

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

REGULAR SESSION

MINUTES
January 16, 2024

CALL TO ORDER: President Wetherelt called the meeting to order at 9:08 a.m.

INVOCATION: Ernest Littlemouth, Sr.

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Melissa Lonebear	X		
Debra Charette.	X		
Norma Gourneau		X	X
Eva Foote		X	
Torrey Davie <i>*arrived @ 9:47 a.m.</i>		X	
Serena Wetherelt, President	X		
Ernest Littlemouth, Sr., Vice President	X		
Silver Little Eagle	X		
Nizhoni Friesz	X		
Donavin Limberhand	X		
Gwen Spottedhorse <i>*by telephone</i>	X		
Melissa Fisher	X		
Total:	9	3	1

Quorum Established

ANNOUNCEMENTS:

PRESIDENT WETHERELT: I would just like to commend the STEDS Committee and Colton and Mariah. I think everybody is supposed to be getting a copy of the report. I've heard a lot of good compliments on it. I haven't read it yet but there's supposed to be copies to the council, myself and Ernest. We met the deadline. The deadline was on Friday and you guys all did a very good job on it. The ones that are on the committee.

COUNCILWOMAN FISHER: For the Admin, you guys need to make a push to your programs that they still need to do their wish lists and their goals for their programs because that could really help their chances as well. Their chances to get funding. I know that Councilwoman Lonebear already re-iterated that to the executive directors. Only a few actually came through with their summary and goals. So, if we could get that from the programs, it would be great.

COUNCILWOMAN CHARETTE: That's what the push was from Councilwoman Lonebear was to get it in by the deadline because then it's live now. Documents can be modified.

COUNCILWOMAN LONEBEAR: I think maybe if William or if we could have a Director's meeting to go over it because a lot of Directors didn't know what it is and how important it is. They should be given a copy of it and read it themselves and try to figure out where they fit in. It is like our guide for funding projects.

COUNCILWOMAN CHARETTE: Update: Ray is checking with Range. The school's internet is also down. They did have the Highway 212 meeting in here. The highway patrol, BIA and Bighorn County were here. Then Jason Small came in and Lori. I did try to send out an email but a lot of them bounced back for the meeting in Forsyth.

COUNCILWOMAN LONEBEAR: I came in briefly from the run. I told Jason to schedule a meeting with them. They are putting money into the 212, just that little section they did and didn't chip seal, but we need to schedule a meeting in case there's a different fund. We need to demand a different plan. At least a three lane all the way to Broadus or something. Instead of starting back up with that construction we need to request that they hold off on that one.

COUNCILWOMAN CHARETTE: Scenic byway. Can't do the short cut.

PRESIDENT WETHERELT: That would be a positive push to slow them done or to not even be able to come through.

COUNCILWOMAN LONEBEAR: I think on our part too because years ago when they came to do the notification of the roundabout, they had a map of the fatalities. Their whole push for the roundabout was the speed factor. They had to slow down. They had data on this side and data on that side within our boundaries. Nothing in the middle. That's what we need is to put our own information together to present to the State.

COUNCILWOMAN CHARETTE: The roundabout was supposed to discourage them but them taking out the weigh station. They asked if the weigh station could go here to. Nobody has a problem with where the weigh station is. I think it would curb a lot too.

PRESIDENT WETHERELT: I think it was kind of nice when they had it just before that exit.

COUNCILWOMAN LONEBEAR: I explained to them to that we have to weigh our options with the whole sovereignty issue. Racism is real and it's still here. The cross deputation was huge and it got voted down. Now we are stuck with 2 option. Do we bring in more highway patrol and the let the county people in but at the same time, how do we protect our people from getting beat.

COUNCILWOMAN FISHER: What I wanted to request was for the highway patrol to, I've never seen them try to get employees here. I've never seen them try to recruit here on the reservation. They've never been here. They've never tried to recruit Native Americans. We had

a Native American, tribal member, that was a part of their crew but he felt the racism in there, on the job. He couldn't take it anymore and he left the force.

COUNCILWOMAN LONEBEAR: Even the roads crew with the racism, I mean Kevin, this was years ago too. They have connecting radios like with this side. They have Bighorn County from here to Crow to Decker and then from the line by Rosella's all the way to Broadus is one crew. You have another crew that goes highway 39 and then the interstate to Forsyth. The crew, the Colstrip crew, on the radio was making racist comments. They had to do diversity training. It's real. It's here. That's one thing we have to pay attention to because if we opened it up, people would get hurt. I'm sure of it.

COUNCILWOMAN FISHER: What if we have an accident, we'd have to wait for Forsyth.

COUNCILWOMAN CHARETTE: And that's what they said. They're shorthanded. We did have Lane in as our Highway Safety Officer and it kept coming back to the BIA, not getting reimbursed. He just got tired of fighting. Not really fighting. He was real patient about trying to get his stuff signed.

PRESIDENT WETHERELT: Yeah. He was being patient but the BIA wasn't doing their part for him and that's what was really frustrating because we had to pick up the tab because they wouldn't refund us.

COUNCILWOMAN CHARETTE: His director actually came out twice and talked to them. He came all the way from Albuquerque. John Grinsell said he would take responsibility for everything that happen from June 17th until now but he said everything before, I have no control over. He said I am here now.

COUNCILWOMAN LONEBEAR: I just got a message from Angel. She said she asked Serena to extend the State of Emergency. She said even though it is going to warm up today it will still be below freezing. She said extending it just one day. She said volunteers are more than welcome to go to Crow, we just haven't received official word asking to help. I think it was the ----- family, right?

