts are?

Eugene Limpy-When Crow taxed 8 years on Big Horn electric, right away I noticed that my light bill went up.

Danny Carlson-I think we need to jump over TRECO's head if there's a way. I think they shouldn't be telling us what to do.

Tracy Robinson-What about V-1 propane and the other propane companies?

Joe Fox, Jr.-When we deal with these co-ops it's good to have legal binding documents that this issue has been discussed and the Council is moving forward. I encourage you to visit with Steve Chestnut to make it strong and binding.

Judy Spang-When does the TERO Commission come into play on this?

Eugene Limpy-The Commission approved these at the Board meeting before. They've been approved by the commission.

Judy Spang-Those 50 year rights of way issues are coming up with TRECO and maybe Range. TRECO will be coming in November, those things are up and it will give us some room to negotiate and examine.

Joe Fox, Jr.-In reference to Judy's comments, these are legal binding documents.

Tracy Robinson-So we need to table this until we can get legal counsel review.

Eugene Limpy-I recommend that the Council take one step forward to pass this. What Judy talked about is leverage for this resolution. That's when you have Steve draft the MOU's to make sure that they comply with this resolution.

Joe Fox, Jr.-I would get some advisement from Steve before you submit a final draft. That way you'll have a good legal binding document.

Tracy Robinson-Is there training and employment clauses in our agreements with these companies?

L. Jace Killsback-This is almost symbolic for a statement that the Tribe wants jobs.

Judy Spang-The TERO commission ordinance, does it give the commission the right to negotiate jobs and fees?

Eugene Limpy-It doesn't say that the commission will negotiate.

No action taken.

**ORDINANCE AMENDING THE TERO ORDINANCE PLAN OF OPERATIONS TO ADDRESS ILLEGAL IMMIGRANTS.** 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			
Jenny LaFranier	X		
Judith Spang		X	
Vice President Fox	X		

**9 votes Yes      1 vote No      0 Abstentions      Motion Carried**

**ADJOURNMENT OF MEETING.** Motion made by George Scalpcane. Second by Allen Fisher.

**ROLL CALL VOTE:**

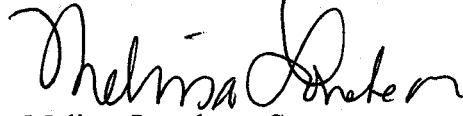
	YES	NO	ABSTAIN
Jule Spang, Sr.	X		
R.D. Bailey	X		
George Scalpcane	X		
Tracy Robinson	X		
Allen Fisher	X		
Alec Sandcrane			
L. Jace Killsback	X		
Dan Carlson			

<b>Jenny LaFranier</b>	<b>X</b>		
<b>Judith Spang</b>	<b>X</b>		
<b>Vice President Fox</b>			

<b>8 votes Yes</b>	<b>0 votes No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**Meeting Adjourned at 12:05 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 0 abstentions this 7<sup>th</sup> day of June 2010.



Melissa Lonebear, Secretary  
Northern Cheyenne Tribe