

**RESOLUTION #27-953-2014-07
July 14, 2014**

**Special Board Meeting
10 Present**

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws.

CHAIRMAN'S REPORT

- #27-860-2014-07 Approve of the Meeting Agenda. *10 for, 0 opposed, 2 absent.*
- #27-861-2014-07 Approve of the June 23, 2014 Regular Board meeting minutes. *7 for, 0 opposed, 5 absent.*
- #27-862-2014-07 Approve of the Travel Log. *8 for, 0 opposed, 4 absent.*

CONSTITUTIONAL REFORM/RESOLUTIONS/LEGISLATIVE

- #27-863-2014-07 Approve of administrative leave for Councilwoman Summers for June 30; Terry Rattling Thunder for June 30; Sergeant-at-Arms John Weeks for June 30 and July 2 & 3; and to excuse Councilman Tom Christian from the Special Board meeting on July 14; Councilman Grant Stafne for July 8 & 9; Councilman Charles Headdress for July 3; *9 for, 0 opposed, 3 absent.*

EDUCATION

- #27-864-2014-07 Temporarily appoint Sharon Red Thunder in the Land Buy Back Program for 30 days due to her skills working with the Bureau of Indian Affairs, and understanding the legal land descriptions. *9 for, 0 opposed, 3 absent.*
- #27-865-2014-07 **(Prepared Resolution)** Approve to re-contract the Scholarships for a three year contract term, from October 1, 2014 to September 30, 2017. *9 for, 0 opposed, 3 absent.*
- #27-866-2014-07 Approve a letter to expedite the processing of easements for the Fort Peck Rural Water System to the BOR Regional Director, Michael Ryan and authorize the Chairman to sign the documents. *9 for, 0 opposed, 3 absent.*
- #27-867-2014-07 **(Prepared Resolution)** Authorize the recommendation of the ASRWSS Commission for the Special Authorization No. 2014-03, Specific Authorization No. 2014-04, Specific Authorization No. 2014-05 and Specific Authorization No. 2014-06. *9 for, 0 opposed, 3 absent.*
- #27-868-2014-07 Approve to contact the In-House Tribal Counsel Ryan Rusche regarding Sheridan Electric Co-Op of Plentywood, MT and charging a tribal member \$8,000 to put up a pole and to discuss the issue at the July 14, 2014 full board meeting. *10 for, 0 opposed, 2 absent.*

ECONOMIC DEVELOPMENT

- #27-869-2014-07 Whoever or whatever program or entity that takes an enrolled member child from off the reservation is responsible for bringing them back. *10 for, 0 opposed, 2 absent.*
- #27-870-2014-07 Authorize Eric Bruguier to send mails to the Shakopee Mdewakanton Sioux Community, Eastern Cherokee, and Tunica Biloxi of Louisiana to ask that these Tribes put together a casino preliminary studies and their planned use of investment funds. *10 for, 0 opposed, 2 absent.*

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- #27-871-2014-07 Approve to put together a team to work on a preliminary plan for developing of a safe house/shelter for Fort Peck Tribally enrolled children and assign this task to Marshelle Lambert, Fort Peck BIA Social Services using the Northern Cheyenne concept. *10 for, 0 opposed, 2 absent.*
- #27-872-2014-07 Approve of administrative leave for tribal employees beginning at 12:30 July 3, for the Fourth of July Holiday. *8 for, 0 opposed, 4 absent.*
- #27-873-2014-07 **(Prepared Resolution)** Approve of awarding the Fort Peck Tribes Dial-A-Ride Program's recommendation to award construction of a Cold Storage Bus Garage in the amount of \$136,619.00 to Craig Azure doing business as A-Plus Construction of Wolf Point. *9 for, 0 opposed, 3 absent.*
- #27-874-2014-07 **(Prepared Resolution)** Approve of the budget modification to move \$620.00 from Spraying line item into the Meeting Expense line item to cover costs associated with the Noxious Weed Biocontrol/Monitoring Workshop. *9 for, 0 opposed, 3 absent.*
- #27-875-2014-07 **(Prepared Resolution)** Authorize the Natural Resources Office to utilize the Range Administration Fees in the amount of \$29,943.98, collected in 2015, to support Natural Resources salaries for FY2015. *9 for, 0 opposed, 1 not voting, 2 absent.*

