

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

REGULAR SESSION

**MINUTES
May 2, 2022**

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

INVOCATION: Norma Gourneau

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Lane Spotted Elk	X		
Debra Charette *Dr. Appt			X
Norma Gourneau	X		
Eva Foote	X		
Phillip Beckman	X		
Serena Wetherelt, Acting President *Presided over today's meeting	X		
Melissa Fisher *Arrived at 9:48 a.m.	X		
Diane Spotted Elk	X		
Gwen Talawyma	X		
Silver Little Eagle	X		
Henry Speelman	X		
Total:	10		1

Quorum Established

Henry Speelman: Budgets?

Lane Spotted Elk: I did not receive the budgets in a timely manner to present them to the Budget & Finance Committee. So, we will be working internally and figuring out a process for review. So, these will be for the next meeting.

Nizhoni Friesz: What about this one?

Lane Spotted Elk: That one will have to wait, too, because we're going to have to figure out the bank before we invest it.

Serena Wetherelt: I'm not sure if William is going to be able to get a resolution done. It's kind of an emergency with Rosebud Lodge and the Bureau. We're meeting with them today at 2:30 p.m., but we need to have this resolution. So, if he's able to get it done, can I add it on at the end?

MELISSA FISHER ENTERED SESSION @ 9:48 A.M.

Henry Speelman: Yes.

Lane Spotted Elk: If you don't mind, Madame President, if we could go into Executive to talk about this issue.

Serena Wetherelt: Okay, we could do that.

**ENTERED INTO EXECUTIVE SESSION @ 9:49 A.M.
EXITED EXECUTIVE SESSION AND ENTERED PERMANENT FUND BOARD MEETING @ 10:13 A.M.**

LYNN CARAVEAU AND PAUL McKEAN ENTERED PERMANENT FUND BOARD MEETING VIA VIRTUAL MEETING @ 10:13 A.M.

**PERMANENT FUND BOARD MEETING
ROLL CALL:**

	PRESENT	ABSENT	EXCUSED
Lane Spotted Elk	X		
Debra Charette *Dr. Appt			X
Norma Gourneau	X		
Eva Foote	X		
Phillip Beckman	X		
Serena Wetherelt, Acting President *Presided over today's meeting	X		
Melissa Fisher	X		
Diane Spotted Elk	X		
Gwen Talawyma	X		
Silver Little Eagle	X		
Henry Speelman	X		
Total:	10		1

Quorum Established

Lynn Caraveau and Paul McKean from First Interstate Bank met with the Tribal Council via a virtual meeting and provided an update on the 1st Quarter 2022 Economic & Portfolio Review.

SILVER LITTLE EAGLE EXITED SESSION @ 10:26 A.M.

Due to technical and audio difficulties, not all questions from Council were communicated and answered. Council members agreed to take any remaining questions offline at another time with First Interstate Bank.

SILVER LITTLE EAGLE RE-ENTERED SESSION @ 10:29 A.M.

MOTION TO ADJOURN PERMANENT FUND BOARD MEETING

Motion made by Lane Spotted Elk. Second by Norma Gourneau.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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PERMANENT FUND BOARD MEETING ADJOURNED @ 10:30 A.M.

WALLACE BEARCHUM ENTERED SESSION @ 10:31 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING AND GRANTING THE REQUEST FOR NORTHERN CHEYENNE MEMBERSHIP THROUGH AUTOMATIC ENROLLMENT OF TWO (2) INDIVIDUALS UNDER THE APPROPRIATE SECTION OF THE NORTHERN CHEYENNE AMENDED CONSTITUTION AND BYLAWS

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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AN ORDINANCE OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING AND GRANTING THE REQUEST FOR NORTHERN CHEYENNE

MEMBERSHIP THROUGH ADOPTION OF THIRTY (30) INDIVIDUALS UNDER THE APPROPRIATE SECTION OF THE NORTHERN CHEYENNE AMENDED CONSTITUTION AND BYLAWS

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING AND GRANTING NAME CHANGES FOR FIVE (5) MEMBERS ON THE NORTHERN CHEYENNE MEMBERSHIP ROLLS

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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AN ORDINANCE OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING AND GRANTING BLOOD QUANTUM CHANGES FOR TWO (2) TRIBAL MEMBERS ON THE NORTHERN CHEYENNE MEMBERSHIP ROLL

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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WALLACE BEARCHUM EXITED SESSION @ 10:36 A.M.

