

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

JULY 21, 1997, 10:20 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 Monday, July 21, 1997, in the Tribal Council Chambers. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:20 a.m. A moment of silent prayer was held, during which those present were asked to think about Lillie Coffey, who had passed on, and all the people who are in the hospital at this time. Secretary Daylon Spotted Bear called roll. Present were Chairman Mason, Vice Chairman Austin Gillette, Secretary Spotted Bear, Councilman Thomas Bird Bear, and Councilman Edwin Hall. Five members present. Quorum established.

02. Approval of Minutes. Minutes of June 16, 17, 23 and July 10 were presented by TAT Recorder Marian Spotted Bear, for approval. Motion was made by Thomas Bird Bear to approve the minutes of June 16. Motion seconded by Edwin Hall. Vote: 5 in favor, 2 absent. June 16, 1997, Minutes approved. Motion was made by Austin Gillette to approve the minutes of June 17, with addition to Item 9, and change to Item 22. Motion seconded by Daylon Spotted Bear. Vote: 5 in favor, 2 absent. June 17, 1997, Minutes approved. Motion was made by Austin Gillette to approve the minutes of June 23. Motion seconded by Edwin Hall. Vote: 5 in favor, 2 absent. June 23, 1997, Minutes approved. Motion was made by Thomas Bird Bear to approve the minutes of July 10. Motion seconded by Austin Gillette. Vote: 5 in favor, 2 absent. July 10, 1997, minutes approved.

03. Announcements. Mr. Gillette stated that board members are responsible for the operation of the tribal enterprises, and the council needs to take a look at why the Board of Directors for the community college were unable to foresee a problem with the college finances. Tribal Business Council Members have been busy holding meetings in their segments on health care and JTAC funding issues. The New Town/Little Shell District is continuing to work on their FY97 CDBG application for funding, and have decided on the development of a new community facility. Architectural/engineering plans have been submitted.

04. Approval of Agenda. Motion to approve agenda, with the addition of 7 items, was made by Thomas Bird Bear and seconded by Edwin Hall. Vote: 5 in favor, 2 absent. Agenda approved.

05. Report from Fort Berthold Lewis & Clark Bicentennial Committee Members. Phyllis Cross, Tillie Walker, Marilyn Hudson, and Calvin

Grinnell discussed the goals and objectives of the Fort Berthold Lewis & Clark Bicentennial Committee. (Other members of the committee are Amy Mossett and Celeste Witham. Ex-officio members are Gerard Baker, Alice Harwood, and Hans Walker, Jr. All of these people are volunteer committee members.) The members stressed the importance of our Tribes getting involved in the present interest in the Lewis & Clark Expedition. Tillie Walker named some short-term and long-term needs of the Tribes to get involved in tourism, such as a tourism staff, an archivist, some good maps of the Lewis & Clark trail in our area, and the Tribe adopting an official spelling for Sacajawea. The committee was asked to bring a proposal, in the form of a resolution and/or proclamation, for the council to act on. The committee was also asked to research and identify funding sources, both federal and state.