COUNCILWOMAN FISHER: The family requested the SARS but I don't know if they don't know that our SARS and our DES are separate. If Teresa got the invite then Teresa should just reach out

COUNCILWOMAN LITTLE EAGLE: Does she still want to come in or be on the agenda?

COUNCILWOMAN LONEBEAR: No. Angel is sick.

ITEM #1 – ELDERLY

MICHELENE BEARCOMESOUT: Good morning. I just want to say thank you guys for all your help with the Ft. Robinson run. It was my first time going and it was a really good experience. If you guys get a chance to go, I'd say go. So, with the Elderly Program, she gave

me an update on the Angel Tree. She said she had 87 total; 20 Crow/Northern Cheyenne Heritage; 39 off rez; 23 regular; and 5 with no presents. The staff pitched in and got them something. They have activities planned this month. T-HIP is coming in to do blood sugar checks. They are doing arts and crafts, health education and healthy snacks for the elders. They are going to do card games, movies and low impact exercise down there at the Elderly Program. March 31, 2024 is the last day they can use the money from their budgets. They need the accountant to approve their activities but that is kind of a lost cause. Once their activities get approved then they need some vendors that'll take their purchase orders.

COUNCILWOMAN FISHER: It should be the Director that approves the activities. The accountant should just look it over.

MICHELENE BEARCOMESOUT: That's not happening.

COUNCILWOMAN LONEBEAR: She feels like she is in control of everything.

COUNCILWOMAN FISHER: Debbie, that's what I said. There's one accountant who controls all our vital programs of our Tribe and she chokes them out every time.

PRESIDENT WETHERELT: I see that all the time with LIHEAP too.

COUNCILWOMAN FISHER: She has LIHEAP, Commodities, Elderly and Child Care.

COUNCILWOMAN LONEBEAR: The accountants do not approve or disapprove. They just see if the money is there and if there's something questionable, then recommend.

COUNCILWOMAN FISHER: It's this accountant who continues to make the directors of our Tribe look ridiculous. They have to constantly contact their funding agency and ask is it allowable. She needs to go to those trainings. She needs to get the updates. Things that weren't allowable in the 80's and 90's are now allowable in the new century. She's not with the times. She continues to stop things. When there's updates with the program funding and there are allowable costs now she still will not allow spending for the programs. She makes the programs call the funding agency and get a letter. They get that letter and she still doesn't process it. That's wrong. That makes our directors and our people look incompetent like they don't know how to read.

COUNCILWOMAN LONEBEAR: We are trying to encourage every one to think outside the box.

MICHELENE BEARCOMESOUT: For example, if we do bingo, we can't get a purchase order to get prizes. So, somebody has to buy the prizes and then get reimbursed. Even that is kind of touchy. She might do it, she might not. It's really hard to do anything with that Elderly Program because we can't get past the accountant. But, they did get a 75-inch tv and they do need help putting it on the wall. They have the snow plow but the truck, with the snow plow attached, it overheats. So, they wanted to trade in the truck because it's not doing any good. They weren't able to plow last year because it kept overheating. It doesn't have any muscle to it.

It would get stuck. They were of no use last year. So, they are requesting to trade it in or something.

COUNCILWOMAN FISHER: So, the plow is just sitting there?

MICHELENE BEARCOMESOUT: Yeah. The plow is not on the truck right now because the truck isn't strong enough.

COUNCILWOMAN LONEBEAR: What kind of truck is it? Do you know?

MICHELENE BEARCOMESOUT: It's a ford.

COUNCILWOMAN LONEBEAR: Full size?

MICHELENE BEARCOMESOUT: No. I think it's only a 150. It's not a real powerful truck.

COUNCILWOMAN LONEBEAR: Does it belong to Housing or does it belong to Elderly?

COUNCILWOMAN LITTLE EAGLE: We got it with ARPA funds.

COUNCILWOMAN FISHER: We'll follow up with Eleece to see what our options are.

MICHELENE BEARCOMESOUT: Ok. I believe, other than that, that's the big issue we have is trying to get all that money spent by March 31st. I think it's at least \$100,000 dollars.

ITEM #2 – DISTRICT UPDATES

SECRETARY REDSTAR: Ryhal said she wouldn't be here. She just said to let everyone know that Muddy hall is under renovations and that is all that she would report anyway.

PRESIDENT WETHERELT: I think we have one person here. Was it district business or what is it. Are we recognizing him?

COUNCILWOMAN LONEBEAR: It's not up to us.

PRESIDENT WETHERELT: I don't know if you got a letter or anything from the Treasurer but the Treasurer is the one that actually recognizes the District chairs because she works with you. If you didn't get anything from her. We are having a hard time trying to recognize who the appropriate person is.

COUNCILWOMAN LONEBEAR: It's actually not a district chair. It's up to the Districts. It's up to the Lane Deer district to all come together. There is paperwork that was submitted by each fraction, each election or whatever it was. I don't know.

COUNCILWOMAN CHARETTE: I guess my question is, did you call the ones that say that they are the chair. Did they all come together and agree that you would be doing everything.

HUBERT BLACKWOLF: OK that we we don't posters we put out posters we can wire and meeting to get everybody to come together as one years ago with all these things that people are doing that meeting and they that's when they are they did the the city that they had to weaken due to come to that meeting they were notified that posters at the store all over so we're waiting waiting for when to come the only one that came over was that he had and when did I they spoke and we everybody Ali Ali I said what's with Connie and Nolan ohh yeah voted I don't know what was going on everything is like console would be good to each other this work together in the report I feel a lot of things the fact districts people doing with their budget a few that that pick word yeah but anyways

COUNCILWOMAN FISHER: hold on we continue

COUNCILWOMAN LONEBEAR: OK so as far as the tribal council goes and pointing fingers and has a little place right here because we're working very well together right now but the thing about the whole situation is that the tribal council has been reminded that we don't make the decision here and Kristi doesn't make the decision either.

