

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

SEPTEMBER 26, 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 Friday, September 26, 1997, in the Tribal Council Chambers, for the purpose of completing business from the last meeting, and conducting new business. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:30 a.m. A moment of silent prayer was held. All members were present, as follows: Chairman Mason, Vice Chairman Austin Gillette, Secretary Spotted Bear, Treasurer Mark Fox, Councilmen Edwin Hall, Tex Hall, and Thomas Bird Bear.

02. **Approval of September 16, 1997, Minutes.** Motion to approve the minutes, with corrections and additions, was made by Thomas Bird Bear and seconded by Edwin Hall. Vote: 7 in favor. Minutes approved.

03. **Announcements.** Treasurer Fox reported that senior citizen checks should be out by next week. Chairman Mason reported on various meetings he had attended on IHS matters and other important issues. Councilman Tex Hall expressed his concerns on the livestock indemnity program, where monies went directly to FSA, rather than the producers. He also expressed his concern on FSA accelerating foreclosures, which could affect 15-17 families on the reservation. He recalled that, over a year ago, the Bureau of Indian Affairs had been requested to see if they could take over the handling of these loans from FSA. To date, nothing has happened. FSA is discontinuing their direct lending program, which will hurt first-time operators, who will have to go through the guaranteed loan program, which requires 40% equity. Obtaining credit is getting harder.

04. **Approval of Agenda.** Motion to approve agenda, with addition of 25 items, was made by Austin Gillette and seconded by Tex Hall. Vote: 6 in favor, 1 not present during vote. Agenda approved.

05. **BNC National Bank, Bismarck, ND.** John A. Malmberg, President of the BNC National Bank, spoke to the council, at the request of Councilman Tex Hall, on the need for more financial services in the area. Comparisons between the services offered by a bank versus a credit union were gone over. Mr. Malmberg thought the Tribe could establish its own bank and branches under a management contract with BNC, which would help manage the bank and train the personnel, until the Tribe was able to take over and run the bank on its own. After questions and discussion, Mr. Malmberg was thanked for his time.

06. **R#97-216-DSB. TERO Commission Appointment.** Motion to approve William Wells, Jr., as New Town/Little Shell representative on the TERO Commission, was made by Thomas Bird Bear. Motion was seconded by Mark Fox for discussion purposes. Discussion on possible conflict of interest. S/A Christopher Quale had spoken with the TERO Director and had reviewed the TERO ordinance, and decided there was not a prohibition against contractors holding a position on the TERO Board-- if there are any issues that have to deal with Mr. Wells or his company, he would have to recuse himself. It was decided to amend the resolution to include a paragraph that would require all board members who are contractors and have a conflict of interest, to recuse themselves from any involvement, whatsoever. Second to motion was withdrawn by Mark Fox to wait for the amendment to the resolution. Mr. Bird Bear requested approval of the resolution, with the amended language. Mr. Gillette seconded the motion to approve, with the amended language. Vote: 4 in favor, 1 opposed, 2 abstained. Motion carried.
07. **Discussion on Tribal Court Fees for Gaming Commission Background Checks.** Gaming Committee Chairman Mark Fox informed council Tribal Court has assessed a \$10.00 fee for the commission members to review the tribal court records as part of their background investigations. A resolution was requested from the commission for the fee to be paid, but for Tribal Court to do the research, when requested by the Gaming Commission. Resolution to be presented at the next meeting.
08. **R#97-217-DSB. Purchase of an Additional House and Garage at Fortuna.** Motion for approval of the resolution was made by Austin Gillette and seconded by Daylon Spotted Bear. Discussion that the council has not been made aware of what is happening to the other Fortuna houses that were approved for purchase. Motion and second were amended to approve this resolution, contingent upon receipt of a plan of action from Comprehensive Management. Vote: 5 in favor, 1 opposed, 1 abstained. Motion carried.
- Meeting recessed at 12:15 p.m. for lunch. Reconvened at 1:45 p.m. All members present.
09. **R#97-218-DSB. \$4,000 appropriation to Fort Berthold Coalition Against Domestic Violence.** Motion to approve, Mark Fox; second, Tex Hall. Vote: 7 in favor. Motion carried.
10. **R#97-219-DSB. \$600 to "The North Dakota Council on Abused Women's Services" for Payment of CY 1997 Annual Dues of "Fort Berthold Coalition Against Domestic Violence".** Motion to approve, Mark Fox; second, Thomas Bird Bear. Vote: 7 in favor. Motion carried.
11. **Motion to Amend Agenda.** Motion to amend the agenda by adding J. D. Young Bird and an appointment to the TAT Casino Enterprise Board, was made by Edwin Hall. Tex Hall requested Lorraine Howe be added to the agenda also and said he would second. Motion amended to include Lorraine Howe. Second by Tex Hall. Vote: 7 in favor. Carried.

