



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

MAY 16, 1997, 8:20 A.M.

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

- 01. Call to order, Prayer & Roll Call.** A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was held on Friday, May 16, 1997, in the Tribal Council Chambers, for the purpose of completing the agenda from the May 15 Regular Meeting. The meeting was called to order by Chairman Russell D. Mason, Sr., at 8:20 a.m. A moment of silent prayer was held. Members present were Chairman Russell D. Mason, Sr., Vice Chairman Austin Gillette, Secretary Daylon Spotted Bear, Four Bears Representative Edwin Hall, New Town/Little Shell Representative Thomas Bird Bear, and Mandaree Representative Tex Hall. Six members present, quorum established. Treasurer Mark Fox joined the meeting at 9:15 a.m.
- 02. Continuation of Comprehensive Health Planner's Update and Long-range Plans.** Susan Fredericks, Comprehensive Health Planner for the Tribe, continued her presentation to the Tribal Business Council. (See Item 21, Regular Meeting Minutes, 5/15/97.) The presentation lasted until 10:43 a.m., during which time, the council members had an opportunity to discuss several health issues with the Comprehensive Health Planner. Decision of council was for the Human Resources Committee to take the initiative on establishing a TAT Health Board and a task force, and the Tribal Health Planner will make her suggestions and recommendations to the health board and task force, and the committee can bring a resolution to the council so they can act on it.
- 03. R97-116, Authorizing Transportation Planning to Secure a Loan & Approving Paving of Parshall Community Building Parking Lot.** Motion by Mark Fox, seconded by Austin Gillette, to approve R97-116 which authorizes the Transportation Planning Department to secure an operating loan in the amount of \$65,000 from Community National Bank & Trust in Dickinson, ND. The resolution also calls for paving the Parshall Community Building parking lot from the proceeds NTE \$25,000. Vote on motion: 5 in favor, 2 abstained. Carried.
- 04. Myra Parker Education Request.** Motion to approve the request of Myra Parker for \$2,600 to attend the American Indian Pre-law Summer Institute was made by Edwin Hall, seconded by Thomas Bird Bear. Vote on motion: 3 in favor, 4 opposed. Denied. New motion to approve the standard \$1000 grant from docket funds was made by Edwin Hall and seconded by Thomas Bird Bear. Vote on motion: 7 in favor. Carried.
- 05. IRS/TAT Appeal of Federal Unemployment Tax Assessment (FUTA).** Motion to continue with appeal was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 6 in favor, Mr. Fox not present during vote. Carried.

06. **Motion for Letter to be Sent to State Officials Regarding State Sales Tax.** Motion by Austin Gillette, seconded by Edwin Hall, for Finance and Legal to do a letter for the Chairman to sign, to the State Tax Commission and the Attorney General regarding the Tribes' position on State sales tax. Vote on motion: 6 in favor, Mr. Fox not present during vote. Carried.
07. **R97-117 on TAT Comptroller's "Initial Assessment & Recommendations".** Motion to approve the resolution confirming action taken by the council at the April 4, 1997, Special Meeting on Finance, was made by Thomas Bird Bear, seconded by Tex Hall. Discussion. It was noted that if the Treasurer deems it necessary, this resolution can be revisited. However, at this time, it appears that the council is only reaffirming the action taken by them at the meeting on April 4, 1997. Vote on motion: 5 in favor, 1 abstained, Mr. Fox not present during vote. Carried.
08. **R97-118 to Participate with Mountrail County for Application of "Special Project Funding" (federal highway trust funds-60%) for Paving West Van Hook Road, access road from Highway 23 to Van Hook.** 40% Tribe Share, \$200,000. This is on the TIP list. Motion to approve was made by Thomas Bird Bear and seconded by Austin Gillette. Discussion. Have Ed Lone Fight draw up a letter for the chairman's signature regarding motion, want within two weeks. distribution of equipment also. Vote on motion: 5 in favor, 1 abstained, Mr. Fox not present during vote. Carried.
- (Recessed at 11:55 a.m. Reconvened at 1:00.)
09. **Motion Requesting Roads Equipment Inventory.** Motion was made by Austin Gillette, seconded by Edwin Hall, for Ted Danks, Transportation Planning, and Virgil Eagle, Roads Department, to inventory all Roads Equipment and its location; plus provide a list of all of the Roads equipment that was purchased with FEMA monies, and provide this information to the council within the next two weeks. Vote on motion: 6 in favor, Mr. Fox not present during vote. Carried.
10. **Motion on TAT Tribal Court Attorney License Fee Exemptions.** Thomas Bird Bear made a motion, seconded by Tex Hall, to incorporate Resolution R89-235 into Title I, Chapter 2, Section 3 of the Fort Berthold Tribal Court Code, adopted by R97-54, exempting Tribal and ND Legal Services attorneys from payment of the attorney license fees for practice before the Fort Berthold District Court. Vote on motion: 5 in favor, 1 opposed, 1 abstained. Carried.
11. **R97-119 Naming Abigail Bangen as At-Large Member for KMHA and MHA Board of Directors.** Motion to approve by Mark Fox, seconded by Daylon Spotted Bear. Vote: 6 in favor, 1 abstained. Carried.
12. **R97-120 Naming Nina Fox as Member of MHA Board of Directors.** Motion to approve was made by Tex Hall, seconded by Thomas Bird Bear. Vote on motion: 6 in favor, 1 opposed. Carried.

