



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

REGULAR COUNCIL MEETING MINUTES

DECEMBER 16, 1997

TRIBAL BUSINESS COUNCIL
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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, December 16, 1997, in the Tribal Council Chambers, for the purpose of catching up on some of the previous agenda items. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:35 a.m. A moment of silent prayer was held. Present for roll call were Chairman Mason, Vice Chairman Austin Gillette, Secretary Spotted Bear, Treasurer Mark Fox, and Councilman Thomas Bird Bear. Councilmen Edwin Hall and Tex Hall entered the meeting at 10:40 a.m.

02. **December 8, 1997, Minutes - Motion 1.** Motion was made by Austin Gillette to approve the minutes, with corrections, if needed. Second to motion was made by Daylon Spotted Bear. Discussion by Edwin Hall, Tex Hall and Thomas Bird Bear on Chairman's comments for the record contained in the minutes. Chairman Mason then agreed to remove his comments from the published minutes and limit this section to one or two sentences. 4 in favor, 3 opposed. Motion carried.

03. **Announcements.** Various Christmas community get-togethers were announced by the councilmen. Austin Gillette said the community has requested the full JTAC committee to hold a meeting in White Shield. Mark Fox said he attended a gaming fraud training in Las Vegas, and attempts will be made to try to bring the same group to the area in March so other tribes can participate. Thomas Bird Bear said the public hearing on the bond issue for the proposed Twin Buttes Manufacturing plant was held on December 3rd.

04. **Approval of Agenda - Motion 2.** Austin Gillette moved to approve the agenda, as amended. Tex Hall seconded. 7 in favor. Motion carried.

05. **R#97-247-DSB for Draw-down of FY 1998 Docket Monies - Motion 3.** Motion to approve resolution was made by Mark Fox. Austin Gillette seconded the motion. Discussion that this is the standard docket monies and distribution is the same as for previous years. 7 in favor. Carried.

06. **Minne-Tohe IHS Clinic Update.** Update was provided by Fred Baker, Director, who provided copies of the clinic's revised mission and vision statements to the council. In order for a tribal member to get referred for contract health, they must be a resident of the 6 counties within the reservation. A member of another tribe must live

within the confines of the reservation in order to get a referral. Any tribal member should be able to receive health services from any IHS facility. The Wednesday morning meetings have been cut to 2.5 hours, rather than all morning. These weekly meetings are a requirement, because of the clinic's joint commission accreditation. Whenever these meetings are held, everything is shut down, except for emergencies. Mr. Baker was asked to see if there is a way that services can be uninterrupted. He said services have been extended, as the clinic now remains open during noon hour, and now closes at 5:00 p.m., rather than 4:30 p.m. The clinic has also begun a WIC evening clinic, which is held twice a week.

Note: The meeting was recessed at 12:00 p.m. Reconvened at 1:25 p.m.

07. **R#97-248-DSB, Matching Funds for Domestic Violence Receptionist Position.** Joy Chapin presented the resolution on behalf of the Domestic Violence Program. Discussion. Motion by Mark Fox to approve, second by Daylon Spotted Bear. 7 in favor. Carried.
08. **Discussion on Staff/Council Meeting on Twin Buttes Manufacturing Company (TBMC) Proposal.** Tribal Attorney Kip Quale requested a meeting between staff and council specifically to discuss the proposal from TBMC. A meeting was tentatively set for December 22nd at 10:00 in the morning.
09. **FBHA Proposed "TARS" Resolution.** Resolution to execute payroll deductions from all tribal/tribal-entity employees who are FBHA tenants or home-buyers. Discussion by council that they would be in favor of this if resolution did not require all employees, whether they owe on their housing or not, to sign up for automatic deductions. There was a question, also, as to whether or not this resolution had been approved by the board for submittal to the council. Receipt of Christmas bonuses by housing staff was also discussed, during which Mr. Fox requested a list of employees and amounts received be made available to council. Austin Gillette made a motion to approve the resolution. No second. No action.
10. **R#97-249-DSB, Application for Family Violence Prevention and Services Funding.** Application for a \$59,125 grant from the Office of Community Services/Administration for Children and Families, Department of Health and Human Services, for FY 1998-99. Motion to approve, Austin Gillette; second, Daylon Spotted Bear. 7 in favor. Carried.
11. **R#97-250-DSB, Commodity Distribution Program.** Resolution to recontract with the State Department of Public Instruction, U.S. Department of Agriculture for continued commodity services. Motion to approve, Austin Gillette; second, Mark Fox. 7 in favor. Carried.
12. **R#97-251-DSB, Adoption of 1997 FDA Food Code for Use of all Applied Entities in Food Service within the Jurisdiction of TAT.** Motion to approve, Edwin Hall; second, Austin Gillette. Discussion. 6 in favor, 1 abstained. Carried.