MINUTES

MOTION TO PASS MINUTES FROM THE APRIL 5, 2022 AND APRIL 14, 2022 COUNCIL MEETINGS

Melissa Fisher: Real quick, Henry, I think we need to make a motion to add #12. The amendment to the resolution for Rosebud Lodge. So, I'd like to make that motion.

Nizhoni Friesz: We already have a motion and a second on the floor.

Melissa Fisher: Okay.

Motion made by Henry Speelman. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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Melissa Fisher: I'd like to make a motion to add #12, Rosebud Lodge, the amendment to the resolution.

MOTION TO ADD ON: ROSEBUD LODGE RESOLUTION

Motion made by Melissa Fisher. Second by Lane Spotted Elk.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING A REVISION TO THE HOLIDAY LIST FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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Henry Speelman: So, Mr. Curley is not here, so we'll go onto #7, Horn Creek Project.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL ACCEPTING FUNDING FROM THE BUREAU OF INDIAN AFFAIRS TO THE NORTHERN CHEYENNE TRIBAL HISTORIC PRESERVATION OFFICE TO CONDUCT CULTURAL SURVEYS FOR THE HORN CREEK FUELS PROJECT LOCATED

WITHIN THE EXTERIOR BOUNDARIES OF THE NORTHERN CHEYENNE RESERVATION

Motion made by Diane Spotted Elk. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL SUPPORTING THE PROGRAMMATIC AGREEMENT AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE NORTHERN CHEYENNE TRIBE OF THE NORTHERN CHEYENNE RESERVATION, AND THE TRIBAL HISTORIC PRESERVATION OFFICE

Motion made by Diane Spotted Elk. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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APPROVAL OF NON-DISCLOSURE AGREEMENT WITH U.S. GLOBAL ENERGY, LLC

Melissa Fisher: What does “limited sovereign immunity” mean?

Diane Spotted Elk: Are we exercising our sovereignty, or are we waiving it?

Melissa Fisher: Yeah, it says we're including a limited waiver of sovereign immunity.

Lane Spotted Elk: Has legal reviewed this?

Silver Little Eagle: Um, Wyatt did.

Lane Spotted Elk: Yes?

Silver Little Eagle: Yeah Wyatt reviewed it. And it's basically the same NDA as the previous one, but we excluded the Hydro Energy language from it.

Motion made by Silver Little Eagle. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk			X	
Debra Charette				X
Norma Gourneau			X	
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

7 votes Yes	0 votes No	2 Abstentions	Motion Carried
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STEVEN CARRELL ENTERED SESSION @ 10:52 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL AFFIRMING LEGAL SERVICES TO BE PROVIDED TO THE NORTHERN CHEYENNE TRIBAL BOARD OF HEALTH BY LINDSAY NAAS AND APPROVING THE ATTORNEY CONTRACT

Steven Carrell: The content with all of this, with the motion, we have her proposal from Lindsay Naas. She has her TERO Certification and accompanied with these documents, it mentions the Secretary of Interior. We included a letter and this is the letter that has this sticky on there, that it would go onto the Tribe's letterhead to BIA and attached with that would be the balance sheet for their review. And then, also attached with these is the Requisition for Lindsay Naas for the remainder of FY22.

Lane Spotted Elk: I have a question, Madame President. Is this for a one-year or two-year contract? I know that was an issue that the board was discussing. As far as an active attorney contract, I think that had lapsed. So, would that be a two-year?

Steven Carrell: Yeah. So that would be... can you do five-year contracts?