13. **Request from IHS for Tribe to pay Malpractice Insurance Coverage for Verlee Sailer, Chiropractor at IHS.** Motion to approve IHS request to pay \$1,100 for malpractice insurance was made by Austin Gillette and seconded by Tex Hall. Vote: 3 in favor, 2 opposed, 2 abstained. Carried. Further discussion, second withdrawn. New motion by Austin Gillette, seconded by Edwin Hall, to have the Legal Department research this issue before payment. Vote: 7 in favor. Carried.
14. **Casino Employees Gambling.** Motion by Mark Fox, seconded by Austin Gillette, to issue a directive to the TAT Gaming Enterprise Board to take no action at this time on implementing a policy on casino employees gambling at the casino until such time as the Gaming Committee and the full council has an opportunity to address this. Vote on motion: 7 in favor. Carried.
15. **JTAC Discussion.** John Danks is putting together JTAC packets for each of the councilmen for their community meetings. He will work up time frames on what to expect. Councilmen should identify a work group of not more than 6 individuals. One individual from each work group will then meet with the individuals selected to collate the material for the Tribal Council.
16. **Proposed Resolution to Amend Foreclosure Ordinance to Accommodate Section 184 Housing Loans.** Motion to approve by Edwin Hall, second, Mark Fox. Discussion. Second and motion withdrawn. Council agreed to defer this to the next meeting.
17. **R97-121, Donation to Old Scouts Society.** Motion to approve donation of \$3,500 to Old Scouts for Memorial Day activity was made by Austin Gillette, seconded by Thomas Bird Bear. Vote: 6 in favor, Mark Fox abstained. Carried.
18. **Donation to Helen Gough Memorial.** Motion by Austin Gillette, seconded by Thomas Bird Bear, to donate \$300 toward the purchase of a headstone for Helen Gough to honor her for the scholarship program she set up for the Three Affiliated Tribes. Discussion. The Joseph Young Hawk Post 253 Auxiliary and Legion initiated this project and have made contributions toward it. Vote: 6 in favor, Mr. Fox not present during vote. Carried. Further discussion. Chairman Mason to write a letter on behalf of the Tribal Business Council.
19. **Arlene Gullickson Loan.** Motion by Austin Gillette, seconded by Thomas Bird Bear, to approve a loan of \$3000, based on availability of funds in the Small Loan Program, to Arlene Gullickson. Discussion. The loan will be paid back in annual payments from IIM account. Vote on motion: 6 in favor, Mr. Fox not present during vote. Carried.
20. **White Shield Water Treatment Plant Grand Opening.** Motion by Austin Gillette, seconded by Mark Fox, for a contribution to the grand opening events. Discussion. Contribution to be at the discretion of chairman and treasurer, but should be the same as Mandaree received for their grand opening. Vote on motion: 7 in favor. Carried.