06. **Discussion on Code of Laws for Repatriation.** There is no code of laws in place for repatriation. The TAT Museum Board was asked to work with the TAT Legal Department on a code of laws for retrieval, care and preservation of artifacts. Marilyn Hudson was requested to follow up on this, and stated that she would. (15 minute break taken.)
07. **Discussion on Senator Gorton's Attachment of Riders to Appropriations Bill.** Supervising Attorney Christopher D. Quale informed the council that Senator Slade Gorton (R-WA), Chairman of the Senate Interior Appropriations Subcommittee, has attached two riders to the 1998 Interior Appropriations Bill. These riders would [1] require any tribe that receives Tribal Priority Allocation (TPA) monies to waive its sovereign immunity--cases would be brought directly into federal court; and, [2] would require "means testing" for receipt of TPA monies--allocations would take into consideration all sources of a Tribes' income. The Washington attorneys are putting together a consortium, at a cost of approximately \$1000 per tribe, and would like to know if we would like to join. After discussion, a motion was made by Austin Gillette to approve the draft letter to be sent to all members of the Senate Interior Appropriations Committee and the Senate Indian Affairs Committee, opposing these riders as an official action by the Tribal Business Council. Second by Edwin Hall. Discussion to mention in letter that appropriations, historically, have been less than 65% of the actual need. There has always been a deficiency. Further discussion that the Tribe does not wish to join a consortium proposed by the Washington attorneys, at this time. Vote: 5 in favor, 2 absent. Motion carried.
08. **Proposed Liquor License Renewal for Casino.** License is for continuation of sale of all beverages, and is expanded to off-sale of beer at the marina. Motion to approve for purposes of discussion was made by Daylon Spotted Bear. Mr. Spotted Bear indicated beer purchases would be made in town, if not at marina. No second to motion. Denied. (See Item 13 below.)
09. **Arlene's 4-Winds Enterprise Business License Renewal.** Motion to approve, Austin Gillette. Second, Thomas Bird Bear. Vote: 4 in favor, 1 abstained, 2 absent. Carried.

10. **Howard's Barber Shop Business License Renewal.** Motion to approve, Austin Gillette. Second, Thomas Bird Bear. Vote: 4 in favor, 1 abstained, 2 absent. Carried.
11. **Azure Sky Star Quilt Manufacturing Business License Renewal.** Motion to approve, Austin Gillette. Second, Thomas Bird Bear. Vote: 4 in favor, 1 abstained, 2 absent. Carried.
12. **D-Company Vehicle Detail Business License Application.** Motion to approve, Austin Gillette. Second, Thomas Bird Bear. Vote: 4 in favor, 1 abstained, 2 absent. Carried.
13. **Four Bears Casino and Lodge Alcoholic Beverage License.** Motion to approve, Thomas Bird Bear. Second, Daylon Spotted Bear. Discussion to strike the marina off-sale from the license application, unless or until the TAT Gaming Enterprise Board appears in front of the council to justify this action. Vote: 4 in favor, 1 opposed, 2 absent. Carried.
14. **White Shield Community Van.** Mr. Gillette said he had been authorized by the White Shield Community Board to approach the Tribal Business Council for approval to auction off their community van and purchase a pickup with the proceeds. Discussion that tribal vehicles are usually traded in or made available for tribal members to buy at book price. Mr. Gillette said the White Shield Community would seek sealed bids on the van. Motion to approve was made by Mr. Gillette and seconded by Edwin Hall. Vote: 5 in favor, 2 absent. Carried.

Note: Meeting recessed at 12:25 p.m. and reconvened at 2:30 p.m. Chairman Mason not present due to dental appointment. Austin Gillette, presiding officer. Mark Fox and Tex Hall joined the meeting. Discussion held on changing the date of the August monthly meeting from Thursday, August 14, to Tuesday, August 12, at 10:00 a.m.

15. **Motion to Add to Agenda.** Motion was made by Mark Fox and seconded by Tex Hall to add six items to the agenda. Vote: 5 in favor, Mr. Spotted Bear not present during vote, 1 absent. Carried.
16. **Chief Gall Regional Adolescent Treatment Center.** Verna Bailey and Wilbur Pleets of the Standing Rock Sioux Tribe were present to request tribal support for the SRST to contract the administration and operation of the Aberdeen Area Regional Youth Treatment Center. After discussion, Mark Fox made a motion for the Tribe to support the request of SRST to 638 the administration and operation of the youth treatment center. Motion seconded by Edwin Hall. Discussion that TAT approval would be under the conditions of full funding and adequate slots to provide for full treatment of our youth. All tribes need to go after a set-aside for contract care dollars. TAT Alcohol Services Director Belinda F. Beston was requested to prepare the resolution supporting this action, for approval at the next meeting. Vote: 7 in favor. Motion carried.

