



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

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

## SPECIAL COUNCIL MEETING MINUTES

**AUGUST 19, 1997**

TRIBAL BUSINESS COUNCIL  
701-627-4781  
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### **01. Call to Order, Prayer & Roll Call.**

A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was held on Tuesday, August 19, 1997, in the Tribal Council Chambers, for the purpose of attending to business deferred from the last meeting. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:30 a.m. A moment of silent prayer and meditation was held, thinking of those people who are in need, those people who are in bad health, and those people who are less fortunate. Secretary Daylon Spotted Bear called roll. Six members were present, as follows: Chairman Mason, Vice Chairman Austin Gillette, Secretary Spotted Bear, Treasurer Mark Fox, Councilman Edwin Hall, and Councilman Thomas Bird Bear. Quorum established. Councilman Tex G. Hall was not in attendance.

**02. Announcements.** The White Shield Community held a first community social with community members, school administration, and state officials from the Department of Public Instruction. Mark Fox has been elected as the first chairman of the newly-established Great Plains Indian Gaming Association. He also serves as the first chairman of the North Dakota Indian Gaming Association. Regarding the elders payment from Docket G interest monies, we are still waiting for this. Chairman Mason said he will be having a series of conference calls dealing with plans to oppose the amendments to the U.S. House Appropriations Bill (Sec. 118 & 120). These amendments would seriously affect the funding for Tribes and the sovereignty of Tribes. Beginning on the 8th of September, he will be attending strategy sessions in Washington, D. C. on these proposed amendments, and it is possible the Tribes will be asked to contribute monetarily to this fight. Discussion was held on the importance of following the Small Loan Program policies.

**03. Approval of Agenda.** Motion to approve agenda, with addition of ten items, was made by Mark Fox and seconded by Thomas Bird Bear. Vote: 6 in favor, 1 absent. Agenda approved.

**04. Dialysis Action Plan.** Motion to approve an action plan submitted by Edward Lone Fight for the Kidney Dialysis Unit was made by Edwin Hall and seconded by Mark Fox. Discussion. Authority to the Tribal Programs Manager, Personnel Director, and Dialysis Supervisor to make temporary LPN/RN appointments until further notice is to be included in the motion (this will amend Item 5 in the plan). The position of Supervisory Nurse will be readvertised. Kami Fredericks will be

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acting until position is filled. Vote: 4 in favor, 1 opposed, 1 abstained, 1 absent. Motion carried.

a. Dialysis RN. Motion to hire Nancy Cerda as permanent staff RN for the KDU was made by Edwin Hall and seconded by Austin Gillette. Vote: 6 in favor, 1 absent. Motion carried.

05. **R#97-194-DSB. Community First Loan for Fort Berthold Community College and Fortuna Office Building.** Motion to approve was made by Mark Fox and seconded by Daylon Spotted Bear. Discussion. As part of the motion, any drawdown requests by the college must be approved by the college first and then by the TAT Treasurer's office, i.e., an expenditure procedure will be put into place on drawdowns and reporting requirements will be established. The loan amount of up to \$350,000 for FBCC and \$176,300 for the Fortuna Building shall be identified in the resolution. Mr. David Brendsel said it was cheaper for the Tribe to go in for one loan, than it would be to go in for two separate loans--that is why the loans were combined into one resolution. Subsidiary ledgers will be kept on both of these projects by Mr. Brendsel. This will be a general obligation of the Tribe. Vote: 3 in favor, 2 opposed (including Mark Fox), 1 abstained. (At Mr. Fox's request, it is noted that he was one of the opposing members, because he felt the Fortuna building could wait until after October 1.) Break at 12:00 p.m. for lunch. Reconvened at 1:20 p.m.
06. **Proposed Resolution for TB CDBG Shortfall.** After discussion, a question arose as to why the square footage cost was so high, and why liability costs from the A/E firm were not being sought. Decision was to meet on this again when the CDBG Administrator and A/E could be present to answer questions.
07. **Twin Buttes School Board.** A motion was made by Austin Gillette and seconded by Mark Fox for the tribal councilman from Twin Buttes to look into reported questionable activities of the school board and give a report back to the council. Vote: 6 in favor, 1 absent. Motion carried.
08. **R#97-195-DSB. Eligibility Criteria for Members Serving on TAT Committees, Boards, Commissions and Tribal Entities.** Discussion. This resolution provides for certain criteria to be met by officials appointed or elected to any TAT committee, commission or board. Motion was made by Austin Gillette and seconded by Daylon Spotted Bear to approve with amendments to include "delinquent in an amount equal to or greater than \$500" and to include all boards. Additional discussion to select Alternative 1 board definition with addition of language from b. in Alternative 2; and to select Alternative 4 ruling. Vote: 5 in favor, 1 opposed, 1 absent. Motion carried.
09. **Meeting on Proposed Code Amendments.** The Legal Department advised they had met with Judge Vance Gillette and the Judicial Committee, which formally approved certain amendments proposed by them. Decision was to meet on this during regular meeting in September.