21. **R97-122, Little Shell Pow Wow Celebration Grounds Improvement.** Motion by Thomas Bird Bear, second by Edwin Hall, to approve R97-122 for incremental payments up to \$25,000 for Little Shell grounds improvement. Vote on motion: 7 in favor. Carried.
22. **Office Space.** Motion by Thomas Bird Bear, seconded by Tex Hall, for 1/4 of inter-area/lobby in front of his office. Vote on motion: 6 in favor, 1 not present during vote.
23. **Motion to Request Written Update from Solicitor's Office on Oil & Gas Agreement.** Motion by Thomas Bird Bear, second by Edwin Hall, to request a written update from the Solicitor on comments on the oil & gas agreement be sent to each member of the Tribal Business Council. Vote: 4 in favor, 1 opposed, 1 abstained, 1 not present during vote. Carried.
24. **Sadie Mann Sun Dance.** Motion by Edwin Hall, seconded by Tex Hall, to contribute \$2500 to Sun dance at Sadie Mann's. Discussion. A resolution will be presented at next meeting. Vote: 2 in favor, 1 opposed, 3 abstained. Carried.
25. **Proposed Motion for Eagle Sun Dance Contribution.** Motion by Tex Hall for a buffalo and \$2500 to Eagle Sun Dance in Mandaree. No second to motion. Denied. New motion by Tex Hall, seconded by Edwin Hall, for a donation of \$2500 to Eagle Sun Dance. Vote on new motion: 2 in favor, 1 opposed, 3 abstained. Carried. (NOTE: Motion revoked. See following paragraph.)
26. **Amended Motion to Contribute to Eagle Sun Dance and Horse Sun Dance in Mandaree.** Motion by Tex Hall, seconded by Thomas Bird Bear, for \$2500 donation and a buffalo to the Eagle Sun Dance (Ambrose Phelan). Discussion on Tribes' policy for donating buffalo, which has been not to donate buffalo, since the Tribe has been attempting to build up the herd. Tex Hall said he had financial requests for two sun dances in Mandaree. After discussion, council agreed to limit these requests to \$2,500 per segment. The motion and second were amended by Tex Hall and Thomas Bird Bear to approve \$1,250 for each of the two sun dances to be held in Mandaree. Resolution to be forthcoming. Vote on amended motion. 7 in favor. Carried.
27. **Proposed Motions to Donate Buffalo to (1) All Segments and (2) Parshall NuxxBaga Pow Wow.** Motion offered by Mark Fox for all segments to receive 1 buffalo, maximum, for this year, subject to availability. Second by Austin Gillette. After discussion, second to motion was withdrawn, whereby Mr. Fox offered a new motion for 1 buffalo for the NuxxBaga Pow Wow. No second to motion. Denied.
28. **Motion to Research Buffalo Donation Policy.** Motion by Thomas Bird Bear, seconded by Mark Fox, to request the Buffalo Program staff to research the Tribes' policy for donating buffalo, after which time the Tribal Business Council will revisit the policy. Vote: 7 in favor. Carried.

Note: It was noted by Chairman Mason, at this time, that, contrary to overexpenditure warnings from Finance and the Financial Advisor, the Tribal Business Council had committed \$167,000.00 during the past three days. (Break taken at 2:55 p.m. Reconvened at 3:20 p.m.)

