



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

JUNE 16, 1997, 10:40 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 Monday, June 23, 1997, in the Tribal Council Chambers. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:40 a.m. Chairman Mason requested a moment of silent prayer for both families who had relatives involved in the unfortunate incident over the weekend. Secretary Daylon Spotted Bear took roll call. Those present were Chairman Mason, Secretary Spotted Bear, Vice Chairman Gillette, Mandaree representative Tex Hall, Four Bears representative Edwin Hall, New Town/Little Shell representative Thomas Bird Bear. Austin Gillette joined the meeting at 10:43 a.m. Mark Fox joined the meeting at 11:25 a.m.

02. Approval of Minutes of Previous Meetings.

- * **May 14, Special.** Motion to approve, Austin Gillette; second, Thomas Bird Bear. Vote: 6 in favor, 1 absent. May 14 minutes approved.
- * **May 15, Regular.** Motion to approve, Thomas Bird Bear; second, Daylon Spotted Bear. Vote: 6 in favor, 1 absent. May 15 minutes approved.
- * **May 16, Special.** Motion to approve, Thomas Bird Bear; second, Daylon Spotted Bear. Vote: 6 in favor, 1 absent. May 16 minutes approved.
- * **May 19, Special.** Motion to approve, Austin Gillette; second, Thomas Bird Bear. Vote: 6 in favor, 1 absent. May 19 minutes approved.
- * **May 23, Special.** Motion to approve, Austin Gillette; second, Daylon Spotted Bear. Vote: 6 in favor, 1 absent. May 23 minutes approved.
- * **June 02, Regular.** Motion to approve, Austin Gillette; second, Thomas Bird Bear. Vote: 6 in favor, 1 absent. June 2 minutes approved.
- * **June 04, Special.** Motion to approve, Thomas Bird Bear; second, Tex Hall. Vote: 6 in favor, 1 absent. June 4 minutes approved.

03. **Announcements.** At the request of Councilman Bird Bear, the Tribal Business Council had a discussion on setting aside two dates during each month to conduct special business meetings. They decided to schedule 9:00 a.m. on the 3rd and 4th Monday of each month for special meetings, when possible; and, if necessary.

Chairman Mason said the council is going to have to think of some long-term preventative measures to take regarding alcohol-related tragedies that occur on the reservation. He requested the councilmen to think hard about how to deal with these situations in each of their segments.

Chairman Mason said the Tribe now is the manager and has the responsibility of housing. We have a board, but they are not directly responsible to the tribe. Presently, we have over one-half million dollars in housing payments that are delinquent. TBC members have a responsibility to see that things are in compliance. We all have to be responsible in providing a resolution that asks for immediate payment or immediate arrangements for payment within a given period of time, or face evictions. (A list was presented of all those people who are delinquent in their house payments.) There are 358 people who are waiting for homes. Since the housing authority is directly under the Tribe now, the Tribe can strengthen the policies or amend the policies. Many of the older people, who are on fixed incomes, are up to date and are not delinquent in their house payments. The Legal Department will be asked to draft a resolution that will give the housing board not only a mandate, but also give them the backing that they need to enforce collections and delinquencies.

Chairman Mason said a resolution will also be introduced to bring the Tribes' financial assistance limits back to \$500, and also to stick closer to the emergency medical and funeral grants that the Tribe has been giving. He suggested to council that any approvals made for funding or financing should be based on the availability of funds.

Chairman Mason said the NCAI meeting was very successful, and credit has to be given to the Executive Director, Joann Chase, and the President, Ron Allen. They addressed the major issues that are in litigation as well as the legislative issues.

Edwin Hall said construction will begin on the Four Bears Community Center on June 23. He also commented on what happened over the weekend, and said he felt it was a very unfortunate setback, and hoped we would be more proactive in the future. He recommended a meeting with the Tribes' substance abuse program and the City of New Town to address the problem.

Tex Hall said he felt the Tribe needed to do something with the JTAC funding to expand community services to help deal with alcohol and drug abuse. He stated that all tribal members need to get together to address this issue. On June 13, he met with U. S. Forest Service officials. He said they talked about if our tribe could get some of

that grazing in the Little Missouri grasslands, which includes Table Butte and Chimney Butte. Some of the elders were there and they talked about that area being our cultural and ceremonial homelands, and containing buffalo. Myrna Bear Jacobs is to follow up and draft a resolution on this for the Natural Resources Committee.

Tex said he had two items of concern on JTAC funding: (1) he hoped all segments would have an opportunity to present before any obligation of JTAC funding is done; (2) he hoped the council would wait until the Tribes' plan is approved by the people and the council before any obligation of JTAC funds. He said he would address this later in the meeting.

