



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

REGULAR COUNCIL MEETING MINUTES

JUNE 02, 1997, 10:00 A.M.

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

01. Call to Order, Prayer & Roll Call.

The Regular Meeting of June was called to order by Chairman Russell D. Mason, Sr., at 10:00 a.m. in the Tribal Council Chambers. Chairman Mason asked for a moment of silent prayer for those people who are less fortunate than us, for the council members to work together, and for rain. All members were present, as follows: Chairman Russell D. Mason, Sr., Councilman Thomas Bird Bear, Councilman Mark N. Fox, Councilman Austin Gillette, Councilman Edwin Hall, Councilman Daylon Spotted Bear. Councilman Tex G. Hall joined the meeting at 10:10 a.m.

02. Announcements. Thomas Bird Bear said North Segment community elections were going to be held on the 3rd of June. Community input on JTAC was going to be on the 6th or 7th of June, along with selection of a committee for JTAC planning. Mark Fox said he would be attending the ITMA/OTFM meeting in Las Vegas through Wednesday this week, and Thursday and Friday he would be in Minneapolis to tour detention facilities. The Nux Baga Pow Wow will be held the weekend of June 7, 8 and 9. The pow wow committee has decided to honor all the tribal council members this year. A gaming Committee meeting is scheduled for Thursday, June 12, at 10:00 a.m. Chairman Mason said he had attended the AATCHB meeting in Rapid City last week. Doctor Trujillo/IHS was there and presented the IHS Budget. He also attended the Indian Affairs Commission meeting with Governor Shafer on Thursday last week. Chairman Mason, along with Councilmen Edwin Hall and Daylon Spotted Bear, will be attending NCAI in Alaska the week of June 9-13. Edwin Hall said the Four Bears Segment would be holding their JTAC meeting at the casino this week. The Bakersfield street project is ongoing. Councilman Tex Hall said the Mandaree community will hold their JTAC meeting on Wednesday, June 4. Chairman Mason said United Tribes is planning on having a North Dakota Tribal Council Summit at the Radisson in Bismarck right before the September Pow Wow. Senators Ben Nighthorse Campbell and Inouye have been invited, along with members of the North Dakota congressional delegation.

03. Approval of Agenda. Eight items were added to the agenda, including Personnel items. Motion to approve agenda, with additions, was made by Thomas Bird Bear and seconded by Austin Gillette. Vote: 7 for.

04. Negotiated Rule-Making Report. Phyllis Howard reported on the Native American Housing Assistance and Self-Determination Act (NAHASDA), otherwise known as the "Lazio Bill". Appropriations will go to Indian Tribes in block format. Money will be divided according to how the

housing authority plan is set up. The regulations will be published in the Federal Register for 45 days, during which time anyone may send in their comments. Ms. Howard said the housing authority will get more money under the new formula.

05. **R97-133, Amendment to Gaming R97-051.** Resolution for amendment to R97-051 regarding hiring and firing by TAT Tribal Gaming Enterprise Board. Motion to approve by Mark Fox and seconded by Daylon Spotted Bear. Vote: 4 in favor, 3 opposed. Carried.

Break taken at 12:15 a.m. Reconvened at 1:15 p.m.

06. **Casino Employee Gambling.** Recommendation to act on this on the 16th.
07. **Motion to Oppose U. S. House of Representatives Bill No. 1554.** This is a House Bill which proposes to tax all income that the Tribal Governments receive from their enterprises as non-profit corporations, so all Tribal Nations would be required to pay a corporate income tax on their resources. Mark Fox said the Bill is detrimental to Tribal Nations. Our Tribe needs to lobby both parties in congress to oppose this Bill. The federal government does not similarly tax the State Governments. We need to become more proactive in opposing this Bill and stating our position. Mr. Fox made a motion, seconded by Edwin Hall, that the Tribe, similar to other tribes in the Aberdeen Area who have opposed this bill, take the initial position of opposing it, as well; and that NCAI represent that position as well. Vote: 7 for.
08. **Minimum BI for Enterprise Board and Gaming Commission Members.** Motion by Austin Gillette, seconded by Tex Hall, that the members meet the 14 requirements of the minimum background investigation. Discussion by Mark Fox that all of the members have to meet these minimum requirements anyway. Vote: 4 in favor, 3 abstained. Carried.
09. **97-134, Resolution to Verify Donation to Mandaree Sun Dances.** Motion to approve made by Tex Hall. Second by Austin Gillette. Discussion that buffalo is based on availability. 7 in favor. Unanimous.
10. **97-135, Memorandum of Understanding for Casino Management of Four Bears Peninsula.** Motion to approve resolution and the Memorandum of Understanding was made by Austin Gillette, and seconded by Daylon Spotted Bear. Discussion by Mark Fox that the Gaming Committee had recommended this be handled by motion, rather than a legal document. Roy Galyean, Casino General Manager, said he was only requesting the authority for his staff to police, maintain and provide security in the area, as they have been doing in the past; however, they do not have anything to show that they have this authority. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.
11. **Donation to Catholic Congress.** Motion by Thomas Bird Bear, second by Tex Hall, to donate \$1,250 to the Catholic Congress. Discussion. Donation shall be subject to preparation of a resolution. Vote: 6 in favor, Mr. Gillette not present during vote. Carried.

