



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

REGULAR COUNCIL MEETING MINUTES

MAY 15, 1997, 9:25 A.M.

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

- 01. Call to Order, Prayer, & Roll Call.** The Regular Meeting of May was called to order by Chairman Russell D. Mason, Sr., at 9:25 a.m. in the Tribal Council Chambers. A moment of silent prayer and meditation was held. Members present were Chairman Russell D. Mason, Sr., Councilman Thomas Bird Bear, Councilman Mark N. Fox, Councilman Austin Gillette, and Councilman Edwin Hall. Secretary Daylon Spotted Bear joined the meeting at 9:45 a.m.; Councilman Tex G. Hall joined the meeting at 9:55 a.m. Motion 1 was made by Austin Gillette, seconded by Mark Fox, for Edwin Hall to serve as Acting Secretary until such time as Mr. Spotted Bear arrives. Vote on motion: 4 in favor, 1 abstained, 2 absent. Motion carried.
- 02. Approval of Minutes of April 25, 1997.** Motion 2 to approve the minutes with changes, corrections, and deletions, was made by Austin Gillette, seconded by Edwin Hall. Vote: 5 in favor, 2 absent. Minutes approved.
- 03. Announcements.** Chairman Mason indicated that some visitors from the U. S. Department of Agriculture would be coming to the reservation on May 20 and 21. Their purpose is to tour the peninsula and our facilities from an economic development point of view. Council informed the Chairman that the exit interview had been held with the Indian Health Service Survey Team. A return trip is planned for the middle of July 1997. Mark Fox advised that he had traveled to Denver and Longmont, CO, and met with Department of Justice corrections department on building and planning a detention facility. In early June 1997 (5-6), a Fort Berthold group will travel to Minneapolis to take a look at some facilities that are similar to our needs. Mr. Fox informed the council that the Office of Trust Funds Management would like to meet with them. No date has been set. Clean-up day will be Saturday, May 17, in Parshall. Mr. Gillette said the clinic and senior center in White Shield is on line. The grand opening of the White Shield Water Treatment Plant is scheduled for Friday, May 23. Clean-up day will also be Saturday, May 17, in White Shield. Thomas Bird Bear congratulated those students graduating from Fort Berthold Community College this year. Daylon Spotted Bear said clean-up day in Twin Buttes has been scheduled for Thursday, May 22. Edwin Hall said a clean-up day in Four Bears was held on Friday, May 9, with another one scheduled for Monday, May 19. Tex Hall said Mandaree wants to do a good job and has scheduled a clean-up week in Mandaree. Mandaree Community Meetings are held the first Wednesday of each month. Chairman Mason said he had been informed that the President's Disaster Bill did not have a separate line item for Indian reservations.