12. **R#97-220-DSB. Redesign HIP (FY97/98).** This resolution is for HIP to be run in accordance with the Consolidated Tribal Government Program Contract provisions of P.L. 103-413. Discussion that the Tribe needs to increase the amount of monies available so as to address more homes. Motion to approve, Edwin Hall; second, Mark Fox. Vote: 7 in favor. Carried.
13. **R#97-221-DSB. Joseph Eve & Company to Perform FY 1996 Audit.** Motion to approve, Mark Fox; second, Daylon Spotted Bear. Vote: 7 in favor. Carried.
14. **R#97-222-DSB. Re-appointment of Arlon Fox to Tax Commission.** Motion to approve, Mark Fox; second, Austin Gillette. Vote: 7 in favor. Carried.
15. **R#97-223-DSB. \$16,000 Business Development Grant Appropriated to Gainus Little Soldier.** It was noted by Treasurer Fox that Mr. Little Soldier has been assisted by Dennis Huber in developing and completing the paperwork to begin a meat processing plant in Parshall, and has submitted a sound business plan and other documents, plus he is putting up \$30,000 of his own money towards this business. Mr. Fox recommended approval, and made motion to approve. Second to motion, Edwin Hall. Vote: 7 in favor. Carried.
16. **Discussion on FY 1998 Appropriation for Ambulance Services in Rural Areas.** Treasurer Fox said an appropriation would be set aside in FY 1998 to be pro-rated between all ambulance service providers to enrolled members on the reservation. This will be pro-rated according to how many patients they provide service to. Motion was made by Austin Gillette to inform Garrison, Halliday, New Town and Watford City ambulance services, by letter, that the Tribal Business Council will approve a budget and that it will be forthcoming as soon as the studies are complete. Second to motion, Mark Fox. Vote: 7 in favor. Carried.
17. **R#97-224-DSB. NCAI 1997 Membership Dues (\$1,000) and Contribution (\$5,000).** Motion to approve membership dues was made by Austin Gillette. Motion amended to include \$5,000 contribution. Second, Edwin Hall. Vote: 6 in favor, 1 not present during vote. Carried.
18. **Mabel Bear Loan Request.** Discussion that she is requesting an emergency housing loan of \$500 to be paid back when a pending probate hearing is finalized, and to use the funds from the probate in lieu of a co-signer. Mabel said she would be willing to sign a document to this effect. Motion to approve was made by Austin Gillette. Second by Tex Hall. Discussion for Edwin Hall to send a letter to Ambrose Hosie, Credit Officer, stating these conditions. Vote: 7 in favor.
19. **Roger White Owl.** Thomas Bird Bear said Mr. White Owl is requesting a grant for emergency living expenses. Council said they do not provide emergency living expenses. Mr. Bird Bear requested the use of the tribal van for Mr. White Owl to use to retrieve his artwork.

Discussion that he must be in possession of a valid driver's license and be eligible for the Tribes' insurance list. Vote: 2 in favor, 3 opposed, 1 abstained, 1 not present during vote. Denied.