Lane Spotted Elk: I think generally, the Tribe does a year or two years.

Steven Carrell: I had just heard five years.

Lane Spotted Elk: My other question is, the contract. Would it be formatted to the Tribe's contract template?

Steven Carrell: Yeah, the contract is still going to come pending the approval of BIA, I think. This is the proposal of Lindsay and Renessa will do the contract once it's returned from BIA.

Serena Wetherelt: Well, most of our legal contracts, they go to the solicitor. So, it would probably be good if it were attached.

Steven Carrell: Okay, alright. Yeah, because I think Kateri was out on bereavement for her uncle. But um, she was speaking with Renessa earlier and I think that's what the discussion was, about the contract that would come after the resolution. She was waiting, or maybe there was a draft that didn't get attached.

Lane Spotted Elk: Okay, well I was just asking because it says the Tribal Council hereby approves the attached Attorney Contract.

Henry Speelman: Well, we would pass it here and it would go through to Renessa, she puts it on letterhead, President signs it, BIA signs it...

Nizhoni Friesz: And BIA does the checklist, for the attorney, to approve them.

Serena Wetherelt: Yeah, it usually goes to the solicitor.

Diane Spotted Elk: I know this has been ongoing, to get her contract. I know they've advertised, so...

Steven Carrell: Yeah, twice I think.

Eva Foote: Well, there's a motion on the floor and I'd like to second that motion.

Nizhoni Friesz: Okay, Phillip already seconded.

Motion made by Henry Speelman. Second by Phillip Beckman.

ROLL CALL VOTE:

YES	NO	ABSTAIN	ABSENT
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Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau		X		
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

8 votes Yes	1 vote No	0 Abstentions	Motion Carried
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STEVEN CARRELL EXITED SESSION @ 10:59 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPOINTING THE NORTHERN CHEYENNE 4TH OF JULY CHIEF'S POWWOW & RODEO COMMITTEE FOR THE YEAR 2022

Norma Gourneau: Melissa, I thought the fireworks would be on the 4th.

Melissa Fisher: Yeah, we made that correction.

Motion made by Melissa Fisher. Second by Henry Speelman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle			X	
Henry Speelman	X			

8 votes Yes	0 votes No	1 Abstention	Motion Carried
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Melissa Fisher: I'll change my vote to "yes." I made the motion.

COUNCIL RECESSED @ 11:02 A.M.

COUNCIL RECONVENED @ 11:19 A.M.

WILLIAM WALKSALONG ENTERED SESSION @ 11:19 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL AMENDING PAGE 9, SECTION C, NO. 5 OF THE ROSEBUD LODGE LICENSING STANDARDS, A TRIBAL FOSTER HOME/EMERGENCY YOUTH SHELTER LOCATED IN BUSBY, MONTANA THAT IS LICENSED BY THE TRIBE'S HUMAN SERVICES DEPARTMENT