He also announced that 75%-25% cost-sharing programs for developing springs, dams, shelter belts, etcetera, are available from the United States Department of Agriculture. July 3 is the deadline for this. If anybody is interested, they can work with Natural Resources.

The Federal Disaster Bill was passed last Thursday. Certification of losses can be obtained from BIA and Natural Resources. Only about 25% of livestock equity will be covered. Mandaree Electronics has received 8A status, which will allow them to contract with government entities such as the military, IHS, etcetera. There is also a 5% incentive set aside for big companies to contract with smaller ones.

Thomas Bird Bear said he had attended a meeting last week regarding the planning and development of juvenile detention facilities on reservations. The participants talked about developing a plan to look at which location would be more suitable. TAT will probably be hosting one of these meetings in the near future. The other Tribes' input was pretty much the same as Fort Berthold. Comments were made about community responsibility and family responsibility for assuring a better quality of life on the reservation. He said there are a lot of options other than construction of jails and detention facilities, and there can be a lot of community involvement. With the limited amount of dollars available, our tribe can be looking at different ways to approach the problem, rather than having a first reaction that we need to build more jails. He said there should be a greater extent of participation by our social services, law enforcement, and the council, but there are options available.

As far as JTAC, Mr. Bird Bear said he would like to see the Tribal Business Council think more along the line of prioritizing funding and looking at ways that the Twin Buttes Community had referenced their proposal in terms of a guarantee rather than an outright designation of funds. He thought the "guarantee model" was something that would be highly preferable and useful.

Mark Fox said he had toured detention facilities and law enforcement centers in Minnesota, and thought it was extremely beneficial and positive to do that. He said a draft plan should be completed by this summer.

04. **Approval of Agenda.** Motion to approve, with the addition of 19 items, was made by Mr. Gillette and seconded by Mr. Fox. Vote: 7 in favor. Agenda approved.
05. **R97-139. Approval of Charter for Twin Buttes Manufacturing Company.** It was noted by Myrna Jacobs and Christopher "Kip" Quale that the BIA Superintendent had not yet reviewed the land lease, however, this wouldn't affect any action to be taken on this proposal today. The lease agreement does have to be approved by the Secretary of Interior before it will become effective. S/A Quale said he had reviewed the charter, as requested at the last meeting, and the resolution had been amended and changed, as well. (The charter had been approved at the last meeting, pending review by the Legal Department.)
06. **Preliminary Discussion of Business Lease for Twin Buttes Community Association.** Terry Fredericks, Secretary, Twin Buttes Community Association (TBCA), presented a resolution to approve a 25-year business lease between Three Affiliated Tribes and the TBCA; with a sub-lease between the TBCA and the Twin Buttes Manufacturing Company (TBMC). Kip Quale reviewed the business agreement with the council, noting the changes and insertions that were requested. Chairman Mason called for a recess at 12:20 p.m. to allow Terry and Patty Fredericks to meet further with S/A Quale on the resolutions they proposed to submit to the council. The meeting was reconvened at 1:40 p.m. Supervising Attorney Quale explained another resolution was being developed to approve a leasehold estate for TBCA, subject to the negotiation of a business lease. Chairman Mason requested that this all be dealt with at the same time, and asked to defer this to later in the meeting.
07. **Authority of Gaming Committee to Hear License Appeals.** Gaming Commissioner Edmund White Bear, Sr. requested clarification of this appeal process. Mr. Fox said the Gaming attorneys who helped draft the policies felt there was no conflict between the Gaming Committee Policy and the Tribal Gaming Ordinance, because an aggrieved person still has the right, after appealing to the Gaming Committee, to appeal to the court. Chairman Mason requested a motion to have one body involved, i.e., the Gaming Commission, and appeals on their decisions go directly to Tribal Court. Motion made by Thomas Bird Bear. Second by Austin Gillette, who requested Mr. Bird Bear to consider amending his motion that these reviews would exclude those employees with good work records. Commissioner White Bear said this is already being done. Discussion. Mr. Fox said the Gaming Committee had reviewed the appeal process and had recommended no change be made. Chairman Mason called for the vote: 3 in favor, 3 opposed, 1 abstained. Motion denied.

Note: Mr. White Bear advised the council that only two of the TAT Gaming Enterprise Board members have shown up for their background investigation applications. Chairman Mason said he would personally follow up on this. Mr. White Bear also inquired about the audit. Mr. Fox said Finance is working on it and it is coming.