20. **Rose Solis.** Mr. Edwin Hall stated Rose Solis is requesting assistance to help her daughter. After discussion, Acting Chairman Gillette requested a motion that Edwin Hall be authorized to confer with Leo Cummings for the possibility of getting some additional assistance for Mrs. Solis' daughter. Discussion that Rose has been approved for the Small Loan Program, pending the processing of a status sheet. Edwin Hall stated he would work with her on getting a loan.
21. **Sonny Bear.** Tex Hall said Sonny Bear and Don Rush have been invited to Slovenia, Europe, to talk on drugs and alcohol. Mr. Bear is asking for \$1,000 assistance to cover expenses. Discussion that this should be taken care of by the people who have made the invitation, plus the Tribe has alcohol counselors who are certified. Mr. Fox inquired as to how they are going to bring this information back and utilize it in working with Circle of Life or youth? Motion was made by Tex Hall to approve \$500 for Sonny Bear, contingent upon the documents that would show that the learning that Mr. Bear receives from those youth, he will bring back to work with our youth. Second to motion, Mark Fox. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.
22. **Morgan Fettig.** Edwin Hall said Mr. Fettig had lost over \$2,000 worth of hay in a fire, and the Natural Resources Committee had moved to support him in his loss in the amount of \$1,000. Mr. Fox said the fire payment has always been made for loss of home, and that is how it is described for payment. Edwin Hall was assisted with \$1,000, because his hay loss was due to someone deliberately setting fire to it. Mr. Fettig's hay loss was due to natural causes. Motion was made by Austin Gillette to approve \$1,000 payment for loss of hay due to a fire to Morgan Fettig. Motion seconded by Edwin Hall. Discussion by Mark Fox that this isn't the same fund that we utilize to finance for loss of home, it is basically helping someone out with their livelihood, therefore, it will come from economic development funds. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.
23. **J. D. Young Bird.** Motion by Edwin Hall to provide \$500 in assistance to Mr. Young Bird to help defray expenses to the Indian National Finals Rodeo. Mr. Young Bird will be the only representative from the Fort Berthold Indian Reservation. Second by Mark Fox. Vote: 7 in favor. Carried.
24. **Shirley Grady.** Shirley Grady has been invited to participate in an exhibit on native quilting in New York City. She is requesting assistance to make the trip. Motion was made by Austin Gillette to pay for her roundtrip airline ticket in the amount of \$400, and include \$100 for expenses. Motion seconded by Mark Fox. Vote: 7 in favor. Carried.

25. **Discussion on Gravel Payment to Ethan Hall.** It was noted that Mr. Hall needs to be paid for gravel used on Antone Brugh's road. Motion was made by Tex Hall to approve payment in amount of \$1,467. It was noted that the bill had not gone through the Natural Resources Committee yet, and should be deferred back to committee for recommendation. Motion withdrawn.
 26. **Laurie Alberts.** A \$1,000 loan is being requested by Mrs. Alberts for supplemental education purposes for her daughters. There is no status sheet from the Small Loan Program. After discussion, a motion was made by Mark Fox to authorize a small loan up to \$500, if she is eligible, after the receipt of a status sheet. To be paid back by wage assignment. Second by Austin Gillette. Vote: 7 in favor. Carried.
 27. **Lorraine Howe.** Mrs. Howe is requesting a \$500 education grant for her daughter, Michaela, who is attending St. Anthony of Padua Middle School in South Fargo. Motion was made by Tex Hall to approve a \$500 education grant for Michaela Howe. Motion was seconded by Mark Fox. Vote: 5 in favor, Mr. Gillette and Mr. Bird Bear not present during vote. Carried.
 28. **Dialysis Consultant for Third-Party Payments.** Motion to approve dialysis consultant, to be paid from third-party reimbursements, was made by Mark Fox and seconded by Thomas Bird Bear. Vote: 6 in favor, 1 not present during vote. Carried.
 29. **Proposed Hay Resolution.** Motion was made by Edwin Hall to approve a resolution that would authorize up to \$250,000 in a revolving loan fund to be used by tribal members who are ranchers and farmers on Fort Berthold. Motion seconded by Thomas Bird Bear. Discussion by Mark Fox that he thought the credit union/bank was part of this and that this was going to be part of JTAC. After discussion, it was decided to address this during the JTAC work session/meetings, and the motion and second were withdrawn.
- Meeting recessed at 3:45 p.m. Reconvened at 4:00 p.m.
30. **Domestic Violence STOP Grant.** Roberta Crows Breast addressed the council regarding problems experienced in implementing the STOP Grant received by the domestic violence program. After discussion, it was decided to invite Tribal Judge Vance Gillette to the next Regular Meeting of the Tribal Business Council in an effort to resolve this.
 31. **Extension of Tribal Administration Computer Consultant Agreement.** Motion was made by Tex Hall to extend the consultant agreement of Mitchell D. Cook for thirty days; second, Edwin Hall. Vote: 6 in favor, 1 not present during vote. Carried.