FINANCE

- #27-876-2014-07 **(Prepared Resolution)** Authorize that all prime contractors with the State, Federal, Tribal, excluding 638 contracts, and oil and construction companies be in compliance with TERO Policies and Procedures detailing the hiring and training of tribal members, and non-tribal members, and non-members living within the Fort Peck Tribes jurisdiction. *8 for, 1 not voting, 3 absent.*
- #27-877-2014-07 Appoint Faith O'Connor to one of the two seats vacant seats on the Tribal Tax Commission. *10 for, 0 opposed, 2 absent.*
- #27-878-2014-07 **(Prepared Resolution)** Direct the financial institution, Independence Bank, Poplar, MT, and its affiliates holding assets or debt belonging to the Assiniboine & Sioux Tribes, (the Fort Peck Tribes) to replace the names of Ann Lambert on the official signature cards, as follows: Patricia Iron Cloud, Vice Chairwoman. *10 for, 0 opposed, 2 absent.*
- #27-879-2014-07 Approve to authorize the drafting of a contract with Taylor Woodstone for the Wellness Center project and to have Ryan Rusche, In-house Legal Counsel review the contract. *9 for, 1 opposed, 2 absent.*
- #27-880-2014-07 Approve of entering into a agreement with Bear Tooth holding company and negotiate on a contract with the Fort Peck Tribes and to have Ryan Rusche, In-House Legal Counsel review the contract. *9 for, 1 opposed, 2 absent.*
- #27-881-2014-07 Approve another 30 day temporary working calendar days appointment for Vicky Hopkins at the Tribal Health Dept. *8 for, 2 not voting, 2 absent.*
- #27-882-2014-07 **(Prepared Resolution)** Approve to pay the legal bills to Sonosky, Chambers, Endreson & Perry in the amount of \$28,194.02 for the period of April and May 2014. *10 for, 0 opposed, 2 absent.*

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- #27-883-2014-07 **(Prepared Resolution)** Approve payment of the legal bills to Meyers, Shaffer & Stephans, LLP in the amount of \$1,552.00 for the period of April and May 2014. *10 for, 0 opposed, 2 absent.*
- #27-884-2014-07 Approve to pay two ads for Poplar and Wolf Point for the sports schedules calendar at \$400 each and to come out of the meeting expense line item. *10 for, 0 opposed, 2 absent.*
- #27-885-2014-07 **(Prepared Resolution)** Approve the Change Order to the A/E Agreement for \$38,000 to perform as an agent to the Fort Peck Tribes to develop specifications, analyze bids, and provide recommendations and quality control for the supply of furniture and accessories for the new Tribal Building and authorize the accounting department to allow expenditure of up to \$38,000 for services from program account 6105, line item 5061 for NMTC approved Furnishing & Equipment budget, and authorize the Chairman to sign the agreement for furnishing and equipment proposal from CTA. *10 for, 0 opposed, 2 absent.*
- #27-886-2014-07 Approve to give Clarence McDonald, \$500 retirement incentive for his upcoming retirement for 36 years of service. *10 for, 0 opposed, 2 absent.*
- #27-887-2014-07 Approve to move the Fort Peck Housing Authority to report to the Education Committee meetings from here on rather than report to the Tuesday morning Economic Development Committee. *6 for, 4 opposed, 2 absent.*
- #27-888-2014-07 Approve all tribal programs to submit their FY15 budget at 80%. *10 for, 0 opposed, 2 absent.*
- #27-889-2014-07 **(Prepared Resolution)** Approve an additional 30 working day temporary appointment extension for Edna Wetsit as the Diabetes Coordinator. *9 for, 1 opposed, 2 absent.*
- #27-890-2014-07 Authorize Michelle Buck Elk and Sharon Red Thunder be notary publics for the Fort Peck Tribes as they provide Will writing services. *9 for, 1 not voting, 2 absent.*
- #27-891-2014-07 Allow two payroll advances for funeral loans for tribal employees. *6 for, 3 opposed, 1 not voting, 2 absent.*