29. **R97-123, Animal Control Ordinance.** Motion by Edwin Hall, second by Tex Hall, to approve R97-123 to adopt the Animal Control Ordinance for Fort Berthold Reservation. Discussion. Councilman Edwin Hall and Mandaree Community Chairperson Deb Fox will work with Kip Quale, BIA/LE, IHS Sanitarian, City of New Town, etal, to determine how this ordinance will actually be implemented throughout the entire reservation. Mr. Quale indicated license tags, certifications, impoundment fees, and other issues remained to be hammered out. Vote on motion: 6 in favor, Mr. Spotted Bear not present during vote.
30. **Child Protection Services Legal Representation.** Motion to approve Thomas J. Gunderson in this capacity to the end of the fiscal year, i.e., June, July, August and September, was made by Edwin Hall and seconded by Tex Hall. Vote: 4 in favor, 2 abstained, Mr. Spotted Bear not present during vote. Carried.
31. **Family Medical Leave.** Motion by Mark Fox, second by Tex Hall, to allow Audry Davy to use her sick leave accompanying daughter to Rochester. Discussion. The Legal Department will be requested to review the Tribes' family medical leave policy to ensure compliance with federal regulations. Vote: 6 in favor, 1 abstained.
32. **Tax Director.** Motion by Tex Hall, seconded by Edwin Hall, to hire El Marie Conklin as Tribal Tax Director. Discussion. Personnel Director was instructed to use the classification process to determine the salary for this position. Vote on motion: 5 in favor, 1 opposed, 1 abstained. Carried.
33. **Directive to Personnel/Tribal Programs Analyst.** A directive was given to the Personnel Director and Tribal Programs Analyst to do a draft resolution for a personnel selection committee and bring it back to council for consideration.
34. **Dialysis Consultant Agreement.** Motion to approve Danielle Molander as a fill-in RN for Dialysis was made by Tex Hall, seconded by Edwin Hall. Vote: 6 in favor, Chairman Mason not present during vote. Carried.
35. **Project HOPE Investigator.** Motion by Tex Hall, second by Edwin Hall, to hire Elizabeth Demary as Project HOPE Investigator under a grant administered by the Social Services Department. Vote: 6 in favor, Chairman Mason not present during vote. Carried.
36. **Child Protection Investigator, First Motion.** Motion to approve the Social Services Administrator's request to terminate the current Child Protection Investigator due to abandonment of position was made by Daylon Spotted Bear. No second to motion. Denied.

37. **Tribal Court Deputy Clerk.** Motion to approve Judge Vance Gillette's request to transfer Joseph Walker from the Child Protection Office to Tribal Court as Deputy Clerk was made by Tex Hall and seconded by Daylon Spotted Bear. Discussion. This shall be a temporary assignment only. The position must be advertised. Vote: 7 in favor. Carried.
38. **Tribal Court Temporary Clerk.** Motion by Tex Hall, seconded by Austin Gillette, to give Judge Vance Gillette authority to temporarily appoint a clerk for Tribal Court for 30 days. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.
39. **Child Protection Investigator, Second Motion.** Motion to approve the Social Services Administrator's request to terminate the current Child Protection Investigator due to abandonment of position was made by Austin Gillette, seconded by Tex Hall. Vote: 3 in favor, 1 opposed, 3 abstained. Carried.
40. **Motion to Add to Agenda.** Motion to add selection of Fire Management Supervisor to the agenda was made by Edwin Hall, seconded by Tex Hall. Vote: 5 in favor, 2 opposed. Carried.
41. **Tribal Court Ex-Prosecutor.** Motion by Mark Fox, seconded by Edwin Hall, that El Marie Conklin be allowed three days in her old office at Tribal Court to retrieve her personal files and belongings. Vote: 7 in favor. Carried.
42. **1997 College Interns.** Motion for Personnel to advertise for 7 college summer intern positions until the first week in June was made by Mark Fox, seconded by Tex Hall. Vote: 7 in favor. Carried.
43. **Emergency Medical.** Motion by Edwin Hall, seconded by Thomas Bird Bear, to grant \$300 to Ambrose Phelan for emergency medical. Discussion. Mr. Phelan has exceeded the amount authorized to chairman and treasurer to grant for medical emergencies, therefore, request for additional assistance must come before council. Vote: 7 in favor. Carried.
44. **Temporary Receptionist for Administration.** Motion by Edwin Hall, seconded by Mark Fox, to grant authority to the chairman and treasurer to hire a temporary receptionist until the return of Jackie Jackson-Morsette. Vote: 6 in favor, 1 opposed. Carried.
45. **Fire Management Supervisor.** Motion to hire Lyda Foote as Fire Management Supervisor was made by Edwin Hall. No second to motion. Denied. Motion by Austin Gillette to hire Leland Duboise as Fire Management Supervisor, seconded by Tex Hall. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.
46. **WIC Receptionist.** Motion to defer any action on Jolene Gillis to Monday was made by Mark Fox, seconded by Austin Gillette. Vote: 7 in favor. Carried.

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47. **Next Meeting.** Special Meeting, Monday, May 19, 1997.

48. **Motion to Adjourn.** Motion made by Austin Gillette, seconded by Daylon Spotted Bear. Meeting adjourned at 4:45 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 Special Council Meeting Minutes of May 16, 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