32. **Extension of Child Welfare Attorney Consultant Agreement.** Motion was made by Edwin Hall and seconded by Tex Hall to extend the consultant agreement of Thomas J. Gunderson for three months. Vote: 5 in favor, 2 not present during vote. Carried.

NOTE: At the request of S/A Quale, the TBC decided to hold a special meeting on the 7th of October to go over the Tribal Court Code Amendments.

33. **Printing of Court Documents in the Tribal Newspaper.** Motion was made by Tex Hall and seconded by Austin Gillette, for the court to submit convictions and fines to the MHA Times for publishing, beginning October 1, 1997. Vote: 5 in favor, 1 opposed, 1 abstained.
34. **R#97-225-DSB. Renewal of Thomas M. Disselhorst Attorney Contract.** Motion was made by Mark Fox and seconded by Daylon Spotted Bear to approve the renewal of Mr. Disselhorst's contract with the Tribes. Chairman Mason commended not only Mr. Disselhorst, but all of the Legal Department, for the work they have done. Vote: 7 in favor. Carried.
35. **Motion to Add to Agenda.** Motion was made by Tex Hall and seconded by Edwin Hall to add a resolution on establishment of a human rights commission within the State of North Dakota. Vote: 7 in favor. Carried.
36. **R#97-226-DSB. Resolution to Support the Creation of a Human Rights Commission by the State of North Dakota.** Mr. Disselhorst presented this resolution which would be provided to the interim legislative committee of the ND State Legislature and to the ND Advisory Committee to the U.S. Commission on Civil Rights, on the need for a human rights commission in ND. It is noted that all tribal members are encouraged to provide comments, information and testimony to the above bodies concerning discrimination or discriminatory acts. Motion to approve, Thomas Bird Bear; second, Mark Fox. Vote: 7 in favor. Carried.
37. **Nelson Bird Bear Hay Issue.** Thomas Bird Bear provided a letter he had received from Nelson Bird Bear pertaining to cutting of hay in the ditches adjacent to his land. After discussion, Mr. Bird Bear was authorized to follow up on all of the issues with the Criminal Investigator and with the Tribal Court.
38. **Reorganization of Parshall/Lucky Mound Representative's Staff.** Motion was made by Mark Fox to allow him to hire Mary Coffey as his Administrative Assistant (FT/Perm); and Stacy Driver and Cheryl White to share the clerk position (PT/Temp). Second by Daylon Spotted Bear. Vote: 6 in favor, Mr. Bird Bear not present during vote. Carried.


39. **Motion to Review Tribes' Well Pumping Service Program.** A motion was made by Mark Fox and seconded by Austin Gillette, to authorize the Chairman of the Natural Resources Committee and the Treasurer of the Tribal Business Council to review the well pumping service program to see if another position is justified and if they can find the funds to bring enrolled member Terry Fox on board. Discussion. It was noted that Terry Fox has well pumping service experience, and is interested in working for the Tribe; otherwise, he will be going to another location. Vote: 6 in favor, 1 not present during vote. Carried.
40. **R#97-227-DSB. Obligation of Funds to MR&I for Mandaree and Twin Buttes Cistern Fill Stations.** Resolution obligates \$30,000 each for water cistern fill stations to be completed at Mandaree and Twin Buttes by MR&I and HKM. Funds to be reimbursed by the MR&I Phase I Water Project. Motion to approve, Tex Hall; second, Austin Gillette. Vote: 6 in favor, 1 not present during vote. Carried.
41. **Next Meeting.** October 7, 1997.
42. **Motion to Adjourn.** Motion to adjourn, Mark Fox; second Tex Hall. Vote: 7 in favor. Meeting adjourned at 5:35 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 9th day of October 1997, whereupon the Special Council Meeting Minutes of 09/26/97, were reviewed and approved.

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

ATTEST:


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