

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

**REGULAR SESSION COUNCIL MEETING**

**MINUTES**

September 8, 2009

**CALL TO ORDER:** President Spang called the meeting to order at 9:28 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		Arr. 9:57 a.m.
Jenny LaFranier	X		
Judith Spang	X		
Vice President Fox		X	Leave
President Spang	X		

Quorum Established

**AGENDA ADDITION-AGENDA COMMITTEE REVISION. MOTION MADE BY GEORGE SCALPCANE. 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			

6 votes Yes	3 votes No	0 Abstentions	Motion Carried
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**AGENDA ADDITION-HUNTING MORATORIUM EXTENSION. MOTION MADE BY ALEC SANDCRANE. 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			

**6 votes Yes      3 votes No      0 Abstentions      Motion Carried**

**AGENDA ADDITION-PERSONNEL POLICY REVIEW COMMITTEE. MOTION MADE BY ALEC SANDCRANE. 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			
Jenny LaFranier	X		
Judith Spang		X	
Vice President Fox			

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

**AGENDA ADDITION-TERO/TRANSPORTATION SEPARATION. MOTION MADE BY L. JACE KILLSBACK. 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			
Jenny LaFranier	X		
Judith Spang		X	
Vice President Fox			

8 votes Yes      1 vote No      0 Abstentions      Motion Carried

**AGENDA ADDITION-ESCROW ACCOUNT. MOTION MADE BY TRACY ROBINSON. 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			
Jenny LaFranier	X		
Judith Spang		X	
Vice President Fox			

8 votes Yes      1 vote No      0 Abstentions      Motion Carried

**AGENDA ADDITION-BACKPAY MORATORIUM. 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	X		
L. Jace Killsback	X		
Dan Carlson			
Jenny LaFranier	X		
Judith Spang		X	
Vice President Fox			

8 votes Yes      1 vote No      0 Abstentions      Motion Carried

**AGENDA ADDITION-BUSBY DISTRICT INSURANCE. MOTION MADE BY R.D. BAILEY. SECOND BY GEORGE SCALPCANE.**

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

<b>9 votes Yes</b>	<b>1 vote No</b>	<b>0 Abstentions</b>	<b>Motion Carried</b>
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**BIA Roads Presentation-Tim Sauer**

Tim Sauer-Steve Wilkie is not with me this morning. Waylon Rogers is a Foreman under the ARRA construction. I'll give an update on where we stand with the regular IRR and the ARRA program. IRR Roads-we rec'd 1.96 million to do IRR program. We had a construction overrun of over \$300,000 in equipment costs. We did all the incidental work on the Lame Deer/Birney project. We have effective dates for 13 employees, they will come on tomorrow morning. We'll start work from Lame Deer up to the divide and Muddy Creek. Primarily that will be cleaning up and crack routing and crack sealing, drainage issues. Muddy Creek, we'll do the rehab... filling in the areas and durapatch and rolling. On this work plan is the remaining projects, there is a total of 9. As we get more employees on, we'll get on the in town projects (drainage rehab, curb gutter repair). Typically we have the end of season shut down due to the weather. We don't anticipate doing that. With all these long jobs, there's going to be quite a bit of fencing. With our regular IRR crew, once there done paving they will continue to work through the winter as well. These projects need to be completed by September 2010.

Jenny LaFranier-How much ARRA funding came to NC?

Tim Sauer-IRR 1.6 million  
Roads and restoration 2.2 million

Jenny LaFranier-How many are working IRR?

Tim Sauer-Right now we have 15 and there will be 28 total.

George Scalpcane-This money that you've quoted, that's etched in stone?

Tim Sauer-The ARRA is your money. This 3.8 million is the highest of any reservations. That can't be shuffled.

Tracy Robinson-We started talking about this in May/April and now it's September. We're basically one year away from spending this money, is this money going to be spent? Are you sure that it will be spent so we don't lose this money?

Tim Sauer-These ARRA dollars, unfortunately in Indian Country this money is the last to be received. There was a dispute on how the money was going to be administered. Congress put all kinds of stipulations and accountability to the ARRA money. It got tied up in D.C. The money was finally received about two weeks ago. The only reservation that was spent so far was Rocky Boy. It still comes from Congress that this sunsets in 2010. We'll spend that money, it may not all be in employment. It may need to purchase things that you really need. If the work plan is able to be followed, it's still completely doable. It goes out in wages primarily.

Tracy Robinson-Every year the Tribe gets a new IRR budget. When we receive next year's budget we can pay anything that's overdrawn.

Tim Sauer-We take and focus on spending the ARRA money.