12. **Iris Jackson Emergency Small Loan.** Motion by Thomas Bird Bear, second by Tex Hall, that \$1000 loan be made available to Iris Jackson from Small Loan Program. Discussion. Expedite through small loan program. Prioritize as soon as possible in view of emergency. Pay back through wage deduction and income tax refund. Vote: 5 in favor. Mr. Mason and Mr. Spotted Bear not present during vote. Carried.
13. **New Town Little Shell Pow Wow Committee Request for Additional Funding.** Motion by Tex Hall, second by Edwin Hall, to approve request for \$15,000 additional monies. Discussion that the pow wow pulls in a lot of money for the casino and is the biggest pow wow on the reservation. Chairman Mason asked if it would be possible for the Four Bears representative and New Town/Little Shell representatives to meet with the Antelope Society on possible sharing of funds. Edwin Hall concurred and withdrew his second. Thomas Bird Bear made new second to motion. Discussion. Conclusion: The Four Bears representative and NT/LS representative will sit down together with Antelope Society to see if they can work something out. If not, come back to the TBC meeting on the 16th. Second withdrawn, motion withdrawn.
14. **R97-136, Resolution for Catholic Congress.** Motion by Austin Gillette, second by Edwin Hall. Vote: 7 in favor. Unanimous.
15. **R97-137, Donation to Twin Buttes Sun Dance.** Motion by Daylon Spotted Bear to approve \$2500 for Sun Dance in Twin Buttes to be held by Ronald Sam Little Owl. No second. Denied. New motion by Mark Fox, second, Tex Hall, for \$1,250. Vote: 6 in favor, Mr. Mason not present during vote. Carried. Note: Resolution amended. (See Item 36.)
16. **George Good Bear Financial Request.** George Good Bear request for Tribe to assist with living expenses. \$500. Come back to this with documentation.
17. **Fred Gunn Medical Emergency.** Mr. Gunn needs low-vision magnifiers in order to see properly. Total cost is \$70.81. Indian Health Service will not pay for them. Chairman Mason asked for a motion to approve of providing for the cost of magnifiers for Mr. Gunn. Motion by Edwin Hall, second by Thomas Bird Bear. Discussion. Mr. Gillette stated there are many situations like this, with elders and others who are on fixed incomes, and have medically-related emergencies. It was decided the cost is under \$500, and the chairman and treasurer can handle. Second and motion withdrawn.
18. **Ty Hall Emergency Housing Request.** Ty Hall said he and his family are presently homeless. He requested assistance for he and his family to live in a motel until they received housing. Motion by Mark Fox, second by Edwin Hall, for \$500 emergency loan assistance, subject to repayment on a monthly basis, since Ty Hall said he was working in the oilfields and doing spot jobs with TERO. Vote: 7 in favor.

19. **Revisit George Good Bear request.** Motion by Thomas Bird Bear, second by Austin Gillette, for a loan of \$300 from small loan office. Discussion to prioritize loan. Vote: 7 in favor. Carried.
20. **Legal Department Representation of Gaming Commission.** The Tribal Legal Department will provide informal legal assistance to the Tribal Gaming Commission as necessary and as reasonable. S/A Kip Quale said there are potential conflicts, since the commission regulates the gaming laws, and the Tribe owns the casino.

Break at 3:30 p.m. Reconvene at 3:50 p.m. Mark Fox absent due to official travel.
21. **Dakota Travel/United Airlines Lawsuit Update.** United Airlines sent an offer to settle to the Tribe. Motion by Austin Gillette, second by Tex Hall, that official action be taken by letter from Tribal Business Council to decline their offer, based on the fact that the Tribe already has paid Dakota Travel. Discussion. Staff Attorney Avery was asked to obtain a list of the checks that were paid to Dakota Travel. Vote: 6 in favor, 1 absent.
22. **RTC Litigation.** Update was provided by S/A Avery. Initiate was filed in federal court by RTC because they had to exhaust tribal remedies.
23. **R97-138, FBCC Board Appointment.** Motion by Daylon Spotted Bear to appoint Thomas Crows Heart to the Fort Berthold Community College board of directors. Second by Edwin Hall. Vote: 5 in favor, Mr. Gillette not present during vote, 1 absent. Carried.
24. **Legislative Aide Position Request.** Motion to authorize chairman to select a person for legislative aide made by Daylon Spotted Bear, second by Austin Gillette. Vote: 3 in favor, 3 opposed, 1 absent. Denied.
25. **Beaver Creek Associates.** Dale Little Soldier said he had met with the TAT Tribal Gaming Enterprise Board, and he wanted to know if the council would pass a resolution to expand the gaming compact to include Beaver Creek. He was advised the board had not officially notified the Tribal Business Council as to its decision, and the council would like to see a formal letter from the enterprise board stating why they support this proposal. The council needs concensus and justification.
26. **Shotae Little Soldier Memorial on June 7 and 8.** Dale Little Soldier informed the council of Shotae's memorial the coming weekend. Chairman Mason recommended that the Tribe make an \$800 contribution. Motion by Tex Hall, second by Edwin Hall. Vote: 5 in favor, 1 opposed, 1 absent. Carried.