HUBERT BLACKWOLF: Yeah.

COUNCILWOMAN LONEBEAR: It's up to the Districts. It's up to the Lame Deer District.

COUNCILWOMAN FISHER: So, this is what we can

HUBERT BLACKWOLF: You guys have nothing to do with the districts. You guys don't have nothing. that's what we did. We're trying to recognize what we're trying to do. I'm getting tired of these guys bickering.

COUNCILWOMAN LONEBEAR: Same. We all are.

COUNCILWOMAN FISHER: So, everybody who claims to be a district chair needs to come into one room. So, we're not gonna take anything more from Lame Deer district until we got a recognize

HUBERT BLACKWOLF: But we did the public procedures. We did the proper paperwork. We did. We didn't listen to anybody. We just did the phone proper procedures of doing things. We did the minutes. We re-elect. We got those guys that come over. They didn't show up. Then, they had their own meeting and they cancelled it. Then another one came up. Two meetings at the same time. We're all adults here. We should all work together. I told them to bring all those people together.

COUNCILWOMAN LONEBEAR: Right.

HUBERT BLACKWOLF: Squash it. Let's go continue because this district, our people need that help. That's what I'm trying to help is elderly. Those youth. We put down, me and Nolan and put down the budget. There's about four or five of them, right Charlotte? I mean Connie. About 4 or 5 of them. We broke it down.

CONNIE SANCHEZ: Kristi gave us the worksheet.

COUNCILWOMAN FISHER: So, you guys actually have the

CONNIE SANCHEZ: Yes

COUNCILWOMAN FISHER: You guys are moving forward

HUBERT BLACKWOLF: Yes. We broke it down to all those programs. All those people that we're going to try help. So, we have to have another meeting.

COUNCILWOMAN FISHER: You guys work on getting your budgets done and submitted and we'll have a sit down with Kristi.

HUBERT BLACKWOLF: I'm not going to go to Kristi. I'm going to go to that Limberhand kid.

COUNCILWOMAN FISHER: I'm not telling you to go to Kristi but your budget has to go back to Kristi. Your budget has to be done. It has to be turned in with your minutes and show your attendance. You have to turn it all in with your packet all together. So, you have to deal with Kristi. You can't say that you're not going to deal with Kristi because the district deals with finance directly because that is who disburses your money.

COUNCILWOMAN CHARETTE: Once you get it to Kristi, then it will come to the budget and finance committee.

COUNCILWOMAN FISHER: So, the budget and finance committee will approve your budget and then you go from there to work with the accountant who is under Kristi. The general fund accountant will work on your stuff.

HUBERT BLACKWOLF: Kayla, that's who we're gonna have to go through is Kayla. That's our accountant. That's who we take our paperwork to.

PRESIDENT WETHERELT: Yeah.

HUBERT BLACKWOLF: That who we will be working with.

COUNCILWOMAN FISHER: Yeah.

COUNCILWOMAN CHARETTE: Her supervisor is Kristi.

COUNCILWOMAN FISHER: Her supervisor is Kristi. Kristi is her supervisor so you need to follow the chain of command.

HUBERT BLACKWOLF: Well, we go to Limberhand first. We don't go to Kristi.

COUNCILWOMAN FISHER: You're getting it mixed up. Ok. Thank you for coming. Thank you.

HUBERT BLACKWOLF: Just cut me off. Did you see that.

COUNCILWOMAN FISHER: Ashland District.

EDITH CAIN: Good morning. So, this is the first update I've been able to give. We've hit or miss or sometimes cancelled. So, right now we're trying to have. Well, we are having one event per month. We put quit a bit of money away for that. Council rep here, Melissa, does a great job at promoting, helping, getting things for us to give out. This year, our money went quickly. We have medical. We have a lot of elder money left. When they need help, the charity doesn't go to far. I pretty much help everybody that puts in a request. I don't pick and choose. On the medical, it's gets a little different. They have to have appointment slips so that last a lot longer. The elders, they have, probably 3-4 thousand left so when they need help or anything, it's not questioned as long as they have a request. Excuse me, I have a bad cold. In February, I think we will be doing the Valentine's day event. They're pretty fun. The community likes it. Thanksgiving we had a huge meal and we served the community and they really enjoyed that. We get a lot of volunteers to come and help. Because of covid, we don't get too many but they clean up. The hall use; the hall has been used a lot and all of them have been really good at cleaning it up. We charge \$50 dollars and then they get \$25 back if they complete the check list. Are there any questions.

COUNCILWOMAN FISHER: One more thing. Also, the Ashland district would like to welcome back our elders back to the Heritage. Our elders are home. We're looking at planning an event there or at the hall for our elders to welcome them back to the community. It was a long journey for them. A long stressful journey. We just want show them that we missed them. Thank you, Edith.

COUNCILWOMAN FISHER: Busby.