10. **R#97-196-DSB. Donation of \$2,000 to NW ND Girls Scout Council.** Motion to approve resolution confirming previous action taken by the Tribal Business Council was made by Mark Fox and seconded by Edwin Hall. Vote: 5 in favor, Mr. Spotted Bear not present during vote, 1 absent. Motion carried.
11. **R#97-197-DSB. Donation of \$1,500 to Alpha & Omega Camp Meeting.** Motion to approve resolution confirming previous action taken by the Tribal Business Council was made by Mark Fox and seconded by Edwin Hall. Vote: 5 in favor, 1 not present during vote, 1 absent. Motion carried. (Break taken at 3:10 p.m. Meeting reconvened at 3:30 p.m.)
12. **R#97-198-DSB. Amendment of Education Leave Policy for Tribal Employees.** Discussion. This resolution has been reviewed by the Executive Committee. The Personnel Director was requested to work on some language for the council to act on, concerning repayment to Tribe. Vote: 5 in favor, Edwin Hall not present during vote, 1 absent. Motion carried.
13. **R#97-199-DSB. Melvina Everette Arikara Language Instructor.** Motion to approve, Daylon Spotted Bear; second, Austin Gillette. Vote: 6 in favor, 1 absent. Motion carried.
14. **Directive on Implementation of R#97-195-DSB, Board/Commission Resolution.** The TAT Legal Department was directed to enlist the services of the FBHA, Finance, etal to identify all officials affected by this resolution, and to send notices out to them. The 30 days would start to run on the date that the board/commission member receives their notice of delinquency. The Finance Office will be directed to certify the officials. After discussion, a motion was made by Mark Fox to amend the resolution to provide 30 days from the date of the receipt of the notice and that the notices be sent out by certified mail; second, Daylon Spotted Bear. Vote: 5 in favor, 1 abstained, 1 absent. Motion carried.
15. **KMHA Report.** Whitney Bell, KMHA Board President, gave a report on the budget and activities of KMHA. He reported that \$140,000 was available for MHA/KMHA from the Tribe in the 1997 budget; and \$167,000 has been spent to date (-\$27,000). An investigation and an audit is currently being conducted, but is not complete. CPB monies of \$65,000, when received, are being proposed to make up the difference, if this is appropriate. Additional costs of \$4,000 for the audit, and \$10,000 for tower maintenance are still expected. Also discussed was the "High Times" advertisements on KMHA, which was done without the knowledge of the board, and has been corrected. There is also a problem with some of the board members not showing up for meetings.
16. **Motion to Add to Agenda.** Motion was made by Austin Gillette and seconded by Edwin Hall to add 5 items to the agenda. Vote: 6 in favor, 1 absent. Motion carried.

17. **MR&I Access Issue.** Motion by Edwin Hall, seconded by Austin Gillette, to direct the MR&I Director to provide all documentation concerning access and easements for Four Bears and Twin Buttes to the Bureau of Reclamation, for the purpose of speeding up the transfer of maintenance to BOR. Vote: 5 in favor, 1 abstained, 1 absent. Motion carried.
  - a. Mr. Gillette mentioned that CJ Construction had appealed on the road south of the WS water treatment plant, and the Natural Resources Committee has been advised that this is an internal fight between contractor and sub-contractor.
  - b. Maynard Demaray presented a note from Texx Lone Bear regarding the Bakersfield water line and the road construction in Bakersfield, which eliminated 3' of cover on the water line. The MR&I Director is to research the issues involved and provide the information to the Tribal Business Council.
18. **Discussion on Location and Ownership of Emergency Road Equipment.** The equipment involves two trucks and a payloader. Secretary Spotted Bear said Terry Red Fox, Housing Director, said there was no provision to convey these over. He will circulate a letter to the TBC members that he received from Mr. Red Fox.
19. **R#97-200-DSB. Recommendation on Aberdeen Area Director.** Motion to approve resolution recommending the AAO Director position be advertised, and that the best-qualified individual who is not a member of an Indian Tribe or Nation within the Aberdeen Area be selected for the position was made by Austin Gillette and seconded by Edwin Hall. Vote: 6 in favor, 1 absent. Motion carried.
20. **R#97-201-DSB. Tribal Business Council Members to Not Serve on Boards.** Motion to approve, Austin Gillette; seconded by Edwin Hall. Discussion. Resolution shall explicitly indicate that this does not apply to Tribal Business Council committees. Vote: 3 in favor, 2 opposed, 1 abstained, 1 absent. Motion carried.
21. **Joann Mandan Repairs to Tribal Property.** Discussion that this is a tribal home, which she leases, that is located on tribal property. No documentation was provided. Motion was made by Thomas Bird Bear, seconded by Austin Gillette, to have the Tribal Realty Department work with Edward Lone Fight and the renter to look at ways to deal with the housing standard issues on this tribal property, and to make a recommendation to the council. Further discussion was that tenant should be current with the lease payments, etc. Vote: 6 in favor, 1 absent. Motion carried.
22. **Connie Smith Housing Issue.** Discussion. She has a loan application in, but there is no status sheet yet. There is a contract for deed to buy a mobile home which is almost paid off, with an outstanding balance of \$1970. The seller is demanding satisfaction. The loan would be secured with a salary deduction from the casino and Northrop.