William Walksalong: Good morning, Tribal Council. We had a running issue with Rosebud Lodge, which is a 638 contract program in Busby. It required licensing standards that were approved by the Tribal Council and the BIA. The former Tribal Services person at Rocky Mountain Region, Louise Rayas and I consulted and we both had a hand in developing the Rosebud Lodge Licensing Standards. They were approved by Resolution DOI – 159 (2017). They've been in place for a while, and an incident in 2019, where a child was burned in the bathing area of the lodge. That's a separate issue, but it's ongoing litigation. They filed a Tort Claim, it's being heard in Federal Court in Great Falls. It really put a focus on the safety standards of the Rosebud Lodge, and the opposing legal counsel and Victoria Francis from the U.S. Attorney's office wanted to go and review and take a tour of that facility. So, they did. That was on March 25th. On March 28th, they pulled their last child out of Rosebud Lodge, a Social Services case worker. Their Director made an inquiry with the Acting Self-Determination Specialist and asked why they're taking the child out and discontinued the placement of children in the lodge. On April 18th, the Director wrote the Acting Superintendent, Sandra Two Two, a letter requesting former correspondence of why they're doing that. Why they're taking the children out and discontinuing placement of children taken into protective custody by social services here at BIA. And they hadn't issued any type of formal notice, that's why the Director and President wrote that letter. It was affecting their employees and I asked the Director what they were doing. They were deep cleaning the whole facility, taking care of the grounds, and taking online training. I asked her to give me a copy of their training schedule and who was taking what and they are taking Webinar trainings, but then it was starting to affect their everyday work. So, I advised the President on the 28th of April, it was getting to be a month that BIA had not given us formal notice why they weren't placing children in there. On the 28th, the President wrote a letter to Susan Messerly, the Director of Rocky Mountain Region, and asked her to intervene because the local agency here was nonresponsive. Previously, the Directors at BIA within 2 days, 3 at the most, should send you formal notice acknowledging your letter. It's not a decision, it's an acknowledgement. And then they meet with you after that to discuss this matter. But after the President's office scanned and emailed this letter to intervene, the very next day we got a letter dated the 29th of April. Telling the Tribe that the reason they had pulled their children and discontinued placement, because in our Licensing Standards adopted in 2017, on page 9 (c) No. 5 Infant Care Bathing—the water supply to the bathing area will not be over 100 degrees. And that was reported by a consultant that was associated with the law firm that's representing the people that filed this Tort Claim. They should have told us early on why they pulled those children out. It shouldn't take a month. Anyway, that's what they did and they're required to change that one sentence. They write that the PL 638 Contract does not require the Bureau to place children at the Rosebud Lodge Emergency Shelter. Please provide the Bureau the revised Licensing Standards, which include updates stated in your April 18th letter and a resolution approving the revised Licensing Standards, and a renewed license to operate the facility. So, they want us to change the 100 degrees. The letter she's referring to, I tried to get a hold of the Director, but she's unavailable. But she consulted with Lafe Haugen, a licensed

building inspector and a person by the name of Aaron Kyle, Sagebrush Industry, he's an expert on hot water thermostats. They informed the Director that the thermostat mixing values would resolve the temperature issue. So, they installed that at the lodge without any kind of formal notice from the BIA saying you need to do this as a corrective action. They simply did it on their own because of the informal conversations she had with the Self-Determination Specialist. They put that in there and the industry standard, water heaters at that kind of facility need to be at 120+ degrees to prevent growth of bacteria, which can spread in human made water systems and infect human beings. That's what they had gotten from these experts, so they installed that system. So, they say we need to change the settings in that Licensing Standards. I think the bigger issue for me is that they're placing our children off the reservation and back then, when we reopened the Emergency Shelter, I was appointed to redraft the whole contract, scope of work, job descriptions, everything. So, I really know this program from the ground up and the biggest issue was being in contradiction with ICWA. Taking these children and putting them in Miles City, Havre, Bozeman, Helena. And they don't have this facility, these social workers are running around two or three o'clock in the morning trying to find foster homes. That's the biggest issue, and still is today—the lack of foster care homes on the reservation. And they pour a lot of money into this lodge because they don't want to be running around, looking for a placement at four o'clock in the morning. So, I wrote this resolution at the last minute, I just saw this notice this morning, I consulted with the President, because they're prepared to lay those people off at the lodge.

Motion made by Henry Speelman. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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William Waslkalong: Thank you. I always tell people Rosebud Lodge is my baby. I kind of created it, you know. I took care and really defended that place to keep it safe. We have a 2:30 p.m. meeting with the Acting Superintendent, the Self-Determination Specialist, and the Rosebud Lodge Director.

WILLIAM WALKSALONG EXITED SESSION @ 11:31 A.M.

MOTION TO ADJOURN MEETING

Motion made by Melissa Fisher. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette				X
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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MEETING ADJOURNED @ 11:32 A.M.

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal Council with 8 votes for passage and adoption, 0 votes against passage and adoption, and 1 abstention this 17th day of May 2022.

Nizhoni Friesz, Secretary
Northern Cheyenne Tribe