SHELDON KING: Good Morning. Just a little update on Busby. I did get back the budgets for the Christmas pow wow yet. It got too cold and stuff like that. We were supposed to have a meeting last week. We are just trying to get back in order. Get our budget and everything looked at and revamped and then start our year off in the right direction. We'll probably just start preparing for Busby days in June. We're trying to get ahead of it now. Start our committee so they can start fundraising and stuff. I know that the funding for stuff like this through the Tribe, throughout everywhere, is very, very limited. Get started. So, trying to get self. Just trying to make our district a little bit more accountable on ourselves because it's going to be a big pow wow and stuff like that instead of always assuming that we could come to the Tribe to get money. We got to start off and. They use to do that back in the day. I think we need to pick that back up and start doing our own fundraising again but we appreciate all the help that you do give us. We had a very busy weekend. We appreciate the wood. Everything. All the resources that you guys brought back out for our people. We thank you for all the hard work and for all that. For pushing through for that because it was very much needed. Everybody appreciated the fire wood up there and everything that could be done. If there was a phone needed for any

resources, we appreciate that too because we were kind of ahead of it this year. Like I said, we appreciate it. We'll give a more detailed report on the next meeting. We'll have our budget and stuff that we had for pow wow and we'll turn that all in. Thank you, guys.

COUNCILWOMAN FISHER: Birney. No one for Birney.

ITEM #3 – MINUTES

COUNCILWOMAN FISHER: I'll make a motion to approve November 6, 2023 minutes.

MOTION TO APPROVE NOVEMBER 6, 2023 MINUTES.

Motion made by Melissa Fisher. Second by Nizhoni Friesz.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie				X
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

8 vote(s) Yes	0 votes No	0 Abstentions	Motion Carried
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ITEM #4 – N.C. HEAD START BACKGROUND CHECKS AND SELECTION PROCEDURES

ROBERTA HARRIS: I have a resolution regarding our background checks. We did pass our first one and this one is just an addendum added on to it. I'll start on the 4th whereas.

WHEREAS, the Northern Cheyenne Head Start Program will adopt the Head Start Performance Standards, subsection 1302.90 Personnel Policies and the Federal Background Checks for the Northern Cheyenne Head Start Program, and

WHEREAS, the Northern Cheyenne Head Start Program added an addendum to include 1302.90 Personnel Policies (a), Establishing personnel policies and procedures and (b), Background checks and selection procedures from the Head Start Program Performance Policies. 5. *“The Northern Cheyenne Head Start Program will conduct and complete a background check for each employee, consultant, or contractor at least once every five years, which must include each of the four checks listed in paragraphs (b)(1) and (2) of this section, and review and make employment decisions*

based on the information as described in paragraph (b)(3) of this section unless the program can demonstrate to the responsible HHS official that it has a more stringent system in place that will ensure child safety.”

THEREFORE BE IT RESOLVED that the Northern Cheyenne Tribal Council hereby approves the Addendum Federal Background Checks for the Northern Cheyenne Head Start Program, Policies, and Procedures.

COUNCILWOMAN CHARETTE: Before we do that, will you still be doing background checks on everyone? A fresh hire.

ROBERTA HARRIS: Yes.

COUNCILWOMAN CHARETTE: That’s why I was just asking because background checks is a finding in our audits.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING AND ADOPTING BACKGROUND CHECKS AND SELECTION PROCEDURES, AND ADDED ADDENDUM FOR THE NORTHERN CHEYENNE HEAD START PROGRAM
 Motion made by Melissa Fisher. Second by Nizhoni Friesz.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie				X
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

8 vote(s) Yes	0 votes No	0 Abstentions	Motion Carried
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ITEM #5 – MOU W/ NCTBOH & N.C. HEAD START PROGRAM

ROBERTA HARRIS: This is for the school-based health care. I’ll start on the 3rd whereas.

COUNCILWOMAN FISHER: You can just start at the top, a resolution of the Northern Cheyenne Tribal Council. You can just read it and then you can just do the 5th whereas and down.

ROBERTA HARRIS: A resolution of the Northern Cheyenne Tribal Council approving the memorandum of understanding between the Northern Cheyenne Head Start program and the Northern Cheyenne Board of Health for school-based health care.

WHEREAS, both parties agree that the MOU is intended to ensure the parties agree with a common understanding of regulatory guidance and policies, to support coordination and integration and efforts of the Northern Cheyenne Board of Health and Northern Cheyenne Head Start leadership and school-based health and education professionals, and its intended results, and,

WHEREAS the Northern Cheyenne Head Start and the Northern Cheyenne Board of Health MOU can be terminated by both parties upon 90-days’ written notice.

THEREFORE BE IT RESOLVED that the Northern Cheyenne Tribal Council hereby approves and adopts the Memorandum of Understanding, between the Northern Cheyenne Head Start and the Northern Cheyenne Board of Health.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE NORTHERN CHEYENNE HEAD START PROGRAM AND THE NORTHERN CHEYENNE TRIBAL BOARD OF HEALTH FOR SCHOOL-BASED HEALTHCARE.

Motion made by Melissa Fisher. Second by Debra Charette.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie			X	
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

8 vote(s) Yes	0 votes No	1 Abstentions	Motion Carried
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ITEM #6 – PROGRAM MANAGEMENT-CHALLENGE DECLINATION OF CONTRACT FROM BIA-OJS

COUNCILWOMAN CHARETTE: A resolution authorizing federal litigation to challenge BIA declination of ISDEAA Law Enforcement program management contract proposal.