17. **Transportation Task Force.** Susan Fredericks and Elmer Four Dance gave a report on the findings and recommendations of the Transportation Task Force. Discussion. The task force was asked to proceed with their activities and develop a formal process and plan that can be submitted to the business council for approval. Motion to affirm was made by Thomas Bird Bear and seconded by Mark Fox. Vote: 5 in favor, 1 abstained, Edwin Hall not present during vote. Carried.
18. **Delilah Yellow Bird.** Ed Lone Fight/TAT Program Administrator and Carol Parker/IHS are to meet with Mrs. Yellow Bird and TAT Social Services, Indian Health Services, and School Superintendent at White Shield, in an attempt to resolve her concerns.
19. **Discussion on Selection of Nurse Manager for Dialysis Center.** Motion by Mark Fox, seconded by Daylon Spotted Bear, to hire Mary Lynn Benson Eaglestaff at offer of \$50,000 per annum. Discussion by Thomas Bird Bear and Tex Hall that they would like to see a rating of the candidates by Personnel, and something in writing from Doctor LeFaive (phonetic), consultant for Dialysis, who felt Mrs. Eaglestaff was the best-qualified applicant. Mr. Fox said, in making his motion and decision, he was relying on the information provided to the council by Mr. Lone Fight; but, he would hold his motion in abeyance pending the arrival of the Personnel Director. (See Item 22 below.)
20. **TAT Education Department Request for Consultant for Development Plan.** Bernadine Young Bird, Education Director, requested to hire Deanna Good Bear Parisien as a consultant to assist her with the compilation of a "State of the Reservation Education Report Development Plan". The consultant agreement would be for eight (8) weeks. All costs are within the constraints of the Education Budget. Motion to approve was made by Mark Fox and seconded by Tex Hall. Discussion. All work required of the consultant shall be completed before the consultant receives her final payment. Vote: 5 in favor, 1 abstained, Mr. Mason not present during vote. Motion carried.
21. **TAT Education Department Request to Establish Exceptional Education Technician Position.** Motion to approve the establishment of an Exceptional Education Technician position in the Department of Education was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 5 in favor, Mr. Fox and Mr. Mason not present during vote. Motion carried.
22. **Continuation of Discussion on Selection of Dialysis Nurse Manager.** (Reference Item 19 above.) The Personnel Director advised council that she had not rated the application of Mrs. Eaglestaff, who had been recommended for this position, because she did not have her application on file. The application had been reviewed by Mr. Lone Fight, dialysis staff, Doctor Lefaive (phonetic), Helena Mahsetsky representing Personnel, and they had recommended Mary Lynn. Mr. Fox amended his motion to hire Mrs. Eaglestaff subject to a rating done by Personnel and a review of all pertinent documentation and a letter of recommendation from the doctor and whoever else. Amendment concurred

by Mr. Spotted Bear. Discussion by council that, on all future personnel selections, they would like to have all of the pertinent documentation presented to them beforehand. Councilman Tex Hall noted, "Things are not in place here, so I'm not going to support this at this time". Vote: 3 in favor, 3 opposed, Mr. Mason not present during vote. Motion denied. New motion by Tex Hall, seconded by Edwin Hall, for Personnel to rate all of the applications, obtain a letter from the doctor on his recommendations, and submit a salary level for the position, for consideration at the next meeting. Vote: 6 in favor, Mr. Mason not present during vote. Motion carried.