04. **Mandaree "Mother Earth Day" Financial Request.** Motion 3 to approve \$200 for the Mandaree Community "Mother Earth Day" was made by Tex Hall, seconded by Edwin Hall. Vote: 6 in favor, Mr. Gillette not present during vote. Carried.
05. **Request for Extended Medical Assistance to Jute Eagle.** Motion 4 to extend medical assistance to Jute Eagle was made by Mark Fox, seconded by Edwin Hall. Vote: 7 in favor. Carried.
06. **Approval of Agenda.** Motion 5 to approve agenda, with additions, deletions, and changes, was made by Tex Hall. Second by Austin Gillette. Vote: 7 in favor. Carried.
07. **R97-112, First American Marketing Corporation.** Motion 6 to approve R97-112 in support of First American Marketing Corporation seeking ANA funding as a consortium which includes Mandaree Electronics Corporation, was made by Mark Fox and seconded by Edwin Hall. Discussion that this would not interfere with the Tribes' ability to seek funding from ANA. Motion and second were amended to specify a time-frame of three years (1997, 98 and 99) in the resolution. Vote on motion: 7 in favor. Carried.
08. **White Shield School Request for Reimbursement from Tribes for Debt Owed by Former LCM Company.** Superintendent Lloyd Fandrich and school board members Pliga Bordeaux, Dewey Hosie, and Wesley Duane Fox addressed council regarding monies that had been paid to the former LCM company for trusses the school had never received. Thomas Bird Bear recommended that the Tribes' attorneys research the issue as to the Tribes' liability. Mark Fox said he felt the school had no legal, sufficient grounds to demand repayment from the Tribe; and that the only issue was a moral one, since the bankruptcy proceedings of LCM are over and there is no LCM anymore. After discussion, motion 7 for the Tribe to pay White Shield School the amount of \$37,630.67 was made by Tex Hall and seconded by Austin Gillette. Discussion. Motion and second were amended for the Tribe to pay \$37,630.67 to the White Shield School, based on availability of funds, and to pay in increments. A resolution will be needed when this is done. Vote: 6 in favor, 1 opposed. Carried.
09. **White Shield Government Houses.** Motion 8 was made by Austin Gillette, seconded by Mark Fox, to authorize the White Shield School Board to administer the government housing in the White Shield School Compound; and, if necessary, to formally prepare a resolution and bring it back to the Tribal Business Council for further action.
10. **New Town High School.** Superintendent Dr. Ed Slocum and school board members Daniel Uran, Jay M. Sandstrom, Orville Fox, and Marcus Wells, Jr. visited with the council on continued efforts for ISEP funding, and other general input.

11. **Motion to Change Order of Agenda.** Motion 9 was made by Edwin Hall, seconded by Mark Fox, to address the proposed amendment to the TERO Ordinance as the next item of business. Vote on motion: 7 in favor.
12. **R97-113, Motion to Change TERO Ordinance.** Motion 10 was made by Edwin Hall, seconded by Tex Hall, to approve R97-113 to change the TERO ordinance in regards to not applying a TERO fee to construction contracts on the reservation involving public schools or buildings owned by the Tribe or a community. After discussion, motion and second were amended to be specific to "any public school and the current Mandaree and Four Bears Community Center projects". In addition, it was noted by John Danks, Tribal Programs Analyst, that the TERO laws are going to have to be reviewed eventually, because of the 184 housing loans. Vote on amended motion: 3 in favor, 2 opposed, 2 abstained. Carried.

(Break taken at 12:15 for lunch. Reconvened at 1:25 p.m.)

13. **R97-114, Fort Berthold Housing Authority Designated as TAT's TDHE.** Motion 11 by Austin Gillette, seconded by Daylon Spotted Bear, to approve R97-114 to recognize the Fort Berthold Housing Authority (FBHA) as the Three Affiliated Tribes' "Tribally Designated Housing Entity" (TDHE). Discussion. Terry Red Fox, Housing Director, said this designation only changes the way FBHA is funded, which will be block-grant funding. The housing authority's 5-year plan is due November 3, 1997. Beyond that, HUD has 60 days to review the plan.

At present, the housing authority has \$264,945 in rental payments that are still owed and \$291,665 mutual-help payments that are delinquent. Chairman Mason said these payments need to get caught up, taking whatever action is necessary. Mark Fox noted there are some legitimate complaints and claims about why they cannot live in those homes or why they refuse to pay, until they are up to the satisfactory standards that they're looking for. Mr. Red Fox said each person signs an agreement--on a rental home, 30% of your income is paid, because FBHA does the maintenance; on a mutual-help home, which is a lease with an option to purchase, 15% is paid, with a max, because you are supposed to maintain your own home--a lot of this maintenance is not being done. Vote on motion: 5 in favor, 2 abstained. Carried.

14. **Motion to Direct FBHA to Conduct Research on Possibility of Building 100 Homes on Reservation for Home Ownership Under a Loan Assumption Program.** Austin Gillette recommended that a motion be made to direct housing to research the possibility of utilizing their allocations for site preparation work (basements, road work, sewer work), and applying for a loan to build 100 homes for home ownership, where the buyer can make monthly payments, i.e., a loan assumption program. He said the other 28 units that are listed as abandoned or vacant could be moved into housing areas and could be used as rentals or maybe sell them to somebody else. Motion 12, as indicated above, was made by Tex Hall and seconded by Mark Fox. Vote: 5 in favor, Daylon Spotted Bear and Chairman Mason not present during vote. Carried.