WHEREAS, BIA-OJS is solely responsible to provide such services and has failed to meet fiduciary and statutory responsibilities for many years, resulting in major public safety problems;

WHEREAS, to partially address these public safety problems, the Tribe created the Northern Cheyenne Investigative Services (NCIS) in Resolution No. DOI-070 (2021) to function as a Tribally-run law enforcement agency within the Reservation;

WHEREAS, the Tribe contracted the criminal investigations unit of BIA-OJS under the Indian Self-Determination and Education Assistance Act, P.L. 93-638 (ISDEAA) and placed it under NCIS;

WHEREAS, after receiving the criminal investigations contract, the Tribe submitted a proposal to contract the law enforcement program management and telecommunications/dispatch functions in July 2022, which were also to be placed under NCIS;

WHEREAS, the Tribe intended to use the program management funding to pay the salary of a supervisory criminal investigator and an office manager for NCIS, which would be shared by the criminal investigators and the dispatch center, thus freeing up some of the criminal investigation funding function to hire a third investigator;

WHEREAS, in response to statements made by BIA-OJS during the negotiations, the Tribe modified its program management proposal so that if the contract was awarded, the Tribe would use the program management funding to hire a law enforcement assistant to be shared by multiple law enforcement functions;

WHEREAS, during the course of the negotiations, BIA-OJS intentionally defunded the program management budget, from over \$321,000 in early 2021 to \$72,525 by December 2022;

WHEREAS, after over two years of technical assistance and negotiation, BIA-OJS approved the dispatch contract proposal but declined the program management proposal;

WHEREAS, the Tribe asked BIA-OJS for an informal conference to resolve the program management declination, which resulted in the Department of the Interior (“DOI”) affirming the declination decision;

WHEREAS, in denying the proposal BIA-OJS violated the ISDEAA, including without limitation by:

- (1) failing to support its stated declination reasons under 25 U.S.C. § 5321(a)(D) with adequate facts and legal reasons;
- (2) providing declination reasons that are not lawful under § 5321(a)(2);
- (3) failing to adequately share information in response to Tribal requests; and
- (4) engaging in conduct during the negotiations without good faith in violation of 25 U.S.C. § 5321(f), and

WHEREAS, the Tribal Council believes it necessary to challenge this decision in Federal court as soon as possible as part of its effort to address longstanding public safety issues on the Reservation resulting from BIA-OJS failing to meet its trust responsibilities.

NOW, THEREFORE, BE IT RESOLVED that, the Tribe hereby authorizes the Ziontz Chestnut law firm, on behalf of the Tribe, to proceed with litigation in Federal district court to challenge

BIA-OJS’s decision to decline its ISDEAA 638 contract proposal for law enforcement program management.

BE IT FINALLY RESOLVED the Tribe calls on BIA-OJS to immediately reverse its decision and award the contract to the Tribe so that the litigation is not necessary and the parties’ time and resources can be dedicated to ensuring public safety.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL AUTHORIZING FEDERAL LITIGATION TO CHALLENGE BIA DECLINATION OF ISDEAA LAW ENFORCEMENT PROGRAM MANAGEMENT CONTRACT PROPOSAL

Motion made by Debra Charette. Second by Melissa Lonebear.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie	X			
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

9 vote(s) Yes	0 votes No	0 Abstentions	Motion Carried
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COUNCILWOMAN FISHER: Real quick before we start #7. We have Board of Health here. Angel requested to be on the agenda but she is home sick. Board of Health just wants to know what’s going to happen with the warming stations and if everything is going to go on.

COUNCILWOMAN CHARETTE: If the declaration is going to be extended.

PRESIDENT WETHERELT: Well, she wanted to have it extended for one day. I don't know. I guess if I can hear your opinion on whether or not if you had any discussion on it. We did discuss it before, well, when we started the meeting. We didn't have quorum and then we finally got our quorum but we didn't actually. I thought, maybe, it was until midnight last night. It was up until the 15th. So, they want to extend it more day. Mostly because they wanted to use the programs in case they helped in Crow for the guy that is missing there. I do know that SAR was on standby with them last night but we haven't heard, they haven't heard, anything back from them either. I guess I don't really have a problem in extending it one more day. Our porta potties are not working because they're freezing. I don't know what we're gonna do you know with that situation.

COUNCILWOMAN FISHER: Angel just posted some new forecasts from the weather station. It looks like we're gonna get like 4-6 inches of snow.

PRESIDENT WETHERELT: Wednesday and Thursday.

COUNCILWOMAN FISHER: My recommendation is to keep it in place because we do have the, I mean, if you take care of your state of emergency off and then we get 4 to 6 inches or more and then it's blowing and drifting, we're gonna have people needing their roads plowed. You're gonna have to come in and redo another state of emergency in order for other programs to dispatch the calls out to help the people. So, I would just keep it in place. the programs that have pause

PRESIDENT WETHERELT: I thought all the programs that have plows, I thought those were already, that she had like a scheduled on what they're supposed to do.

COUNCILWOMAN FISHER: In order for a program to help with something out of its realm of funding, you know, what they're

COUNCILWOMAN LONEBEAR: They use it as an excuse not to help.

COUNCILWOMAN FISHER: Yeah. So, if there is a State of Emergency then all of the programs come together and help in any way that's requested.

COUNCILWOMAN LONEBEAR: We need to extend it. It just got a message from my daughter. A text message at Crow. Pretty much the whole town of Crow is without water.

KAYLA GRINSELL: If we could keep it up until Saturday. It's still going to be negative temperatures all throughout the week and plus the windchill.

COUNCILWOMAN FISHER: It's just good to keep it in place because if we do have something come up and we do call on the programs, they are able to step in and help because we are in a State of Emergency. Having that State of Emergency in place, they can use that with their reports and say the President put the Tribe in a State of Emergency therefore we are going help where needed and this is our justification. I think just giving that little bit of a cushion until Saturday, I think it will be safer or until next Monday when we are back to work. Because if something happens through the weekend, are you going to come back to your office and do another declaration and get it out to the people?

PRESIDENT WETHERELT: Well, I don't mind. If I get called to come in to do anything, I usually come in.

COUNCILWOMAN LONEBEAR: So, are we going to extend it or not?

PRESIDENT WETHERELT: I was willing to do it for another day.

COUNCILWOMAN FISHER: But, not for another week?