08. **Extension of Finance Consultant Agreements.** Motion to approve was made by Austin Gillette and seconded by Mark Fox. Discussion. Agreements will be extended for two weeks, and are being covered under indirect costs. Vote on motion: 7 in favor. Motion carried.
09. **Approval of WIC Computer Consultant.** WIC Director Delphine Baker requested approval of a consultant agreement with Lawrence White Eagle to work with WIC on their WIC Indian Network Data System (WINDS). She said she had money in her budget to cover this cost. Motion to approve was made by Edwin Hall and seconded by Mark Fox. Vote: 7 in favor. Motion carried.
10. **Walking Shield Update.** Gerald White said he had requested 4 duplexes, (from Grand Forks Air Force Base) but they had already been allocated for 1997. He said we have been allocated 8 duplexes in 1998, but, to receive them, we have to go through Walking Shield. Walking Shield assigns the quarters. They charge \$1,000 per month for administrative costs. The Tribe hasn't paid anything to them, and they have submitted a bill to the Tribe for \$8,000. Thomas Bird Bear said the information his office received was that the Tribe does not have to pay the administrative fee to Walking Shield, since they are merely a third party, basically bringing the Tribe and the Air Force together. Acting Chairman Austin Gillette requested a motion to direct the Tribal Chairman to address the Walking Shield issue and have the Fort Berthold Reservation screening system be a stand alone. Moved by Tex Hall and seconded by Thomas Bird Bear. Discussion. Mr. Fox said he was concerned that we had missed getting some of these houses this year; and, if we do go independently, someone needs to step forward and get this done. Edwin Hall mentioned the 24 vacant houses presently in inventory, stating that this should be handled first before we bring in these other houses. Vote on motion: 5 in favor, 2 abstained. Motion carried.
11. **R97-140, TAT/TBCA Leasehold Estate Agreement.** This resolution sets forth the land description of the 40 acres the TBCA would like to lease from the Tribe in Twin Buttes. The community would then sub-lease the land to the manufacturing company. The approval of this resolution is subject to the negotiation of a Business Lease between Twin Buttes and TAT and the approval by the TBC of the proposed sub-lease. Motion to approve was made by Austin Gillette, and seconded by Daylon Spotted Bear. Vote: 7 in favor. Motion carried.
12. **R97-141. General Obligation Tribal Guaranty of Funding for TBMC.** Motion by Daylon Spotted Bear to approve the special obligations guaranty for funding of TBMC, seconded by Tex Hall. Discussion. The special guaranty would be a direct pledge of JTAC funds. Financial Advisor David Brendsel was asked by Mr. Gillette if he had reviewed this. He had not had a chance to review the complete package; and, until he did, he asked that it be understood that there is no implication from the side of the TBC that they are buying in and committing to this guarantee. There is also a concern about the high delinquency rate of homes under FBHA. Since Tribe is now the owner

and manager of FBHA, this debt severely impacts the Tribes' ability to buy and service the debt on these homes. This reflects directly on the Tribes' financial status. After discussion, the motion and second were withdrawn.

A new motion was presented by Daylon Spotted Bear to approve the general obligation guaranty funding option. This would provide that, prior to the authorization and issuance of said tribal guaranty, the financing structure and terms shall be deemed acceptable by the Tribe, and the TBC shall approve the form of guaranty instrument by subsequent resolution. Mr. Spotted Bear's motion was seconded by Thomas Bird Bear. Discussion. Chairman Mason called for the vote. Vote: 7 in favor. Carried.

13. **Request to Defer TERO Fees for TBMC.** The TBCA requested to defer TERO fees on the construction of this project until the loan is paid off, at which time, the TERO fees could be paid. It was noted the loan was amortized over a period of 10 years. Motion to approve was made by Edwin Hall and seconded by Daylon Spotted Bear. Discussion by Austin Gillette that a resolution had recently been passed by the council to exempt only school districts and the two community buildings in Mandaree and Four Bears. Terry Fredericks said he had talked to the TERO Director and TERO Commission Chairman and both had referred him back to the council, because of prior waivers by the council. Mr. Fox said neither had sent their comments to the TBC as to whether they were in favor or disfavor of a TERO fee waiver. Chairman Mason suggested sending this request to the TERO Board for review to see if they could come up with some type of moderate pay schedule which would be satisfactory for everybody. After discussion, second and motion were withdrawn, with the understanding that this would go before the TERO Board. In addition, Edwin Hall requested a report from TERO of all tero fees, where they are spent, and how they are utilized.

Break at 3:25 Reconvene at 3:50 p.m.

14. **Motion to Add to Agenda.** Motion was made by Daylon Spotted Bear and seconded by Edwin Hall to add MR&I to the agenda. Vote: 7 in favor. Motion carried.
15. **Fortuna Office Building.** Financial Advisor Brendsel informed council that a building is available to the Tribe at the old Fortuna radar site. This is a 32x90 foot building, with 14 office areas. John Danks has requested approval to move this building from Fortuna to where the Cattle Relending Program trailer is located, and put it on 1/2 basement to double office size. Motion to allow John Danks to work with Dave Brendsel to locate a source of funding to do this was made by Edwin Hall and seconded by Austin Gillette. Discussion. The cost would not exceed 200,000 for the project. Messrs. Brendsel and Danks were requested to bring a complete project and funding package back to the council. Vote on motion: 7 in favor. Motion carried.