Tracy Robinson-If we spend our 3.8 and if there's money left over, can we get those funds?

Tim Sauer-Yes, there are some Tribes that may not spend what they were given and we will be able to apply for those dollars.

Tracy Robinson-We have qualified people to run the paver and hot plant. Why aren't our people getting trained on this equipment? It costs a lot to bring these people in; when they leave their house, they're on the clock. It costs us additional dollars.

George Scalpcane-I was working on a draft resolution to address the Jimtown Cutacross. We're going to change the name designation and include it with 204. Since that is supposed to be a project that is shovel ready, we want to change the approach on the southern end.

Tracy Robinson-Could we submit something for the two bridges on the rosebud that need to be addressed.?

Jenny-The Soldier Gulch road is a health hazard with all the dust that comes off it.

Tim Sauer-Spring would be a good time to lay those millings down.

George Scalpcane-On the Soldier Gulch road, Western Energy donated some of that dust control chemical. They were willing to keep bringing it for roads, from what I hear is that it's a failure of the Tribe's part.

L. Jace Killsback-Soldier Gulch- It came to land authority on what was a priority for those millings. We identified sites that we felt would benefit the most people. We agreed on recreation sites. Plus the fact that Soldier Gulch that already on the IRR. Recreation areas are used by everybody, we went through that extensively.

Tracy Robinson-Phase I & II Ashland/Birney and top of the divide. What's your schedule on that? That's a huge safety issue.

Tim Sauer-The background on the guard rail, I don't like to push safety due to funding. The priority is to pave Birney up to the divide. Every time we look to fit in the paving into procurement. I'll leave you with this work plan.

**Lunch break @ 11:30 a.m.**  
**Reconvene @ 1:20 a.m.**

**ROLL CALL:**

	PRESENT	ABSENT	EXCUSED
Jule Spang, Sr.	X		
R.D. Bailey	X		Arr. 1:24 a.m.
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	Leave
President Spang	X		

Quorum Established

**MOTION MADE BY ALLEN FISHER TO ENROLL HOPE WHITCHURCH BASED ON DECENDENCY ON THE NORTHERN CHEYENNE TRIBAL ROLLS. 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		
Jenny LaFranier		X	
Judith Spang			
Vice President Fox			

<b>3 votes Yes</b>	<b>5 votes No</b>	<b>1 Abstention</b>	<b>Motion Failed</b>
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**RESOLUTION DENYING APPLICATION OF HOPE WHITCHURCH (WHEELER) FOR ENROLLMENT IN THE NORTHERN CHEYENNE TRIBE.**

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

6 votes Yes	2 votes No	1 Abstention	Motion Carried
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**BUDGETS**

**RESOLUTION AUTHORIZING THE MODIFICATION AND OR ADOPTION OF BUDGETS:** Fund 905 PP&L Scholarship FY2010 initial budget of \$20,298.52. Fund NEW EMPG FY2010 initial budget of \$77,780.00. Fund 330A NCTH-Administration FY2009 revised budget to \$1,125,287.11. Fund 358 Special Diabetes Grant FY2010 initial budget of \$90,397.48. Fund 358A Special Diabetes Grant 08 Carryover revised FY2010 budget to \$78,747.77. Fund 330# MSPI Revised FY2009 budget to \$263,592.20. Fund 200 Fire Protection FY2009 revised budget to \$117,737.53. Fund 412A THPO FY2009 revised budget to \$91,518.25. Fund 600 EEOC FY2009 revised budget to \$26,000.00. Fund 359 LIHEAP FY2009 revised budget to \$387,319.12. Fund 910 CITGO FY2009 revised budget to \$92,400.00. Fund 398 Admin on Aging FY2010 revised budget to \$27,814.83. Fund 379 Head Start FY2010 initial budget of \$474,326.00. Fund 233 Tribal Management Development FY2009 revised budget of \$33,500.00. Fund 246 Summer Youth Work Learn FY2009 revised budget to \$39,533.16. Fund 244 Tribal Part B&C FY2009 revised budget to \$148,418.19. Fund 733 Independent Living FY2009 revised budget to \$30,000.00. Fund 739 Title IV-E Foster Care FY2010 revised budget to \$327,440.09. Fund 368 Healing Hearts FY2009 revised budget of \$73,450.00.