PRESIDENT WETHERELT: Not another week.

COUNCILWOMAN FISHER: Ok.

COUNCILWOMAN LONEBEAR: Ok. At least we got another day.

ITEM #7 – APPOINTMENT TO GAMING COMMISSION – BIRNEY DISTRICT

PRESIDENT WETHERELT: Ok. This is a resolution of the Northern Cheyenne Tribal Council approving changes of a board member to the Northern Cheyenne Gaming Commission and rescinding resolution No. DOI-079 (2022).

WHEREAS, the Northern Cheyenne President is replacing the Birney District representative, September Walksalong, and adding Yulberton Alec Sandcrane to the Northern Cheyenne Gaming Commission, now

THEREFORE, BE IT RESOLVED that the Northern Cheyenne Tribal Council hereby concurs with the appointments of: LaDawn Kay Medicine Bull for Ashland District, Apolonia Castro for Lame Deer District, Jeromena Beartusk for Busby District, Jerry Spang for Muddy District, and Yulberton Alec Sandcrane for Birney District members of the Northern Cheyenne Gaming Commission, effective immediately.

BE IT FURTHER RESOLVED that Resolution No. DOI-079 (2022) is hereby rescinded.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING CHANGES OF A BOARD MEMBER TO THE NORTHERN CHEYENNE GAMING COMMISSION AND RESCINDING RESOLUTION NO. DOI-079 (2022).

Motion made by Melissa Fisher. Second by Debra Charette.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie	X			
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

9 vote(s) Yes	0 votes No	0 Abstentions	Motion Carried
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ITEM #8 – APPOINTMENT TO TERO COMMISSION – BUSBY DISTRICT

PRESIDENT WETHERELT: For the next one, we had it posted and we didn't get no letters of interest. Torrey did tell me that we had someone interested which is Phillip Beckman. We left this blank so that when we got any letters of interests we could put on here. He did not submit anything to me but is it ok with all of the council that we can just go ahead and put him on here since he is interested.

COUNCILWOMAN FISHER: Yeah. He did tell us.

COUNCILMAN DAVIE: He had some unforeseen circumstances.

PRESIDENT WETHERELT: Ok. I would like to just put his name on there because we left it blank. So, we will put Phillip Beckman in there.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING CHANGES OF A BOARD MEMBER TO THE NORTHERN CHEYENNE TERO COMMISSION AND RESCINDING RESOLUTION NO. DOI-162 (2022).

Motion made by Silver Little Eagle. Second by Melissa Lonebear.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie	X			
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

9 vote(s) Yes	0 votes No	0 Abstentions	Motion Carried
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ITEM #9 – PERSONNEL MANUAL AMENDMENT

COUNCILWOMAN LONEBEAR: We've been passing this around. We went over quit a few things. Everyone has the revised copy. I'll go through page by page and you can highlight or write down the things that have been changed.

1. One page 1, section 1, subsection B. On number one, the Tribal President shall have ultimate responsibility. That whole thing was stricken until employees. The references to the President, that stayed. Strike "unless directed by the President" and that is stricken until the end of the sentence.

2. On page 4, there was an addition to letter “G” for the exempt employees. This will clarify that exempt employees are still required to report to work. So, in G, it says after the compensatory time, they are required to keep the same records of actual time worked at the worksite, and duties performed. Same as non-exempt. It didn’t exist before. That was just added.
3. On page 14, letter G, it said the Program Manager so we put the Program Director/Manager will determine who meets the minimum qualifications specified in the job announcement and it said before “and submit to the President and Human Resource Director a list of those candidates.” We struck out the President and it’s just the Human Resource Director. Right underneath “On a case by case basis, if there’s only one qualified applicant, if there is only one qualified applicant, the position may be filled by the Program Director. We struck “with the approval of the Tribal President.” On letter “I”, the Human Resource Director shall provide files of ALL applicants being interviewed by the Program Director. Letter “A” under Selection for Interviews and For Positions we just bolded the Human Resources Director in the last sentence is not required to be an active member of the committee.
4. Go back a page. On the bottom for Job Announcements where it says applicants will be subject to drug and alcohol testing prior to hire, also required if the employee is transferred to another program or position. That was added.

PRESIDENT WETHERELT: Which one was that one?

COUNCILWOMAN LONEBEAR: Page 13, on the bottom paragraph, all was added after prior to hire was in case there was a transfer

5. Page 16, number 3, Letter A, the third paragraph; Employment with the Tribe is contingent upon the availability of funds. Employment may be terminated and the layoffs effective in the event the program director/manager determines it has inadequate funding. All it said before was program managers so we added director. Letter “B” Physical Examination; Before appointment, appointee may be required at the discretion of the Program Director. We are striking “with the concurrence by the Tribal President.” I missed that when we were going through this. So, we’ll strike that to take and pass a satisfactory physical exam.
6. Page 18, we struck “B” completely. What B said before, this was Special Assignments, the President, with the concurrence of the employee’s Program Director, may assign staff from their normal position to a temporary position to provide special skills to solve special problems or to provide socialized training. The Program Director will identify a specific problem or program that needs strengthening, where the temporary assignment of an employee with the required skills would contribute significantly to resolving the problem(s). Special assignments shall not exceed 90 calendar days. A special assignment does not involve a change in employee status and does not require an Employee Action Notice, except when an adjustment in pay is required due to duties being significantly higher than the employee’s regular position. So, we took that whole thing out. Then it just goes down to B; the Program Director may request an employee to assume the duties.