LAND

- #27-892-2014-07 Approve Enrolled Member New Homesite leases for Anthony Shields, Jr., Suzanne Turnbull and Edward Bauer; Approve Member Renewal leases for Windy Gray Hawk, Gloreen Strauser and Thelma & David Smith; Approve Enrolled Member Renewal for Faith O'Connor and Linda Nielsen; Approve Non-Indian Renewal leases for Bob Brown Farms, (2 tracts); Approve Enrolled Member Renewal leases for Barbara Smith, and Doretta Rush (4 tracts); Approve of Non-Indian Renewal lease for Carter Jensen; Approve Enrolled Member New Homesite lease for Michael Nelson. *9 for, 0 opposed, 3 absent.*
- #27-893-2014-07 Amended motion to approve of a Business Renewable leases for Georgia Atkinson and Phillip Granbois, and refer Dolly Boyd back to the Land Committee. *9 for, 0 opposed, 3 absent.*

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- #27-894-2014-07 Approve of declaring interest and requesting an appraisal for surface only, for Allot. No. 3906, Iron Bear. *9 for, 0 opposed, 3 absent.*
- #27-895-2014-07 Declare interest in the Bridges Family Limited Partner 80.00 acres of fee land surface only described as NW1/4NW1/4, Sec. 33 T30N, R48E, SW1/4SW1/4, Sec. 28 T30N, R48E and negotiate a price with the Bridges Family Limited Partners. *9 for, 0 opposed, 3 absent.*
- #27-896-2014-07 Authorize another one year term held by Mr. Fred Bighorn under the Fort Peck Montana Compact and Tribal Water Code. *9 for, 0 opposed, 3 absent.*
- #27-897-2014-07 Approve to rescind Resolution #27-98-2013 because information in this resolution is already in the water compact. *9 for, 0 opposed, 3 absent*
- #27-898-2014-07 Approve of the ASRWSS Commission's recommendation to declare the ASRWSS Commission position vacant. *9 for, 0 opposed, 3 absent.*
- #27-899-2014-07 **(Prepared Resolution)** Approve of the ASRWSS Commission to the ASRWSS Commission from \$100 to \$125.00 per meeting. *9 for, 0 opposed, 3 absent.*
- #27-900-2014-07 Authorize expenditure of \$1,000 out of the meeting line item with check payable to the family of Vice-Chair Ann Lambert, deceased. *9 for, 0 opposed, 3 absent.*
- #27-901-2014-07 Approve the recommendations made by the Tribes Fish & Game Commission to authorize Upland Bird season from September 1, 2014 to November 30, 2014 and to also authorize Pheasant season from October 11, 2014 until November 30, 2014. *9 for, 0 opposed, 3 absent.*
- #27-902-2014-07 Authorize to have Val Smith land appraised. *9 for, 0 opposed, 3 absent.*
- #27-903-2014-07 Approve to give Jim McDonald a 1 year easement and to build a gate. *9 for, 0 opposed, 3 absent.*
- #27-904-2014-07 Approve of giving Brandy Smith a 30 day lease extension. *10 for, 0 opposed, 2 absent.*
- #27-905-2014-07 **(Prepared Resolution)** Authorize obtaining a Phase I Environmental Assessment for the E1/2SW1/4, Sec. 1, T32N, R46E, NE1/4NW1/4, E1/2NE1/4 Sec. 12 T32N, R46E; and authorizes payment of the Assessments through the Land Purchase Account. *10 for, 0 opposed, 2 absent.*

