



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

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

## **SPECIAL COUNCIL MEETING MINUTES**

**OCTOBER 24, 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, October 24, 1997, in the Tribal Council Chambers, for the purpose of meeting with the Twin Buttes Manufacturing Company and taking care of other business. The meeting was called to order by Chairman Russell D. Mason, Sr., at 11:00 a.m. A moment of silent prayer was held. All members were present for roll call, with the exception of Mark Fox, who entered the meeting at 11:02.

**02. ANNOUNCEMENTS.** A special meeting will be held on Monday, November 3, to review the FY 1998 Tribal Budget and Program Budgets. Mark Fox has been elected as the Chairman of the Inter-Tribal Monitoring Association (ITMA) Board of Directors, whose purpose is to monitor the federal government in their management of tribal trust assets, which is done through the Office of Trust Funds Management in Albuquerque. Chairman Mason spoke to those in attendance about the importance of contributing ideas for JTAC spending, and thinking in terms of collective benefits for all members of the Tribe, along with programs to assist the elders, and in being responsible in giving ideas to their respective JTAC community committees.

**03. APPROVAL OF AGENDA.** Motion to approve the agenda, with the addition of 4 items, was made by Austin Gillette and seconded by Tex Hall. 7 in favor. Agenda approved.

**04. R#97-241-DSB. TWIN BUTTES MANUFACTURING COMPANY INDUCEMENT RESOLUTION.** Thomas Fredericks, Esq., spoke on behalf of the proposed manufacturing company. A quick rundown of the interim loan and grant monies received, and their disbursement, so far, was made by Gary Otterstadt. Patty and Thomas Fredericks then went over the feasibility study. Mr. Patrick O'Leary of Miller & Schroeder's Public Finance Department explained the proposed request for the Tribe to issue tax-exempt Industrial Revenue Bonds (IRBs) in the approximate amount of 4.5 million dollars. After discussion and review, Chairman Mason recessed the meeting at 12:10 p.m. for lunch. The meeting was reconvened at 1:20 p.m. After reconvenement, Tom Fredericks said the company representatives were requesting (1) a general tribal guarantee, (2) a lease for the 40 acres in Twin Buttes, and (3) an inducement resolution for the bonds. (The lease has to go before the Natural Resources Committee, which will meet on November 4.) The inducement resolution commits the Tribe to hold the hearing. After

further discussion, Austin Gillette made a motion to adopt the inducement resolution and appoint Thomas Bird Bear, Esq., as the Hearing Officer for the bond hearing. Motion was seconded by Daylon Spotted Bear. 5 in favor, 1 opposed, 1 abstained. Meeting was recessed at 1:50 p.m. and reconvened at 2:30 p.m.

05. **ALENCO OIL/TAT AGREEMENT.** Thomas M. Disselhorst, TAT Staff Attorney, reviewed the last changes to the agreement that had been made. A teleconference was set up with Dave Moran, the Bureau of Indian Affairs Solicitor, so he could listen in and be available for questions from the audience. In attendance, as members of the Fort Berthold Landowners Association, were: Caroline Pleets, Roberta High Elk, Rosemarie Mandan, Marilyn Hudson, Jerry Nagel, Phyllis Old Dog Cross, Bernice Three Irons, Hazel Blake and Tillie Walker. After questions, answers, and discussion, a motion was made by Austin Gillette and seconded by Daylon Spotted Bear to approve the oil and gas agreement. Chairman Mason called for the vote: 3 in favor, 3 opposed, 1 abstained. Mark Fox noted that Parshall will have a community meeting, at which time the community members will decide whether or not he will vote for or against the agreement when it is brought back to the table.

Meeting was recessed at 5:30 p.m. and reconvened at 6:00 p.m

06. **PERSONNEL.**

a. Commodity Warehouse Foreman. Motion by Mark Fox, second by Edwin Hall, to hire Kevin Bears Tail. Discussion. Thomas Bird Bear requested to re-rate the applicants with the inclusion of Wayne Hunter, who is currently serving temporarily in this position. After discussion, Chairman Mason called for the vote: 5 in favor, 2 opposed. Carried. (See Item d. below.)

b. Parshall CHR Position #1. Motion by Mark Fox, second by Austin Gillette, to hire Dallas Dickens. 7 in favor. Carried.

c. Parshall CHR Position #2. Discussion. Motion by Mark Fox, second by Tex Hall, to hire Kenneth Rabbithead, contingent upon him having a drivers license. If not, then the next highest-qualified applicant will be hired. Vote: 2 in favor, 3 opposed, 2 abstained. Denied. Motion by Tex Hall, second by Thomas Bird Bear, to hire Jim Bear. Discussion by Mr. Fox that the council usually defers to the respective councilman for his recommendation for certain jobs in his segment. Didn't abide by that this time, and this CHR position is in his segment. Chairman Mason called for the vote: 2 in favor, 3 opposed, 2 abstained. Denied. Motion by Austin Gillette, second by Mark Fox, to re-rate all of the applicants, and present at the next meeting. Discussion. Thomas Bird Bear requested to do the same for the Commodity Warehouse Foreman position. No comments. Chairman Mason called for the vote: 6 in favor, 1 abstained. Carried.