Thomas Bird Bear made a motion for the Tribe to make a secured loan, with the home as collateral, in the amount of \$1,970 or the balance. Motion seconded by Edwin Hall. Discussion. Vote: 2 in favor, 3 opposed, 1 abstained, 1 absent. Motion denied. New motion made by Thomas Bird Bear, seconded by Austin Gillette, to approve and prioritize a small loan up to \$500 for Connie Smith, based on her being qualified for the loan. Vote: 6 in favor, 1 absent. Motion carried.

23. **Supplemental Education Requests.** The Tribe endeavors to support college students who have unmet needs, with up to \$250 for those attending community colleges, and \$500 for those attending 4-year colleges. Students should also contact Native American Programs on campus for assistance and waivers on certain costs until their funds come in. Motion by Austin Gillette, seconded by Edwin Hall, for the Treasurer and the Chairman to have the discretion to review education assistance requests on a case-by-case basis, and assist up to \$300, with proper supporting documentation. Documentation includes acceptance letter, proof of unmet need, and a F/T student in good standing. Discussion that the Tribe can give something now, and then deduct that from whatever the student would get from the supplemental FY98 budget. Vote: 6 in favor, 1 absent. Motion carried.
24. **Miranda Fox; Amy Solis Loan Prioritizations.** Motion by Edwin Hall, second by Mark Fox, to approve and prioritize the small loan applications of Miranda Fox and Amy Solis, providing they meet all the criteria for the small loan program. Vote: 4 in favor, 1 abstained, Mr. Gillette not present during vote, 1 absent. Motion carried.
25. **Additions to Agenda.** Motion by Mark Fox, second by Edwin Hall, to add two financial requests to agenda. Vote: 6 in favor, 1 absent. Motion carried.
26. **R#97-202-DSB. KMHA/MHA Board Appointments.** Resolution to replace Whitney Bell on KMHA and MHA Board with Elgin Crows Breast. Motion to approve, Daylon Spotted Bear; second, Mark Fox. Vote: 5 in favor, 1 opposed, 1 absent. Motion carried.
27. **Housing Board Appointment.** Resolution to place Victoria J. Brugh on Housing Board. Motion to approve, Daylon Spotted Bear; second, Thomas Bird Bear. Vote: 2 in favor, 3 opposed, 1 abstained, 1 absent. Motion denied. Roll call vote was requested by Daylon Spotted Bear. Thomas Bird Bear, aye; Daylon Spotted Bear, aye; Austin Gillette, nay; Edwin Hall, nay; Russell D. Mason, Sr., nay; Mark Fox, abstain.
28. **C. J. Packineau Loan Prioritization.** Motion by Edwin Hall, second by Mark Fox, to approve and prioritize a small loan for C. J. Packineau, to be secured by wage deduction. Vote: 6 in favor, 1 absent. Carried.
29. **Ernestine Mountain Small Loan.** Motion by Mark Fox, second by Edwin Hall, to reapprove \$250 emergency loan secured by IIM monies, for Ernestine Mountain. Vote: 6 in favor, 1 absent. Motion carried.

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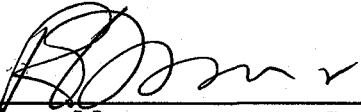
30. **Harlan Dean Small Loan.** Motion by Mark Fox, second by Edwin Hall, to approve and expedite the balance of \$350 on a small loan for Harlan Dean, to be secured by wage deduction. Vote: 6 in favor, 1 absent. Motion carried.
31. **Next Meeting.** Tuesday, September 2, 1997.
32. **Motion to Adjourn.** Motion made by Edwin Hall to adjourn the meeting. Second to motion, Mark Fox. Vote: 6 in favor, 1 absent. 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. 7 members were present at a Regular Meeting held on the 16th day of September 1997, whereupon the Special Council Meeting Minutes of August 19, 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, 1 member abstained, 0 members absent.

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

**ATTEST:**

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