OIL & GAS

- #27-906-2014-07 **(Prepared Resolution)** Authorize a Right-of-Way Lease to MDU for the above described tract having the legal description stated in the attached ROW application and compensation of \$0 per rod for the term of 25 years, and authorize the Chairman to execute any necessary letters and/or documents to carry out the foregoing resolution. *9 for, 0 opposed, 3 absent.*
- #27-907-2014-07 Accept the new job classification done by the BIA for the Tribal Human Resources Director position at Grade 14, Step 1, \$28.42 per hour. *9 for, 0 opposed, 3 absent.*

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- #27-908-2014-07 **(Prepared Resolution)** Authorize a contract with Newfields Company LLC for the environmental site assessment, clean up oversight, and otherwise complete the work for the old Poplar Airport Remediation grant in the amount of \$72,908. **9 for, 0 opposed, 3 absent.**
- #27-909-2014-07 Approve the submission of a grant by HPDP for the Connecting Kids to Coverage: Outreach and enrollment Grants Focused on increasing Enrollment of American Indian/Alaskan Native Children, and authorizes the Tribal Chairman to sign the letter on behalf of the Fort Peck Tribes. **9 for, 0 opposed, 3 absent.**
- #27-910-2014-07 Approve the press release to the media regarding the approved announcement of the Land Buy Back Program. **9 for, 0 opposed, 3 absent.**
- #27-911-2014-07 Direct the FPHA staff and Board of Commissioners to report to the July 8, 2014 Finance Committee meeting. **8 for, 1 not voting, 3 absent.**
- #27-912-2014-07 **(Prepared Resolution)** Approve Right-of-Way lease to Nemont for 25 years for the above listed tracts at \$0.00 per rod and that Nemont is subject to the Tribe's Utility Tax Code. **8 for, 0 opposed, 4 absent**
- #27-913-2014-07 Approve to accept the resignation of TTP Cleo Hamilton, effective July 18, 2014. **8 for, 0 opposed, 4 absent.**
- #27-914-2014-07 Approve another 30 working day temporary employment extension for Ron Jackson as Human Resources Director. **8 for, 0 opposed, 4 absent**

LAW & JUSTICE

- #27-915-2014-07 **(Prepared Letter)** Authorize Chairman A.T. Stafne to sign the Fort Peck Tribes Fish and Wildlife prepared letter to the State of Montana Office of the Governor, P.O. Box 200801, Helena, MT, regarding Fort Peck's proposal for the Quarantine Feasibility Study Bison with attachments for review. This letter will be cc'd to Jeff Hagener, Director of Montana Fish, Wildlife and Parks and to the Fort Peck Tribes congressional delegation. **8 for, 0 opposed, 4 absent.**
- #27-916-2014-07 Approve to promote Gerald Jackson Jr., into the Lead Correctional Officer position. **8 for, 0 opposed, 4 absent.**
- #27-917-2014-07 Authorize Rene Martell look into developing a distraction law and a window tint law. **8 for, 0 opposed, 4 absent.**
- #27-918-2014-07 Approve to reclassify the Diabetes Coordinator position up to Grade 13, Step 1. **8 for, 0 opposed, 4 absent.**
- #27-919-2014-07 Approve to reaffirm #27-666-2014-05 the Tribal Credit case and to have Chief Summers include other significant cases such as the Integrated Solutions case. **8 for, 0 opposed, 4 absent.**
- #27-920-2014-07 Authorize Ryan Rusche to look at the changes made in Title II, Sec. 103 in the CCOJ Records of the Court recommended by the Fort Peck Journal. **8 for, 0 opposed, 4 absent.**
- #27-921-2014-07 Outlaw the use of WD40 and any other pollutant to attract fish on the Fort Peck Indian Reservation. **8 for, 0 opposed, 4 absent.**