**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			

9 votes Yes      0 votes No      0 Abstentions      Motion Carried

**ESCROW ACCOUNT AGENDA ITEM TABLED.**

**RESOLUTION DECLARING AN EMERGENT MORATORIUM EFFECTIVE IMMEDIATELY ON ALL BACK PAY REQUESTS FROM THE NORTHERN CHEYENNE GENERAL FUND.** 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		
L. Jace Killsback	X		
Dan Carlson	X		
Jenny LaFranier	X		
Judith Spang			
Vice President Fox			

8 votes Yes      0 votes No      1 Abstention      Motion Carried

**APPROVAL OF TRIBAL COUNCIL MEETING MINUTES FOR MARCH 19, 2009 & MARCH 31, 2009.** 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			

9 votes Yes      0 votes No      0 Abstentions      Motion Carried

**RESOLUTION CONCURRING WITH THE TRIBAL PRESIDENT'S APPOINTMENT OF WALLACE BEARCHUM TO THE 2010 MONTANA CENSUS ADVISORY GROUP.** Motion made by Jenny LaFranier. 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			
Vice President Fox			

9 votes Yes      0 votes No      0 Abstentions      Motion Carried

**RESOLUTION CONCURRING WITH THE TRIBAL PRESIDENT'S APPOINTMENT OF WILLIAM WALKSALONG TO THE NORTHERN CHEYENNE HOUSING AUTHORITY BOARD OF COMMISSIONERS.** Motion made by L. Jace Killsback. Second by Jule Spang, Sr.

**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			

5 votes Yes      4 votes No      0 Abstentions      Motion Carried

**RESOLUTION CONCURRING WITH THE TRIBAL PRESIDENT'S APPOINTMENT OF LLOYD LITTLEBIRD, SR. TO THE NORTHERN CHEYENNE CULTURE COMMISSION.** Motion made by L. Jace Killsback. Second by Tracy Robinson.

**ROLL CALL VOTE:**

	YES	NO	ABSTAIN
Jule Spang, Sr.	X		

<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>Vice President Fox</b>			

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

**RESOLUTION REQUESTING FROM THE MONTANA DEPARTMENT OF TRANSPORTATION, A FLASHING BEACON TO BE LOCATED APPROXIMATELY .3 MILES EAST OF THE INTERSECTION OF U.S. HWY 212 AND MT 39, AND STREET LIGHTS FROM THE U.S. HWY 212 INTERSECTION TO THE EAST AS FAR AS THE CHARGING HORSE CASINO EXIT AS PART OF THE EFFORT IN REDUCING STATEWIDE FATALITIES AND INJURIES CAUSED BY MOTOR VEHICLES. Motion made by Alec Sandcrane. Second by Allen Fisher.**

**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>Vice President Fox</b>			

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

**Indian Civil Rights Act of 1968 Presentation-Dolly Rockroads**

**Break @ 3:03 p.m.**

**Reconvene @ 3:26 p.m.**

**MOTION MADE BY ALLEN FISHER TO TABLE COMPLAINT AGAINST 2009 POW-WOW COMMITTEE; CASE IS STILL IN TRIBAL COURT. 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			

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

**RESOLUTION APPOINTING ENTIRE TRIBAL COUNCIL AS AGENDA COMMITTEE MEMBERS.** Motion made by George Scalpcane. 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			

**4 votes Yes      5 votes No      0 Abstentions      Motion Failed**

**HUNTING MORATORIUM EXTENSION-DISCUSSION.**

**RESOLUTION CONCURRING WITH THE TRIBAL PRESIDENT APPOINTMENTS TO THE PERSONNEL POLICY REVIEW COMMITTEE.**

Motion made by Alec Sandcrane. Second by George Scalpcane.

\* President Spang, Melissa Lonebear, David Roundstone, John Robinson, Clyde Wolfblack, Clara Caufield, Jacob Tallbull, George Scalpcane, Alec Sandcrane.

**ROLL CALL VOTE:**

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

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

<b>4 votes Yes</b>	<b>5 votes No</b>	<b>0 Abstentions</b>	<b>Motion Failed</b>
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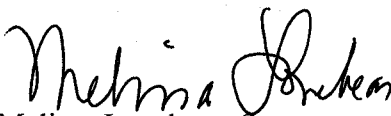
**TERO/TRANSPORTATION SEPARATION RESOLUTION – DISCUSSION.  
RESOLUTION NO. DOI-109 (2009) WAS ORIGINALLY PASSED ON APRIL 6,  
2009.**

**BUSBY DISTRICT INSURANCE AGENDA ITEM WAS WITHDRAWN BY R.D.  
BAILEY.**

R.D. Bailey-I feel a lot of jealousy when I present this today.

**R.D. Bailey exits @ 5:01 p.m. lost quorum.**

**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 19<sup>th</sup> day of April 2010.

  
Melissa Lonebear, Secretary  
Northern Cheyenne Tribe