15. **Motion to Change Order of Agenda.** Motion 13 by Tex Hall, seconded by Edwin Hall, to move the range units resolution up on the agenda as the next order of business. Vote: 5 in favor, 1 abstained, Chairman Mason not present during vote. Carried.
16. **Proposed motion to Amend Grazing Resolution from 80% Indian-Owned Livestock to 40%--This Year Only.** Motion 14 by Edwin Hall to amend the grazing resolution for this year only from 80% down to 40%. No second to motion. Denied.
17. **Motion to Amend Grazing Resolution from 80% to 70% Indian-Owned Livestock--This Year Only.** Motion 15 by Tex Hall to amend the grazing resolution for this year only from 80% to 70%. Motion seconded by Thomas Bird Bear. Vote: 3 in favor, 2 opposed, 2 abstained.
18. **Beaver Creek Resort Area.** Dale Little Soldier, along with Dr. Lowell Goodman, UND Economics Professor, discussed the economics of a casino and recreational/resort area at Beaver Creek. After consideration of the resolution presented by Mr. Little Soldier, Austin Gillette moved to refer the resolution to the Legal Department for review of the resolution language, and to return to the council at their next meeting. Motion was seconded by Tex Hall. (Motion 16) Vote: 5 in favor, 1 opposed, 1 abstained. Carried.

(Break taken at 3:10 p.m. Reconvened at 3:30 p.m.)

19. **R97-115, Enrollment of 29 Applicants.** Motion 17 to approve R97-115 for the enrollment of 29 applicants was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 6 in favor, 1 opposed. Carried.

(Note: MR&I Phase 1 construction funds was deferred to special meeting on Monday, May 19, at 9:00 a.m.)

20. **OEDP Planning/ICDBG 1997 Funding.** Motion 18 by Thomas Bird Bear, seconded by Tex Hall, to prioritize North Segment for FY97 community development block grant funding. After discussion, motion and second were amended to indicate a 60/20/20 split between New Town, Parshall and Four Bears communities. Vote: 2 in favor, 4 opposed, Chairman Mason not present during vote. Denied.

New motion 19 presented by Thomas Bird Bear and seconded by Austin Gillette for North Segment to receive 60% and Parshall to receive 40%. Vote: 4 in favor, 2 opposed, Chairman Mason not present during vote. Carried.

21. **Health Planner Progress Report.** Susan Fredericks, Tribal Health Planner, began her presentation on research and survey conducted by her. Two parts--historical background and implementation plan. charts, survey results, studies, recommendations. After approximately one hour, Ms. Fredericks was requested to return to the special meeting scheduled the next morning to complete her presentation.

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22. **Next Meeting.** Special Meeting, Friday, May 16, 1997.
23. **Motion to Adjourn.** Motion 20 to adjourn was made by Austin Gillette and seconded by Daylon Spotted Bear. Vote: 7 in favor. Meeting adjourned at 5:35 p.m.

CERTIFICATION OF MINUTES

As Executive Secretary of the Tribal Business Council of the Mandan Hidatsa Arikara Nation, Three Affiliated Tribes of Fort Berthold Reservation, I hereby certify that the Tribal Business Council is composed of seven members, of whom five members constitute a quorum. Six (6) members were present at a Special Meeting held on the 16th day of June 1997, whereupon the Regular Council Meeting Minutes of May 15, 1997, were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 member absent.

for Marian Spotted Bear, Recorder
Daylon Spotted Bear, Executive Secretary
Three Affiliated Tribes' Tribal Council

ATTEST:

for Austin Gillette Vice Chairman
Russell D. Mason, Sr., Chairman