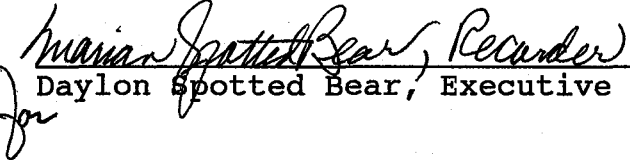
- d. Motion to Readdress Action Taken on Commodity Warehouse Foreman. Thomas Bird Bear said, based on the recommendations for the Parshall CHR Position #2 above, he would make a motion to set aside the first decision until council hears what all the requirements are for the position of Commodity Warehouse Foreman. Motion was seconded by Tex Hall. Discussion. Take no action on motion to hire Kevin Bears Tail until council can have information on Wayne Hunter's application. See if he can be covered under insurance. Vote: 6 in favor, 1 abstained. Carried.
- e. Circle of Life Clerk. Motion by Austin Gillette, second by Mark Fox, to hire Donna Quincy as Circle of Life Clerk. 7 in favor. Carried.
- f. Job Training Readiness Development Coordinator. This is a newly-created position in the 477 Program, which the director has required a person be temporarily hired for. Motion to approve director's recommendation for temporary hire of Don Rush was made by Austin Gillette and seconded by Tex Hall. 6 in favor, 1 abstained. Carried.
- g. Aging Services Cook. Motion to hire Ann Myrick as temporary cook for Aging Services, based on director's recommendation, was made by Mark Fox and seconded by Tex Hall. 7 in favor. Carried.
- h. Request from Tribal Court to Change Employment Status of Employee. Discussion. Request is to change Joe Walker from temporary F/T to permanent F/T status. After discussion, a motion was made by Mark Fox and seconded by Tex Hall to defer until the position is advertised, which it should have been. 6 in favor, 1 abstained. Carried.
- i. Request from Education to Approve Merit Increase for Employee. Discussion. The Education Director would like to give a merit pay increase to one of her employees. After discussion, a motion was made by Austin Gillette to deny the request based on salary standards and pay scale. No second. Denied. Deferred.
- j. Cost of Living Allowance. This is up to the Budget Committee, and should be submitted to them.
- k. White Shield Heavy Equipment Roads Operator. Motion by Austin Gillette to hire Bruce Nagel as lead temporary roads operator until the position is advertised. Second by Mark Fox. Vote: 6 in favor, 1 abstained. Carried.
- l. Parshall Health Outreach Worker. Position is presently vacant. Motion by Mark Fox to authorize him to make a temporary appointment until the position is advertised and filled. Second by Daylon Spotted Bear. Vote: 7 in favor. Carried.

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07. **DISCUSSION ON MANDAREE CDBG SHORTFALL.** This will be made a general obligation of the Tribe, and will be put under the JTAC expenditure plan, but not part of the regular budget. (See Regular Meeting Minutes, 10/09/97, Item 15.)
08. **ADDITION TO AGENDA.** Motion by Daylon Spotted Bear, seconded by Mark Fox, to add to the agenda. 7 in favor.
09. **REQUEST TO HIRE ADMINISTRATIVE ASSISTANT.** Motion by Austin Gillette, second by Mark Fox, to authorize Daylon Spotted Bear to hire an administrative assistant in his office. Vote: 7 in favor. Carried. (Note: See Regular Meeting Minutes, 09/16/97, Item 22.)
10. **PERSONNEL TO REVIEW TEMPORARY POSITIONS IN TRIBAL COURT.** Motion by Mark Fox, second by Tex Hall, to authorize the Chairman of the Judicial Committee to check out all of the Tribal Court temporary-hire positions with Personnel to see which positions have or have not been advertised, and to advertise those positions that need to be advertised. 5 in favor, 2 abstained. Carried.
11. **PERSONNEL TO REVIEW ALL TAT TEMPORARY POSITIONS.** Motion by Austin Gillette, second by Tex Hall, to have Personnel review all of the TAT temporary positions, and to further direct the Secretary of the Tribal Business Council to contact Personnel and correct those temporary appointments that are no longer needed or have not been advertised. 6 in favor, 1 abstained. Carried.
12. **DONITA HALE.** Councilman Tex Hall said Ms. Hale would like to move her house from Watford City to Mandaree. We have the truck, but we don't have the jacks. Liability would be waived by her. Motion by Tex Hall, second by Austin Gillette, for a \$500 loan, subject to her being qualified, if it is a permanent structure and not a trailer. Discussion by Austin Gillette on seeing what is involved in moving houses, and perhaps setting up the Tribe with a house-moving business. 6 in favor, 1 abstained. Carried.
13. **Laurie Alberts.** Motion by Mark Fox, second by Thomas Bird Bear, to approve a loan of \$500 for Mrs. Alberts, if she agrees to continue on with her wage assignment to repay this. Vote: 7 in favor. Carried.
14. **ADJOURN.** Motion to adjourn, Thomas Bird Bear. Second, Tex Hall. 6 in favor, 1 left. Carried. Meeting adjourned at 6:30 p.m.

#### CERTIFICATION OF MINUTES

I hereby certify that the preceding minutes were duly approved by the affirmative vote of 7 Tribal Business Council Members at a special meeting held on November 6, 1997.

  
Daylon Spotted Bear, Executive Secretary

ATTEST:

  
Russell D. Mason, Sr., Chairman