23. **Request to Lease a Program Vehicle.** Resolution was presented by Ted Danks to lease a program vehicle with program funds. Discussion was held on the van that was leased from the Roads Department. Mr. Danks said he no longer had that. Councilman Edwin Hall inquired about the gravel trucks that were accessed through the housing authority during the roads emergency situation and were supposed to be turned over to the Tribe. Mr. Danks said he did not know anything about that. It was concluded that the housing authority still had the trucks and they let Roads and MR&I use them upon request. Motion to approve Transportation Department request to lease a program vehicle was made by Thomas Bird Bear. No second to motion. Motion denied.
24. **R97-160. Enrollment of 23 Applicants.** Motion to approve enrollment of 23 applicants was made by Mark Fox and seconded by Thomas Bird Bear. Vote: 6 in favor, 1 not present. Motion carried.
25. **R97-161. Elaine Allen Relinquishment.** Motion to approve relinquishment request of Elaine Allen was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 4 in favor, 2 opposed, 1 not present. Motion carried.
26. **R97-162. Delphine Lone Bear Relinquishment.** Motion to approve relinquishment request of Delphine Lone Bear was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 5 in favor, 2 opposed. Motion carried.
27. **R97-163. Catalina Whiteman Relinquishment.** Motion to approve relinquishment request of Catalina M. Whiteman Herman was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 5 in favor, 2 opposed. Motion carried.
28. **R97-164. Samantha Burr Relinquishment.** Motion to approve relinquishment request of Samantha Jen Burr by her parents was made by Thomas Bird Bear and seconded by Tex Hall. Vote: 5 in favor, 2 opposed. Motion carried.
29. **Computer for Tribal Enrollment.** Motion was made by Austin Gillette and seconded by Thomas Bird Bear for the next available computer in-house to be made available to the Enrollment Office. Vote: 7 in favor. Motion carried.

30. **R97-165. Sanitary Deficiency IHS Priority List.** Motion to approve a priority list of (1)Four Bears Water Storage, (2)Mandaree Water System, (3)Individual Water Treatment, and (4)Breslin Sub-Division Water and Sewer, was made by Tex Hall and seconded by Edwin Hall. Vote: 6 in favor, Mr. Gillette not present during vote. Motion carried.
31. **R97-166. Volunteer Fire Department Contracts.** Resolution authorizes the TAT Comprehensive Management Office to negotiate contracts with volunteer fire departments for fire protection of all buildings and homes on trust land. Motion to approve for discussion purposes was made by Tex Hall and seconded by Edwin Hall. Discussion. The contracts will cover tribal structures and homes that are owned by individuals located on trust land. Mutual-type homes are not covered, but rentals are. Treasurer Fox recommended that the resolution be amended to state that this protection shall cover only those homes for which there is no federal or tribal coverage for. Cost is not expected to be more than \$15,000. Vote: 6 in favor, Mr. Spotted Bear not present during vote. Motion carried.
32. **R97-167. Resolution Authorizing Execution of Architectural, Engineering, & Legal Service Agreements for Four Bears Lagoon Expansion Application.** As part of the Rural Development grant and loan application process to expand the Four Bears lagoon, agreements must be completed for legal and architectural/engineering services. The architectural/engineering contract is with High Plains Consortium, Inc. and the legal agreement is with the Tribes' Legal Department. Motion to approve was made by Edwin Hall and seconded by Mark Fox. Vote: 6 in favor, 1 not present during vote. Motion carried.
33. **Potential Site for a Juvenile Detention and Rehabilitation Facility.** Jasper Young Bear, Tribal Children's Services Coordinating Committee, informed the council that the ND State Indian Affairs Commission is seeking a site for a juvenile detention and rehabilitation facility. Request was for the Tribe to designate a site for consideration of building this facility. Motion that TAT will commit to identifying a site, in the future, for purposes of this planning, was made by Thomas Bird Bear and seconded by Edwin Hall. Discussion. Mark Fox said consideration for this site should be given to a central location such as Knife River in Stanton, and look into the possibility of trading federal land for tribal land. Vote: 7 in favor. Motion carried.
34. **Social Services Retreat.** Jasper Young Bear requested funds under \$500 for a retreat for all social services to go over a 5-year plan, and have a couple of elders to help with the plan. Motion by Austin Gillette and seconded by Edwin Hall to direct Social Services to allocate money to do this. In the event their budget doesn't allow it, the Tribe will do it. Chairman and Treasurer will work it out. Vote: 7 in favor. Motion carried.
35. **Sioux Ree Ministries Donation.** Motion to give Sioux Ree Ministries a \$500 donation to assist with expenses of their Full Gospel Fellowship

Revival Meeting was made by Mark Fox and seconded by Tex Hall. Vote: 5 in favor, Councilman Edwin Hall and Thomas Bird Bear not present for vote. Motion carried.