HEALTH & HUMAN SERVICES

- #27-922-2014-07 (Prepared Resolution) Accept the FY15 Food Distribution Program in the amount of \$328,854. *8 for, 0 opposed, 4 absent.*
- #27-923-2014-07 (Prepared Resolution) Authorize the FY15 Nutrition Program Contract with Valley County for the provisions of up to 925 meal at the rate of \$8.50 per meal, to non-Indian elders in the Frazer/Oswego area, for the period of July 1, 2014 through June 30, 2015 and the budget in the amount of \$7862.50. *8 for, 0 opposed, 4 absent.*
- #27-924-2014-07 Approve of the submission of the Master Agreement with the State of Montana for Tobacco Prevention in the amount of \$87,500 and authorize the Chairman to sign all documents. *8 for, 0 opposed, 4 absent.*
- #27-925-2014-07 Authorize the submission of the Public Health Emergency Preparedness Program with the State of Montana in the amount of \$30,000. *8 for, 0 opposed, 4 absent.*
- #27-926-2014-07 (Prepared Resolution) Approve that the Sanitary Facilities Services be set aside for only tribal enrolled members and not Associate members of the tribe. *7 for, 1 not voting, 4 absent.*
- #27-927-2014-07 (Prepared Resolution) Authorize the HPDP Program to fund the Research Coordinator position in collaboration with the University of Washington half-time until the University can finance the position 100% and authorize the Chairman to sign all necessary documents. *8 for, 0 opposed, 4 absent.*
- #27-928-2014-07 (Prepared Resolution) Authorize the hiring of Jeanette Youpee, Bernice Martin, John Benevente, and Kristen Low Dog, to work for HPDP PCA Program as temporary, part-time employees as of July 10, 2014. *8 for, 0 opposed, 4 absent.*
- #27-929-2014-07 (Prepared Resolution) Approve to transfer two social worker positions under the HPDP under the University of Washington grant for Promoting First Relationships over a five year period estimated to be \$79,000 in F&A/ In-Direct Cost (IDC). *8 for, 0 opposed, 4 absent.*
- #27-930-2014-07 (Prepared Resolution) Authorize the submission of a grant proposal under the Vocational Rehabilitation Services project for American Indians with Disabilities for fiscal years October 1, 2014 through September 30, 2019 and authorize the Chairman to sign all necessary documents. *8 for, 0 opposed, 4 absent.*
- #27-931-2014-07 (Prepared Resolution) Approve for the Foster Home Licensing Program two (2) Renewals for Regular/Emergency License and one (1) Kinship license and one new Regular/Emergency license. *8 for, 0 opposed, 4 absent.*
- #27-932-2014-07 Approve a payment for tribal cost sharing of \$600 to the Montana Tribal Leaders Council for the upcoming meeting on July 21, 2014. *7 for, 1 opposed, 4 absent.*
- #27-933-2014-07 Approve to support Bryce Redgrave for his application for the Area Director position at the IHS. *7 for, 1 opposed, 4 absent.*

#27-934-2014-07 Approve to rescind the motion amended to Rescind Resolution – which gave Tribes off at 3 p.m. for tribal celebrations (pow-wows) to read time off to be 12:00 – 4:30 p.m. **7 for 1 opposed, 4 absent.**

#27-935-2014-07 Authorize to put Dakota Trails under the supervision of Fort Peck Inc. **7 for, 1 opposed, 1 not voting, 4 absent.**

VETERANS/ELDERS & YOUTH

#27-936-2014-07 Approve to concur with the recommendation from the Veterans Affairs Office Director for selection of Sheldon Headdress, Sunni Erickson, Barry Bighorn, Mervyn Shields and Michael Ackerman to serve on the Veterans Affairs Committee and to include the stipulation that Harold Adams and Frank Smith serve as alternates. **7 for, 1 not voting, 4 absent.**

#27-937-2014-07 Approve of donating a Fort Peck tribal flag to tribal member Vangie D. Beston, U.S. Navy Chief Petty Officer. **8 for, 0 opposed, 4 absent.**

#27-938-2014-07 Approve of paying the following line items/requisitions for the HPDP program: No. 8109/488109, line item 4034: Vendor:-Nancy Steel-\$1,800; Fort Peck Community College, Thoka Tibi-\$1,000; American Legion Supper Club-\$1,000 and Francis Winona Boyd-\$500.00, for a total amount of \$4,300. **8 for, 0 opposed, 4 absent.**