13. **R#97-252-DSB, FBCC AISES Donation.** Resolution to confirm donation of \$4,582.40 to FBCC AISES. (See October 9, 1997, Minutes.) Motion to approve, Austin Gillette; second, Mark Fox. 7 in favor. Carried.
14. **R#97-253-DSB. Antelope Society Donation.** Request was for \$7,000. Motion to approve request was made by Thomas Bird Bear; second, Tex Hall. Discussion that other societies and organizations have received \$2,000 for one-day ceremonies, and the council should be fair to all members and treat everyone the same. Treasurer Fox was asked to give a report on the Tribe's revenues. He stated tribal revenues are very low at this time, but he felt at least \$4,000 could be donated. He requested the councilmen to be mindful of their fiscal responsibility. After discussion, Chairman Mason called for the vote on Mr. Bird Bear's motion for \$7,000. Vote: 3 in favor, 4 opposed. Motion denied. Motion by Austin Gillette to approve \$4,000 for the two-day ceremony. Second by Mark Fox. Vote: 4 in favor, 3 opposed. Passed.
15. **R#97-254-DSB, Gravel Contract with Ex Gravel.** Approval to enter into contract with Ethan Hall for 30,000 tons of crushed gravel to be used for road improvements in Mandaree. This is a federally-funded project. Motion to approve, Tex Hall; second, Austin Gillette. Discussion. Vote: 7 in favor. Carried.
16. **R#97-255-DSB, Tribe to Assume General Obligation for Completion of CDBG Community Projects in Four Bears, Mandaree, and Twin Buttes.** Resolution approves payment of cost overruns totaling \$1,010,238 for the three community projects, and makes this amount a general obligation of the Tribe. Motion to approve, Daylon Spotted Bear; second, Tex Hall. Questions by Treasurer Fox as to the reason for the high cost overruns. He requested that the actual cost to complete these projects be figured out, since this is in addition to the original monies for the grant. Motion and second were changed for general obligation to be put in the resolution, NTE actual construction cost overruns. While council waited for John Danks to come in and explain cost overruns, Chairman Mason called for the vote on the resolution. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

John Danks said every one of these projects overran, and he wouldn't go into the details of how they did, but these are the actual figures as they sat last week. The Four Bears project went from a \$350,000 project to an \$800,000 project. Cost overrun was because of change in plans and adjustments that occurred last spring such as a different type of heating system, which went from a \$20,000 heating system to a \$200,000 heating system, problems with some footing, a slump that cost some money, otherwise, inflation costs. The original square footage was adjusted. Treasurer Fox commented that we are defeating the whole purpose of the CDBG projects. John Danks also stated, before he left, that the Fort Berthold Housing Authority Board had approved a 3% COLA (retroactive to October 1) for the housing staff and nothing else. (Reference Item 10, above.)

17. **Hay Program.** Decision was for Tex Hall to set up the hay program and run it like last year, and to work with whoever he needs to work with. (\$150,000 has been approved out of docket interest monies.)
18. **R#97-256-DSB, All Nations Basketball Tournament Donation.** Tex Hall said the 6th Annual All Nations Basketball Tournament will be held once again in Bismarck this year. Operating funds will come from revenues at the gate and solicitation of ads. This is a \$30,000 event, and donations from all participating Tribes are being sought. A motion to approve \$3,500, based on availability of funds, was made by Tex Hall; seconded by Edwin Hall. 7 in favor. Carried.
19. **Request for Payment of Donation to 1999 North American Indigenous Games.** R#97-206-DSB, dated 9/16/97, approved \$10,000 donation to the indigenous games. Tex Hall requested payment be made in order to begin planning for the games. (Discussion was held on incorporating Team North Dakota under the charter of United Tribes.) Councilman Tex Hall was asked to work out the indigenous game payment with Treasurer Fox.

Note: Break taken at 3:15 p.m. Meeting reconvened at 3:45 p.m.

20. **Lake Sakakawea & Associates.** Dale Little Soldier and Fred Assom (phonetic), attorney-at-law, presented documents and a proposed resolution for approval by the council. Six financial institutions are interested in the project, which would consist of three phases, as follows: casino, casino/hotel, recreation facility. Mr. Assom said certain documents were needed in order for them to begin accepting bids. The proposed resolution covered a lease and payment by the Tribe to Mr. Little Soldier, compensation to Mr. Little Soldier for his previous and future development efforts, and authorization to Mr. Little Soldier to continue to develop this proposal. Motion was made by Thomas Bird Bear, and seconded by Tex Hall, to approve the resolution. During discussion, some of the council members were concerned about the system that had been set up for compensation to Mr. Little Soldier. Mr. Gillette then noted a waiver of the Tribe's sovereignty within the documents. Mr. Little Soldier said this should have been taken out. Councilman Tex Hall said, as it stands, he would not approve of anything that takes away the Tribe's sovereignty, and therefore, he would have to withdraw his second. Motion died for lack of a second. The council then requested time to go over the documents and have a separate meeting in order to establish a counter-proposal, and decide what action they should take on this. No action at this time, until council has had a chance to review the documents and have had a separate meeting with council and pertinent staff only.
21. **R#97-257-DSB, Fort Berthold Development Corporation (FBDC) General Guarantee.** Purpose of resolution is to enable FBDC to borrow funds to purchase/lease items to continue operations and/or to perform/complete a particular project. Funds are limited to \$100,000 per transaction, with a total lending limit of \$500,000. Discussion. Motion to approve, Mark Fox; second, Austin Gillette. 4 in favor, 3 opposed. Carried.