27. **Chuck Wells, Basketball Tournament Request.** Thomas Bird Bear said the team has raised \$543, and made a motion for \$500 donation, plus the use of the tribal van. Second by Tex Hall. Vote: 5 in favor, 1 opposed, 1 absent. Carried.
28. **BIA Janitor.** Thomas Bird Bear made a motion to send the person in this position a letter of suspension for two weeks w/o pay, as according to existing Personnel Policies and Procedures, rather than immediate termination, as requested. Second by Edwin Hall. Discussion to continue following the personnel policy and procedures, and recommend someone pay a personal visit. Vote: 5 in favor, 1 opposed, 1 absent. Carried.
29. **Temporary IHS Maintenance Helper.** A temporary assignment is necessary until Tom Alberts returns from medical leave. Note: Personnel Director was advised to meet with all the program directors and have them start following the Personnel Policies & Procedures. Motion by Tex Hall, second by Austin Gillette, for temporary hire of Ty Hall as primary temporary maintenance worker at IHS and Mandaree Clinic. Roseanne Johnson will be alternate. Vote: 6 in favor, 1 absent. Carried.
30. **COPFAST Police Officer.** Motion by Thomas Bird Bear, second by Austin Gillette, for termination of individual in COPFAST position at Mandaree, based on letter of recommendation received from supervisor Tex Fox. Vote: 5 in favor, 1 opposed, 1 absent. Carried.
31. **Wage Payment, Roseanne Johnson.** Motion by Austin Gillette, second by Edwin Hall, to authorize payment for Roseanne Johnson during the time that she was employed. Vote: 6 in favor, 1 absent. Carried.
32. **Economic Development Specialist.** Motion by Austin Gillette, second by Daylon Spotted Bear, to hire Tom Baker as Economic Development Specialist. Vote: 6 in favor, 1 absent. Carried.
33. **Renewal/Extension of Circle of Life Consultant Agreements (3).** Motion by Austin Gillette, seconded by Daylon Spotted Bear, to renew consultant agreements for the rest of the fiscal year. Vote: 6 in favor, 1 absent. Carried.
34. **Letter of Support for Fort Berthold Housing Authority.** Thomas Bird Bear said the FBHA had contacted him about a letter of support for this year's funding application. He said he had already drafted a letter. The Chairman asked him to prepare the letter for his signature and he would sign it.
35. **Oil & Gas Update.** Tom Disselhorst said there has been a revised Oil & Gas Agreement which shows the amendments from the previous version based on the comments from the BIA. They got these documents Wednesday or Thursday a.m. Thomas Bird Bear made a motion to put a request in to the Solicitor's Office for a formal opinion. Second by Tex Hall. Vote: 3 in favor, 3 opposed, 1 absent. Denied.

36. **Amended R97-137, Donation to Twin Buttes Sun Dance.** Secretary Spotted Bear produced a copy of R97-129 indicating \$2,500 had been provided for a sun dance. He requested the same consideration for the Twin Buttes Sun Dance, and made a motion to amend R97-137 from \$1250 to \$2500. Second by Tex Hall. Vote: 5 in favor, 1 abstained, 1 absent. Carried.
37. **Motion to Add to Agenda.** Motion by Edwin Hall, second by Tex Hall, to add Eugene "Sonny" Blackfeather to agenda. Vote: 6 in favor, 1 absent. Carried.
38. **Motion on Bid for Water Hauling.** Motion by Austin Gillette, second by Edwin Hall, for Tex Hall to check on Eugene "Sonny" Blackfeather's failure to receive bid for water hauling. Vote: 6 in favor, 1 absent. Carried.
39. **Next Meeting.** Special Meeting, Wednesday, June 4, 1997, on Proposed Twin Buttes Manufacturing Company.
40. **Motion to Adjourn.** Motion by Austin Gillette, second by Edwin Hall. Meeting adjourned at 5:50 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 June 02, 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.

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

ATTEST:

Austin Gillette, Vice Chairman
for Russell D. Mason, Sr., Chairman
Tribal Business Council