

REGULAR COUNCIL MEETING

Name of Organization: Tribal Business Council
Three Affiliated Tribes

Place of Meeting: Four Bears Motor Lodge
New Town, North Dakota 58763
November 10, 1977
11:05 A.M.

PRESENT: Roy Bird Bear, Treasurer, Hazel Blake, Secretary, Eva Beaks
Larry Rush, John Stone, Sr., Austin Gillette, Thomas Eagle, Jr.

ABSENT: Wayne Packineau.

TARDY: Theodore Bird Bear, Sam Little Owl, Vice-Chairman, Rose
Crow Flies High, Chairperson.

OTHERS: Allen Ellery, Tribal Affairs Office, Aberdeen, Dave Azure, AAO,
Rosella Mandan, IHS, Richard Bad Moccasin, Acting Service Unit
Director, IHS, June Eagle, Wally Heath, American Indian Develop-
ment Association, Ron Reichert, Tribal Attorney, Jerry Nagel,
Tribal Operations Manager, Dale McGrady, Tribal Planner,
Donna Davis, Office Manager, Ron Brugh, Tom Bluestone, Tony Mandan,
Ron Spratt, In-House Attorney, Alan Smith, Personnel Director,
Linda Baker, Comptroller, Brian Story, CPA, Diane Poitra.

Meeting called to order at 11:05 A.M.

Roll call - Quorum present.

Prayer.

Eva moved that Austin Gillette act as temporary Chairman, second by Tom.
Vote on motion: Roll call vote: Yes: Roy, John, Austin, Tom, Eva, Hazel.
No: Larry Rush. Six in favor, one opposed, motion carried. Chairman voting.

Austin stated that the Indian Health Personnel are present and asks for
introductions.

Allen Ellery is granted the floor. Mr. Ellery stated that the Service Unit
Director position has been readvertised and that he would like to have the
Council review the applications and make their recommendation today. This
position was advertised from September 9, 1977, through September 29, 1977.
There were three applicants who qualified for the position. The applicants
receiving the highly qualified classification were Mr. Kenneth Foley and
Mr. Robert O'Rielly. Mr. Leonard Hare received the fully qualified classi-
fication. This is a GS-12 position. Discussion was had on Indian Preference,
management capability and other factors relating to this position.

Dave Azure was granted the floor. Mr. Azure explained the screening pro-
cedure.

Rose arrived at 11:20 A.M.

Austin turns the meeting over to Rose.

Tony Mandan gave his views on the operation of the PHS facility. Tony wanted to know why Ivan Zotti was given a raise when he did not have the necessary experience.

Mr. Ellery stated that Ivan's job was a trainee-type of position and Ivan should have taken the initiative and carried through with his responsibilities.

The Council reviewed the applications and had lengthy discussion on each one. Mr. Ellery stated that the Area Director has the final say on any selection.

Larry moved that the Council make their selection today and give the Council's recommendation to Mr. Ellery. The selection will be made between Mr. Hare and Mr. Foley. Second by John. Vote on motion: Roll call vote: Yes: Eva, Larry, Hazel, Tom, Austin, John, Roy. Seven in favor, none opposed, motion carried.

By secret ballot, the Council voted and Mr. Foley received five votes and Mr. Hare received two. Mr. Foley is the Council's recommended applicant.

Larry stated for the record, that the Chairperson did not vote on this selection.

Mr. Ellery stated that he would like to have this in writing.

Hazel stated that Herbert Wilson, M.D., would like to work with the Mini Tohe Clinic as he is familiar with the health problems of the residents of the Fort Berthold Reservation. Mr. Ellery stated he will look into the matter and would consult Mr. Schneiderman when he returns to Aberdeen.

LUNCH BREAK

The meeting reconvened at 1:35 P.M.

PRESENT: Same as the morning session.
Roll call - Quorum present.
Prayer given by Tom Eagle.

Hazel read the minutes from the October 7th, 1977, meeting. Larry moved to approve, second by Hazel. Vote on motion: Seven in favor, none opposed, motion carried. Chairperson not voting.