22. **Tribal Court Special Prosecutor.** Councilman Tex Hall said there are a number of cases in Tribal Court that need to be reviewed by a special prosecutor, and the Judicial Committee has recommended Dennis E. Johnson for this position. Councilman Hall moved to approve, seconded by Austin Gillette. Discussion. Mark Fox said he would abstain from voting on this, and he wanted it noted, for the record, why Tribal Court wanted to hire a special prosecutor. He then read an excerpt from a copy of a letter dated November 25th written by Dennis Edward Johnson to Tex Hall. Vote: 3 in favor, 4 abstained. Carried.
23. **Tribal Court Magistrate.** Discussion that Judge Vance Gillette hired a temporary tribal court magistrate who is still in the position. Motion was made by Tex Hall to discontinue these services, at the recommendation of the Judicial Committee. Edwin Hall seconded the motion for purposes of discussion. Discussion. Funding was the main reason for the recommendation. It was concluded that this position is funded from court fees and fines. Karen Simmonds stated there are enough funds to cover this position and she felt it was still needed. Motion and second withdrawn. No action.
24. **Review to be Made of all Temporary Appointments in Accordance with Personnel Policies & Procedures.** Motion by Tex Hall, second by Thomas Bird Bear, to have the Executive Secretary and Personnel give a 30-day notice to all temporaries who have gone beyond their temporary appointment status, and to advertise those positions still requiring temporary help, if funds are available in respective budgets. 6 in favor, Mark Fox abstained. Carried.
25. **Kevin Finley Financial Request to Support Memorial Basketball Tournament.** Motion to approve \$2,000 for Saunders Bearstail Jr. Memorial Basketball Tournament to be held at United Tribes was made by Edwin Hall. Second by Tex Hall. 7 in favor. Carried.
26. **Buffalo Program.** (Closed session.)
27. **Circle of Life Consultant Agreements.** Moved by Daylon Spotted Bear to approve the renewal of three consultant agreements from January to March 1998. Second, Austin Gillette. Vote: 6 in favor, Mr. Fox not present during vote. Carried.
28. **Small Loan Requests.** Motion by Mark Fox, second by Thomas Bird Bear, to approve small loan requests in consecutive order up to the amount of \$18,000. Discussion. The others on the list will receive their loans in January. Vote: 5 in favor, 2 opposed. Carried.
29. **Mike Smith Loan.** This is an emergency need loan, and will be covered by payroll deduction from casino. Motion to approve \$300 and expedite loan was made by Tex Hall; second, Edwin Hall. 6 in favor, 1 opposed. Carried.
30. **Elder Request.** \$250 medical emergency loan for Tom Fox. Moved by Tex Hall to expedite his loan. Second by Mark Fox. 7 in favor. Carried.

31. **Temporary Casino Overseer.** Moved by Austin Gillette, second by Mark Fox, for the Tribal chairman to be the intermediary ~~general manager~~ at the casino. 7 in favor. Carried. *facilitator 2-13-98 (MAB)*
32. **MR&I Water Technician.** Moved by Mark Fox, seconded by Edwin Hall, for Tex Hall to review people available and make selection for a temporary water technician in Mandaree. 6 in favor, 1 not voting. Carried.
33. **Motion to Add to Agenda.** Motion was made by Daylon Spotted Bear, seconded by Mark Fox, to add items to the agenda. 6 in favor, 1 not present during vote. Carried.
34. **R#97-258-DSB, Infant and Toddlers Program.** Resolution amends 97-205-DSB to include the Infant and Toddlers Program in the BIA recontracting process. Motion to approve was made by Thomas Bird Bear, seconded by Mark Fox. 6 in favor, 1 not present during vote. Carried.
35. **Temporary Parshall CHR.** Moved by Edwin Hall to grant Mark Fox authority to put a temporary CHR in place in Parshall until the position is advertised and filled. Motion seconded by Tex Hall. 6 in favor, 1 abstained. Carried.
36. **Lyda Foote Land Sale.** Moved by Edwin Hall, seconded by Tex Hall, to approve a \$5,000 land sale advance for Lyda Foote, based on condition of notarized documentation and completion of all paperwork indicating sale of land to Tribe. 5 in favor, 1 abstained, Mark Fox not present during vote.
37. **Personnel.** (Closed session)
38. **Next Meeting.** January 1998 Regular Meeting, January 13.
39. **Motion to Adjourn.** Moved by Austin Gillette, seconded by Mark Fox, to adjourn the meeting. Meeting was adjourned at 7:10 p.m.

CERTIFICATION OF MINUTES

As Executive Secretary of the Tribal Business Council of the 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. Seven members were present at a Regular Meeting held on the 13th day of January 1998 whereupon the Regular Council Meeting Minutes of December 16, 1997, were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 6 members, 1 member abstained.

ATTEST:

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

Russell D. Mason, Sr.
Russell D. Mason, Sr.
Chairman