#27-939-2014-07 Approve of the ASRWSS to pay one individual \$100 and to pay two other individuals \$50.00 each for putting together a parade float for the Poplar Parade. **5 for, 4 opposed, 3 absent.**

#27-940-2014-07 Approve of paying Darryl Growing Thunder \$2,500 for art ledger he did on a buffalo hide for the ASRWSS office; that this buffalo hide stay in the office of the ASRWSS and to include two bids to be submitted to the Fort Peck Tribes. **7 for, 1 not voting, 4 absent.**

#27-941-2014-07 Authorize Ryan Rusche to review the Programmatic Agreement for the Water Pipeline Project on the reservation. **8 for, 0 opposed, 4 absent.**

#27-942-2014-07 Authorize a carbon copy of the concurrences for the Programmatic Agreement for the Water Pipeline Project to the ASWRSS Director, Tribal Chairman A.T. Stafne, and Councilman Rick Kirm. **8 for, 0 opposed, 4 absent.**

#27-943-2014-07 **(Prepared Resolution)** Approve of the Tribal Executive Board's support of the Fort Peck Community College's grant application to the Department of Health and Human Services Center for Disease Control for the Comprehensive Approach to Good Health and Wellness to Indian Country funding opportunity; and that the Executive Board authorizes the Tribal Chairman to provide a letter of support from the Fort Peck Assiniboine and Sioux Tribes. **8 for, 0 opposed, 4 absent.**

#27-944-2014-07 Authorize the Natural Resources Office (NRO) to use the Range Land Purchase Account to purchase a Bob Cat. **7 for, 1 opposed, 4 absent.**

#27-945-2014-07 **(Prepared Resolution)** The Fort Peck Tribal Executive Board authorizes the HPDP Program to advertise for a Youth Suicide and Crises Coordinator to work in all the public schools across the Assiniboine and Sioux reservation. **8 for, 0 opposed, 4 absent.**

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- #27-946-2014-07 **(Prepared Resolution)** Approve of Head Start's request to submit an application to renovate the kitchen in the Wolf Point Center (floor separating from wall), Security cameras and replace one bus and authorize staff to apply for one-time funding. **8 for, 0 opposed, 4 absent.**
- #27-947-2014-07 Authorize the Head Start to use their program funds to pay for a semi-truck and flatbed to tow a Head Start bus from Glasgow, MT, to Williston, ND and to have Head Start identify what program(s) can assist. **8 for, 0 opposed, 4 absent.**
- #27-948-2014-07 Approve of donating Donna Follett \$500 for the church tent revival planned in the amount of \$500 and the TEB also authorizes a \$500 to the Red Eagle for youth activities the church is planning. **5 for, 3 opposed, 4 absent.**

UNFINISHED BUSINESS

- #27-949-2014-07 Approve to accept Jeff Berger's resignation as the Veterans Affairs Coordinator for the Fort Peck Tribes. **8 for, 0 opposed, 4 absent.**
- #27-950-2014-07 Appoint Ray Lamb temporary as the Tribal Veterans Affairs Coordinator. **8 for, 0 opposed, 4 absent.**
- #27-951-2014-07 **(Prepared Resolution)** Accept the P.L. 93-638 Housing Improvement Program Contract A12AV01004, with no changes to the Statement of Work for the period 10-1-2014 to 9-30-2015. **8 for, 0 opposed, 4 absent.**
- #27-952-2014-07 **(Prepared Resolution)** Approve of the Tribal Enrollment Committee's recommendation for enrollment. **7 for, 1 not voting, 4 absent.**
- #27-953-2014-07 Approve that in the future, the Enrollment Committee will turn over their list to the Constitutional Reform/Resolutions/Legislative Committee and reviewed and will be brought to the Full Board. **8 for, 0 opposed, 4 absent.**

NEW BUSINESS

No New Business taken care of.

ADJOURNMENT

CERTIFICATION

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom **10** constituting a quorum were present at a **Special** meeting duly convened this **14th** day of **July, 2014** and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of **10** for.



Chairman/Vice Chairman
Fort Peck Tribal Executive Board



Secretary Accountant