16. **Discussion on MR&I Phase I Completion.** Harley "Texx" Lone Bear, Larry Wyman, and David Brendsel updated council on their continued efforts to locate the funding to go forward with completion of the Twin Buttes and Four Bears water treatment plants. Mr. Brendsel recommended the Tribe go with a Rural Utility Service application. The money would be available in August or September. \$610,000 would be needed in order to do this. After discussion, it was agreed that Messrs. Brendsel, Wyman and Lone Bear would meet further with Capitol City Construction and come back to full council on the 23rd of June. Mr. Gillette inquired about the transfer of title for easements etc for Mandaree and White Shield that were requested last year. When the transfers occur, OM&R will be BOR responsibility. Mr. Lone Bear said the request is still at BIA and hasn't been processed yet.
17. **Personal Request, June Conklin Yellow Lodge.** Motion to approve a short-term loan of \$500 for Mrs. Yellow Lodge for emergency housing was made by Thomas Bird Bear and seconded by Tex Hall. Discussion that the loan will be repaid each two weeks in the amount of \$50.00. This loan will receive special consideration, since the family must vacate their apartment on the 23rd of June. Loan money is to be made available by then. Vote: 7 in favor. Motion carried.
18. **Personal Request, Jane Deschamp.** Same situation as above. Motion by Austin Gillette to approve a \$500 loan for emergency housing. Second by Edwin Hall. Vote: 7 in favor. Motion carried.
19. **Maxine Buffalo Education Request for Daughter, Ruth Suarez.** Motion to approve \$500 as a standard education grant to Ruth Suarez was made by Tex Hall and seconded by Austin Gillette. Vote: 7 in favor. Motion carried.
20. **Motion to Add Roads Proposal to Agenda.** Motion was made by Austin Gillette and seconded by Tex Hall to add a roads proposal approval request to the agenda. Vote: 7 in favor. Motion carried.
21. **Roads Proposal.** Motion to approve made by Austin Gillette, seconded by Tex Hall. Mr. Gillette said the total project is \$76,000, with special roads fund (federal) of \$45,000, 40% from BIA and also the county. This is a mile long road in east McKenzie. Vote: 7 in favor. Motion carried.
22. **Troy White Owl Education Request.** Motion by Mark Fox, seconded by Edwin Hall, to fund \$1000 under docket grant funds, unless he has received funding from there already this school year. Discussion. New docket funds won't be available until after October. Vote: 7 in favor. Motion carried.
23. **Little Shell Pow Wow Committee.** Motion to grant an additional \$15,000 to the Little Shell Pow Wow was made by Edwin Hall and seconded by Thomas Bird Bear. Discussion. Four Bears Community contributed \$2,000 carryover funds from last year. Additional funding still needed, as this is the largest pow wow on the reservation; and,

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therefore, has added costs. Additionally, the pow wow brings in a lot of revenue to the Tribe via the casino. Vote: 7 in favor. Motion carried.

24. **RTC Update.** Motion was made by Mark Fox and seconded by Edwin Hall to give approval to Staff Attorney Diane J. Avery to send letters to RTC, Consolidated Telephone Cooperative, West River Telephone Cooperative, their two attorneys, and to First Trust in Bismarck (holders of the escrow agreement) in an attempt to dissuade RTC from filing in federal court. Vote: 7 in favor. Motion carried.
25. **Motion to Add Russell Parshall to Agenda.** Motion made by Mark Fox and seconded by Edwin Hall. Vote: 7 in favor. Motion carried.
26. **Personal Request, Russell Parshall.** Motion made by Mark Fox and seconded by Edwin Hall to approve an emergency loan of \$450 to Mr. Parshall. Discussion. Council approves of expediting this loan up to this week.
27. **Personal Request, Joyce Standish.** Motion made by Tex Hall, seconded by Austin Gillette, to approve a \$200 emergency loan for Mrs. Standish. Vote: 7 in favor. Motion carried.
28. **Next Meeting.** Tuesday, June 17, 1997, 1:00 p.m. Special meeting.
29. **Motion to Adjourn.** Motion to adjourn was made by Austin Gillette and seconded by Daylon Spotted Bear. Meeting adjourned at 5:30 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. Five (5) members were present at a Special Meeting held on the 21st day of July 1997, whereupon the Special Council Meeting Minutes of June 16, 1997, were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members absent and not voting.

Daylon Spotted Bear

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

ATTEST:

Russell D. Mason, Sr.

Russell D. Mason, Sr., Chairman
Tribal Business Council