Hazel read the minutes from the October 26th, 1977, meeting. Austin moved to approve, second by Eva. Vote on motion: Seven in favor, none opposed, motion carried. Chairperson not voting.

Hazel read the minutes from the October 28th, 1977, meeting. On remarks, Jerry Nagel stated that he had drafted a resolution pertaining to paying Brian Story and that the Council had approved it. Jerry stated that he would like to have the minutes reflect that Mr. Story had not been paid, even though the approval had been given by the Council. Roy was not present to

comment at this time.

Austin moved to approve the minutes with noted corrections and additions. Second by John. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John. No: Larry Rush. Five in favor, one opposed, motion carried. Chairperson not voting.

Hazel read the minutes from the November 3rd, 1977 meeting. Hazel moved to approve, second by John. On remarks, Jerry Nagel stated that the use of funds reflected in the minutes puts the funds for the HIP Program and Weatherization Program in jeopardy. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John. No: Larry Rush. Five in favor, one opposed, motion carried. Chairperson not voting.

Rose stated that the Tribal Recorder is not present and therefore, this meeting has no set agenda. Rose stated that Mr. Wally Heath would like to be granted the floor to explain his proposal. Eva stated that the Council was supposed to have met and discussed this matter before action was taken. As of yet, the Council has not met to discuss this among themselves.

Mr. Heath was granted the floor, and he proceeded to explain his proposal. This proposal pertains to coal development on the Rocky Boy, Fort Berthold, Cheyenne River Sioux, and Northern Cheyenne Indian Reservations. The CSA Office is holding off approval until Council approval is received from each of the Reservations involved. There are two options for the Council. (1) to revise the contract through the CSA Office, or (2) leave Fort Berthold out of the proposal entirely.

Eva suggests that each Council Member give their views on the proposal.

Larry moved that the Council wait as they had planned until each Council Member has given his view of the proposal. Second by Eva. Vote on motion: Roll call vote: Yes: Sam, Larry, Hazel, Eva, Austin, John. No: Tom. Six in favor, one opposed, motion carried. Chairperson not voting.

The Tribal Secretary will set a date for discussion on this matter and notify Mr. Heath.

Hazel reads a resolution pertaining to the Indirect Cost proposal for FY-78. Brian Story explained what he had done in this proposal. This proposal will go to Audit and Investigation and the Federal Government. The special adjustments that were made are incorporated in the resolution.

Linda gave a report on the status of Indirect Cost funding. Austin stated that CETA was put in the proposal, but CETA will not be participating in the program.

Further discussion was had and John Danks gave a financial report on tribal income.

Austin stated that the Tribe, according to the present proposal, cannot afford to pay Jerry Nagel and Ron Spratt's salaries.

Lengthy discussion is had concerning the Indirect Cost proposal.

Dale stated that he has been working on the Economic Stimulus report. He did not submit the report to the Council since the deadline had been extended to November 12th. Dale reported he has resolutions pertaining to the Economic Stimulus report which will need Council Action.

More discussion is had pertaining to the Indirect Cost Proposal. Jerry stated he gave the Council sixty days for the proposal and that it would only be in effect for that amount of time, just to see how it would work for that length of time. Brian stated that when Audit and Investigation were at the Tribal Finance Office, they went over the files very quickly and arbitrarily. Ron Spratt stated that it would be fitting for Mr. Story to comment on the proposal that he prepared. Brian stated that the preparing and negotiation of the proposals were two separate things. Brian also stated that when a proposal is submitted to Audit and Investigation, they resent continuous interfering as the procedure is very involved in going over these proposals.

Brian was asked if the accounting system was certified. Mr. Story stated that the system was certified and that a letter to that effect would be presented to Bob White Feather. The letter was sent to Mr. White Feather on September 15th. Brian also stated that follow up from the Tribe is very poor.

After further discussion, Austin moved for tentative approval of the Indirect Cost Rate. Second by Tom. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John. No: Sam, Larry. Five in favor, two opposed, motion carried. Chairperson not voting. This is Resolution No. 77-314.