36. **Unity Riders Donation.** Motion to give Unity Riders a \$500 donation to assist with expenses for their annual Unity & Sobriety Ride was made by Tex Hall and seconded by Mark Fox. Vote: 4 in favor, 1 opposed, 2 not present during vote. Motion carried.
37. **Tyrell Sorenson Donation.** Motion to give Tyrell Sorenson, 14 year old son of Merlein (Brugh) and Doug Sorenson, a \$300 donation to assist with expenses to the Amateur Motocross Nationals in Millville, MN, was made by Mark Fox; second by Tex Hall. Discussion. It was noted that Shyla Shepherd and Tyrone Lone Bear, two Fort Berthold youths, had placed first in their sports events at the Prairie Rose Games recently held in Minot, ND. Vote: 4 in favor, 3 opposed. Motion carried.
38. **Basketball Showcase Camp Donation.** Motion to give MacKenzie Wounded Face and Wylie Bearstail each a \$250 donation to assist with their expenses to the Midwest Invitational Basketball Showcase Camp at Macalester College in MN, was made by Austin Gillette and seconded by Daylon Spotted Bear. Vote: 7 in favor. Motion carried.
39. **Loren Moran Request for Emergency Utilities Loan.** Motion to move Mr. Moran's small loan up on the small loan list was made by Tex Hall. Motion seconded by Mark Fox. Discussion. The trailer is moved, but utilities are not hooked up yet. The loan should be for the cost of the hook ups only, and shall be no more than \$500. Vote: 4 in favor, 3 opposed. Motion carried.
40. **Dean Fox Education Request.** Dean Fox said he had received a First Nations Environmental Law Fellowship at Vermont Law School, for admission to the Master of Studies in Environmental Law Program. His request was for \$16,422 for annual living expenses. Motion was made by Edwin Hall to approve Dean Fox's request in the amount of \$16,422. No second to motion. Discussion that policy has been \$1,000 for graduate students in medical, law or engineering field. Motion denied. Second motion was made by Edwin Hall and seconded by Tex Hall to approve a \$1,000 grant from the docket funds to assist with education expenses. Discussion that a letter of acceptance is needed from the school before any payment is made. Vote: 7 in favor. Motion carried.
41. **97-168. Resolution to Cover Additional Monies to Mandaree Pow Wow.** (See Minutes of July 10.) Motion to approve was made by Austin Gillette and seconded by Tex Hall. Vote: 7 in favor. Motion carried.
42. **Approval of Mileage for Non-Tribal Employees.** Motion to approve mileage for Pete Fredericks and Paul Fredericks, in conjunction with their attendance at the Healthcare Meeting at Four Bears Casino, was made by Austin Gillette and seconded by Daylon Spotted Bear.

Discussion that mileage would not be paid to Lyndon Fredericks, as he was a passenger. Vote on motion: 7 in favor. Motion carried.