7. Page 19, Letter D; Time cards and time sheets. All, it should say All instead of each, employee shall record their work hours by punching in when reporting to work and punching out when departing from work on their time card in the time clock provided or (bolding or) by completing a time sheet in a form acceptable to the Tribe. If a mistake is made on a time card, a supervisor must approve of any changes with his or her initials. Falsifying time cards or time sheets, it used to say may warrant discipline but we changed it to shall warrant discipline up to and including termination. On the work status, in this area, we are inserting the remote work and that will be the telework policy. So, that one will be inserted. Telework is a work alternative that the Northern Cheyenne Tribe offers to select employees when it is advantageous to both the Northern Cheyenne Tribe and the employee. Telework is a work place strategy that helps employees balance the demands of their work and workspace availability. Teleworking is a workplace strategy and not an employee right. So, that will be inserted there.

COUNCILWOMAN FISHER: Do we have that one?

COUNCILWOMAN LONEBEAR: It is on the back off your extra handouts. So, these sections will be entered here. The telework policy, the domestic abuse leave and the death part of it.

COUNCILWOMAN FISHER: Ok. So, that'll go under this section?

COUNCILWOMAN LONEBEAR: Yes.

8. Page 20, number 3; Employees shall not work from home without prior approval from the immediate supervisor. Actually, we should put it right there. Absenteeism; All employees (instead of just employees, we inserted ALL) are to report to work each day ready to work. We put ALL employees in the very last sentence in this section, who fail to give such notification shall receive an unexcused absence.
9. Page 47. This is where we are adding the deceased part. This is regarding the last pay checks. There're questions on who gets the last paychecks so all it says is Human Resources must administer the final paycheck and benefits for the deceased employee. When the employee dies, withhold taxes from the wages (if applicable) issue their final wages to their beneficiary or estate. Beneficiaries are determined by the court. This will be inserted in the End of Employee section.

PRESIDENT WETHERELT: So, this will be added to page 46?

COUNCILWOMAN LONEBEAR: Yeah. This will also have the other 2 sections that will be inserted here. The domestic abuse leave.

COUNCILWOMAN FISHER: That'll be added where?

COUNCILWOMAN LONEBEAR: That'll be added to Section 8, Employment Benefits. This cannabis one is inserted on

COUNCILMAN DAVIE: It's inserted on page 60 after number 12. This one says it has 12 sections to part B.

PRESIDENT WETHERELT: Is that the General Testing Procedures?

COUNCILMAN DAVIE: General Testing Procedures. Yes.

PRESIDENT WETHERELT: So, this would be number 12?

COUNCILMAN DAVIE: Yeah. Well, what it is, it states that drug testing will be provided by TERO on a 4-panel basis consisting of the following. Then it has the drug group and it specifically states safety sensitive positions will be required to abide by the Northern Cheyenne transportation Driver's policy and will be subject to testing for Marijuana Metabolites as required by the Department of Transportation (DOT). Also positions that require DOT type tests such as Wildland Firefighter Operators or those whose professional license may require such testing. When you look through the personnel manual, it doesn't state or specify any drugs. So, this is specifying it now. It's a little more clearer of what they should be testing for.

COUNCILWOMAN LITTLE EAGLE: Melissa, on the telework policy, when it says must be full time, does that mean 80 hours or fulltime telework?

COUNCILWOMAN LONEBEAR: Permanent.

COUNCILWOMAN FISHER: So, only permanent employees can telework?

COUNCILWOMAN LONEBEAR: Yeah.

COUNCILWOMAN FISHER: What do you think?

COUNCILWOMAN LITTLE EAGLE: I don't know because I kind of wanted the PA9 position to be remote or have that option to be remote. So, I don't know how that would fit in since their funding or how their funding goes.

COUNCILWOMAN LONEBEAR: Ok. So, the intent is to make sure that, I mean its kind of given but we should specify.

PRESIDENT WETHERELT: I was thinking too, because we don't have very much office space. Like, if we hired somebody, like with our renewable energy positions.

COUNCILWOMAN LONEBEAR: Yeah.

PRESIDENT WETHERELT: If they were a contractor, I guess it wouldn't matter because they could telework even though there, if they got a position, they could still do their job.

COUNCILWOMAN CHARETTE: Must have a history of job performance that is satisfactory or better.

COUNCILWOMAN LONEBEAR: Employees participating in telework must have a history of job performance that is satisfactory or better. Maybe we should put a requirement there's at least quarterly, some kind of job performance.

PRESIDENT WETHERELT: They should do an activity sheet.

COUNCILWOMAN CHARETTE: Teleworkers are required to account for their time worked and it's their responsibility to submit accurate accounting of hours worked, leave taken and overtime.

COUNCILWOMAN FISHER: Well, I think if we ever got google suites up, they could log in. Like with the BIA, when they teleworked, they had to get on right at 8 o'clock, or if their time started at 7:30 or 8, they had to be on. Their little green dot had to be on the whole day until 4:30 then their green dot can go off. But there has to be a way to monitor. What program did they use down there to communicate? It's kind of like messenger but I think google suites can use interoffice communication. We have to have something that has interoffice communication that can monitor that.

COUNCILWOMAN LONEBEAR: I think we need some language in here because it's only meant for. The whole reason this is coming up is because of our coding for Tribal Health.

COUNCILWOMAN FISHER: Tribal Health doesn't have enough office space because they are moving out of that building into those trailers. The coders, there isn't enough room for them. They can't stay in the building due to the mold and stuff so the Director requested that they telework.

COUNCILWOMAN LONEBEAR: So, we have to put kind of a strict guideline, so all the directors don't say, we are going to telework. What can we add to this? Nizhoni, any recommendations?