Resolution No. 77-315 is read by Hazel. This is a resolution pertaining to setting up of committee structures and defining areas of responsibility; also having each committee meet three times a week. This would be a two-year proposal for 1978 and 1979. After discussion, Austin moved to approve the portion of the 638 Grant pertaining to the Tribal Business Council in the amount of \$85,000. Second by Tom. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John. No: Sam & Larry. Five in favor, two opposing, motion carried. Chairperson not voting.

Resolution No. 77-316 is read by Hazel. This is a resolution pertaining to management staff positions. Lengthy discussion is had on this resolution. Tom Eagle stated that these positions shouldn't be filled if there are no funds available to pay the people employed in these positions. John Danks stated for the record that he did not oppose any resolutions. Austin moved for approval of the resolution, second by Tom. After further discussion, the following vote was taken. Roll call vote: Yes: Hazel, Eva, Tom, Austin, John, Roy. No: Sam & Larry. Six in favor, two opposing, motion carried. Chairperson not voting.

Resolution No. 77-317 is read by Hazel. This is a resolution pertaining to funds to develop a redistricting plan for Fort Berthold. After discussion, Eva moves to approve, second by Tom. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John, Roy. No: Sam & Larry. Six in favor, two opposing, motion carried. Chairperson not voting.

Hazel reads a resolution pertaining to a Fish & Game Ordinance. This is Resolution No. 77-318. Hazel moves to approve, second by Tom. Vote on motion: Roll call vote: Eight in favor, none opposed, motion carried. Chairperson not voting.

Hazel reads a resolution pertaining to a trophy saddle to be donated to the Indian National Finals Rodeo Association. After lengthy discussion, Tom moves to disapprove this resolution. Second by Eva. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John, Roy. Abstaining: Larry. Six in favor, one abstention, motion carried. Chairperson not voting.

Larry moved to disapprove Pete Fredericks' request for funds to attend the Indian National Finals Rodeo. Second by Austin. Vote on motion: Roll call vote: Yes: Larry, Hazel, Tom, Austin. No: Sam, Eva, John, Roy. Tie vote, Chairperson breaks tie by voting "no." Motion defeated.

John moved to give the rodeo participants \$100. Second by Larry. Vote on motion: Three in favor, five opposing, motion defeated.

Rose inquired as to the voucher for payment to Brian Story. Hazel moved to look for the resolution, second by Larry. Vote on motion: Seven in favor, one opposed, motion carried. Chairperson not voting.

Ron Spratt stated he has not been paid for six weeks and this was in violation of his contract. Linda reported at this rate, there wouldn't be enough funds to pay any one. Lengthy discussion is had on how to temporarily suspend the 638 Team until funds are available. Roy moved to temporarily suspend Ronald Spratt, Dale McGrady, Donna Davis and Sylvia Spotted Horse due to lack of funds and this will be effective as of today. Second by Austin. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John, Roy. No: Sam & Larry. Six in favor, two opposing, motion carried. Chairperson not voting.

Austin then moved that these people under suspension will be paid their full pay. Second by Tom. Vote on motion: Roll call vote: Yes: Hazel, Eva, Tom, Austin, John, Roy. No: Sam & Larry. Six in favor, two opposed, motion carried. Chairperson not voting.

Tom Bluestone is given the floor. Tom has made a request for funds to make some repairs on the sewer system in his home. Hazel moves to approve Tom's request, second by John. Vote on motion: Eight in favor, none opposed, motion carried. Chairperson not voting.

Rose has Hazel read two letters directed to her and Roy concerning their duties as Secretary and Treasurer. Hazel states that as of today, her minutes are current.

Austin moved that all future correspondence dealing with Mr. Brian Story be sent to the Executive Committee. Second by Tom. Vote on motion: Seven in favor, one opposing, motion carried. Chairperson not voting.

There being no further matters brought before the Council, Tom moved to adjourn.

Meeting adjourned. ATTEST:


HAZEL M. BLAKE, Tribal Secretary