43. **New Town Ambulance Service.** Discussion that New Town Ambulance Service was seeking \$30,000 in subsistence payments this year, but would negotiate. They have stated that they will no longer provide ambulance service to the Four Bears area after August 1 if a payment is not received. Discussion to have Tribal Health Planner and Tribal Programs Administrator negotiate with them. Action: Put on agenda for August 7 Special Meeting.
44. **Approval of Proposal to Remove Condemned Head Start Trailer off City Lot.** Motion by Austin Gillette and seconded by Thomas Bird Bear to approve the proposal of Harry Sitting Bear to move the former Head Start single-wide trailer off Lot 12, Block 12, do site clean up, and enclose the basement, at no cost to the Tribe. Vote: 7 in favor. Motion carried.
45. **Malcolm Bruce House.** Motion made by Edwin Hall and seconded by Tex Hall for the housing authority to investigate this property further for possible purchase at appraised value. Vote: 7 in favor. Motion carried.
46. **Cook for Parshall Elderly Meals.** Motion by Mark Fox, seconded by Edwin Hall, to hire Mildred Garcia as a cook for the elderly meals in Parshall. Funds to come from the personnel segment under the budget for elderly meals. Vote: 7 in favor. Motion carried.
47. **Casino Employee Gambling.** Mark Fox presented a copy of the latest draft on a casino employee gambling policy, which had been submitted by General Manager Roy Galyean. Motion for approval was made by Austin Gillette, seconded by Daylon Spotted Bear. Vote: 4 in favor, 2 opposed, 1 abstained. Motion carried.
48. **Receipt of Written Report of Alleged Regulation Problems at Casino.** A motion was made by Mark Fox to prepare a letter from both the Tribal Chairman and the Gaming Committee Chairman to be sent to both the TAT Tribal Gaming Enterprise Board and the Casino General Manager Roy Galyean, requesting them to submit a written response to the Tribal Business Council on a complaint received by the council regarding purported violations of regulations at the casino. The motion was seconded by Thomas Bird Bear. Vote: 7 in favor. Motion carried.
49. **Child Care Substitute.** The Mandan Hidatsa Arikara Day Care Director submitted a memorandum to the council regarding a child care provider substitute needed by the Day Care, and recommended Mina Fox be hired in this position. Discussion. The Day Care Director indicated that the position had been advertised for two weeks, with only one applicant. Motion to approve, Austin Gillette; second, Edwin Hall. Vote: 7 in favor. Motion carried.

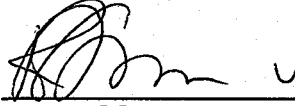
50. **Tribal Court Order to TAT Legal Department.** Discussion by Mr. Fox regarding concerns about what is happening in Tribal Court, e.g., a recent order issued by Judge Vance Gillette, directing the TAT Legal Department to research and develop an interim plan for a medical payment issue. Supervising Attorney Kip Quale was asked what his position was on this. Mr. Quale felt a memorandum to the Tribal Business Council requesting the Legal Department's involvement would have been more appropriate, rather than an order, which could possibly place someone in the Tribes' Legal Department in contempt. After discussion, a motion was made by Mr. Fox for the Tribal Business Council to send a letter to the court stating this order had been reviewed, and it is the council's belief that the judge lacks the authority to order the Legal Department to take this action, and lacks the authority to direct the department to do anything in cases in which the TAT is not a party, unless the Legal Department is representing the TAT in that case. Motion was seconded by Tex Hall. Discussion. The letter shall outline what the law is and what the improprieties are. The letter would respond to this order so that the Legal Department doesn't get a contempt order. Vote: 6 in favor, 1 abstained. Motion carried.
51. **Addition to Agenda.** Motion was made by Mark Fox and seconded by Tex Hall to add the attorney contract of Christopher D. Quale to the agenda. Vote: 7 in favor. Motion carried.
52. **R97-169. Attorney Contract.** Motion to approve the attorney contract of Christopher D. Quale was made by Edwin Hall and seconded by Mark Fox. Vote: 5 in favor, 1 opposed, 1 abstained. Motion carried.
53. **Next Meeting.** Special Meeting, August 7, 1997, 10:00 a.m.
54. **Motion to Adjourn.** Motion to adjourn was made by Austin Gillette and seconded by Daylon Spotted Bear. Vote: 7 in favor. Meeting adjourned at 7:00 p.m.

CERTIFICATION OF MINUTES

The TAT Tribal Business Council is composed of seven members, of whom five members constitute a quorum. Seven members were present at a Regular Meeting held on the 12th day of August 1997, whereupon the Special Council Meeting Minutes of July 21, 1997 were were duly approved by the affirmative vote of 7 members.

ATTEST:

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


Russell D. Mason, Sr., Chairman