COUNCILWOMAN FISHER: I think it should say something to the effect of interoffice because

COUNCILWOMAN CHARETTE: This is being incorporated due to inadequate office space for certain programs or for programs with minimal office space this is being implemented.

COUNCILWOMAN FISHER: I think we have to be careful of that because the next thing you know

PRESIDENT WETHERELT: Because everybody's going to want to telework.

COUNCILWOMAN FISHER: Childcare and Tribal Ed, because of their situation right now, they'll be trying to telework.

COUNCILWOMAN FRIESZ: So, like telework is only for employees who have computer work who do not have enough office space within their program or the intent to telework is meant for these employees.

COUNCILWOMAN LITTLE EAGLE: Who do they need approval from?

COUNCILWOMAN LONEBEAR: The supervisor.

COUNCILWOMAN LITTLE EAGLE: Or like, above the supervisor if they are going to try to telework.

COUNCILWOMAN FISHER: It's the supervisor.

PRESIDENT WETHERELT: Usually it comes to me and I have

COUNCILWOMAN FRIESZ: If directors try to do it, who approves them?

COUNCILWOMAN FISHER: Well, they have a superior.

COUNCILWOMAN FRIESZ: Which would be the President?

COUNCILWOMAN LITTLE EAGLE: William?

COUNCILWOMAN FISHER: The President.

PRESIDENT WETHERELT: Usually, I sign a lot of that stuff. William doesn't have that authority over the supervisors. He'll agree with it then bring it to my office.

COUNCILWOMAN FISHER: So, if it has anything to do with a director, they need to follow their chain of command. So, the director, they report to William, or if they report to Serena, then that's who they put their request in to. But, the employee under a director would go through the director.

COUNCILWOMAN LONEBEAR: I think we need to tweak this more so leave out the telework part.

COUNCILWOMAN FISHER: Ok. So, pull the telework for now?

COUNCILWOMAN LONEBEAR: Pull the telework for now. That is my motion.

PRESIDENT WETHERELT: Just put tabled on the telework.

COUNCILWOMAN FISHER: Well, first before the motion to approve should I motion to table telework?

COUNCILWOMAN LONEBEAR: No. I'll just include it in my motion. Ok. We will just pull it.

MOTION TO APPROVE ALL THE AMENDMENTS TO THE PERSONNEL POLICY WITH THE EXCEPTION OF THE TELEWORK.

Motion made by Melissa Lonebear. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President	X			
Torrey Davie	X			
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

9 vote(s) Yes	0 votes No	Abstentions	Motion Carried
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ITEM #10 – OVERRIDE DOI-041 (2024) – NC TRIBAL RANGE RESOURCE MANAGEMENT

COUNCILWOMAN LONEBEAR: This is the override of DOI-041 (2024) the 638 Range Resolution. I just wanted to mention that we wanted to do this last week. We don't have to wait 10 days. I asked you if you were going to sign it and you said you would.

PRESIDENT WETHERELT: Yeah. I was going to and then on the day that I told her, we had a more, in-depth discussion about it because when they re-assumed the Range Program

COUNCILWOMAN LONEBEAR: We gave it back.

COUNCILWOMAN FISHER: It wasn't re-assumed.

PRESIDENT WETHERELT: When we gave it back to them, it wasn't in good shape when it went back. So, we're kind of thinking about all the things that were happening with the program

when we had it. So, there's a lot of things that were kind of discussed over. I went on ahead and pocket vetoed it.

COUNCILWOMAN FISHER: It was not even your position to pocket veto. You didn't even chair the meeting. Therefore, he was obligated to sign. What he said was that you told him not to sign it. I went up there and I specifically asked him for a reason, for his reason for not signing it and I wanted it in writing. Any time you pocket veto anything, you need to tell us your decision in writing why you didn't sign something and we never got that letter. It's not even up to you to sign it. He chaired that meeting, not you. So, that decision should have come from him.

PRESIDENT WETHERELT: Yeah, but we talked about it.

COUNCILWOMAN FISHER: But he still didn't write that letter.

VICE-PRESIDENT LITTLEMOUTH, SR.: She called me and said don't, you know, don't ---- until I get back. I already told the council that she told you guys.

COUNCILWOMAN FISHER: You don't even sign it. You didn't chair the meeting.

COUNCILWOMAN LONEBEAR: Just professional courtesy. If there's something that you don't agree with, let's talk about it. Let's talk about it. In the end, we are probably going to do it anyway because we do talk about things and discuss things for the most part. It would be nice to have a reason in writing so we can take care of it. We could back the next day if we know you are not going to sign something. We could back the next day and override it. We could come back in an hour and override it. That's our authority.

MOTION BY MELISSA LONEBEAR TO OVERRIDE DOI-041 (2024) NORTHERN CHEYENNE TRIBAL RANGE RESOURCE MANAGEMENT.

Motion made by Melissa Lonebear. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice President		X		
Torrey Davie	X			
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

8 votes Yes	1 votes No	0 Abstention(s)	Motion Carried
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MOTION TO ADJOURN MEETING

Motion made by Melissa Lonebear. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Melissa Lonebear	X			
Debra Charette	X			
Norma Gourneau				X
Eva Foote				X
Nizhoni Friesz	X			
Ernest Littlemouth, Sr., Vice-President	X			
Torrey Davie	X			
Donavin Limberhand	X			
Silver Little Eagle	X			
Gwen Spottedhorse	X			
Melissa Fisher	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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MEETING ADJOURNED @ 10:54 A.M.

PASSED, ADOPTED, AND APPROVED by the Northern Cheyenne Tribal Council with 9 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstention on this 20th day of February 2024.

Edina Redstar, Secretary
Northern Cheyenne Tribe