

REGULAR MEETING

Name of Organization: Tribal Business Council
Place of Meeting: Three Affiliated Tribes
Four Bears Motor Lodge
New Town, ND 58763
April 13, 1978

Present: Rose Crow Flies High, Chrp.; Sam Little Owl, Vice-Chrm.; Hazel Blake, Sec.; Larry Rush, Eva Beaks, Theodore Bird Bear, Tom Eagle, Jr.; Wayne Packineau, and John Stone, Sr.

Trady: Roy Bird Bear, Treas.; and Austin Gillette.

Others: Ron Reichert, Tribal Atty.; Pat Wilkinson, Realty; John Strand, NTHS; Loren Freeman, Trucking Co.; Jerry Nagel, Don Keller, Housing Dir.; Joe Monteau, BIA Credit Officer;

Meeting come to order at 1:20 p.m.

Opening Prayer by Larry Rush.

Roll Call - Quorum present.

Mr. Strand of NTHS requests to the Council a contribution for the Athletic Banquet for the New Town Athletic Club. No action was taken on this.

Chairperson, Rose, calls on the Committees for reports.

Natural Resource Committee:

Chairman, Ralph Bird Bear calls on his Secretary, Wayne Packineau to read the minutes.

Wayne read the minutes of March 30, 1978. Wayne moved to approve. Second by Ralph. Vote: Eight in favor, none opposed, Chrp. not voting, motion carried.

Austin arrived at 1:30 p.m.

Wayne read the minutes of April 3, 1978. Wayne moved to approve. Second by John. Vote: Nine in favor, none opposed, Chrp. not voting, motion carried.

Human Resource Committee:

Secretary, Austin Gillette read the minutes of April 11, 1978. Tom moved to approve with corrections. Second by Eva. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel=YES. Nine in favor, none opposed, Chrp. not voting, motion carried.

Material Resource Committee:

Wayne read the minutes of March 23, 1978. Credit meeting. Austin moved to approve. Second by Wayne. Vote: Sam, Ralph, John, Tom, Wayne, Austin, Eva Hazel=YES. Eight in favor, none opposed, Chrp. not voting, motion carried.

Wayne read the minutes of March 28, 1978. Credit meeting. Eva moved to approve. Second by Hazel. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel=YES. Nine in favor, none opposed, Chrp. not voting, motion carried.

Wayne read the minutes of March 29, 1978, Credit meeting. Wayne moved to approve. Second by Sam. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel=YES. Nine in favor, none opposed, Chrp. not voting, motion carried.

Material Resource meeting of April 3, 1978 was read by Wayne. Eva moved to approve. Second by Tom. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried.

Credit meeting of April 3, 1978 was read by Wayne. Wayne moved to approve. Second by Sam. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, None opposed, Chrp. not voting, motion carried.

Judicial Committee:

Larry read the minutes of April 11, 1978. There was no quorum at this meeting. Eva moved to disapprove the minutes and that Kenneth Charging's situation be corrected at another meeting when there is a quorum. Second by Tom. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Eva, Hazel-YES. Austin-ABSTAIN. Eight in favor, none opposed, one abstention, Chrp. not voting, motion carried.

Resolution on Enrollment: Larry read the names of all applications for enrollment. Austin moved for approval, these 30 names for enrollment for that resolution. Second by Sam. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-72.

Secretary reads the agreement between the City of Parshall and the Three Affiliated Tribes on the use of the Fort Berthold Jail Facility at Parshall, North Dakota. Eva asks our Tribal Attorney, Ron Reichert to comment on the agreement.

Ron stated that it is my understanding that Law Enforcement funds are not in Band Analysis, so there is no discretion of Law Enforcement funds. On this draft, there is no obligation to hire a jailer; and the other obligation should be the Bureaus. It also puts an obligation upon the Tribe to adopt the Penal Code, fair treatment of prisoners. That Penal Code will follow the Federal regulations. The other problem I see, with this particular agreement, is that, either party can terminate the contract on one months written notice, but they have three months to get out; so there's a real problem that they will be able to use the facility for two months rent free. I think the 30 days written notice to terminate the contract, they should also have one month to get out. I think that should be changed. Also, I think that any dispute in this agreement should be made subject to Tribal Court jurisdiction, otherwise, I think its basically a good and fair agreement. The other thing is that how much do you want to charge them?

This was discussed at length by the Council. Austin moved for approval of the agreement to the City of Parshall to lease the Fort Berthold Jail Facility with the addition that any dispute over this agreement, be settled in Tribal Court. Second by John. Vote: Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Sam-ABSTAIN. Eight in favor, none opposed, one abstention, Chrp. not voting, motion carried.

Then, Ron urged all the Council members to attend the important meeting with Charley Hobbs of Wilkinson, Cragun & Barker Firm of Washington, D. C. at Bismarck on the 27th of April, 1978.

Tom moved that the full Council go down to Bismarck on the 26th and meet with them on the 27th of April, 1978. Second by Larry. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried.

Pat Wilkinson presents resolutions on landsales.

Richard Smith et al. Allot No. 512, 80 acres at \$6,800.00.

Sam moved to approve. Second by Ralph. Vote: Sam, Ralph, Kohn, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-73.

Richard Smith, et al. Allot No. 857A 320 acres at \$25,600.00.

Sam moved for approval. Second by Austin. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-74.

Richard Smith et al. Allot No. 2057 240 acres at \$19,200.00.

Tom moved for approval. Second by Larry. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-75.

Mary Edith Good Bear's land transaction was presented.

Sam moved to refer this back to the Land Committee. Second by Ralph. Vote: Sam, Ralph, John, Larry, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, none opposed, Chrp. not voting, motion carried.

Secretary read the descriptions of Jerry Nagel's landsales. Allot Nos. 1124, 1120, 457 and 954A.

Roy arrived at 3:15 p.m.

Jerry came to negotiate a 15% raise above the appraisal price of his land sales to the Tribe. After a lengthy discussion by the Council, Austin moved that 150 acres be negotiated at 15% on the farm acreage alone and that the grass be purchased as appraised. These be bought out of judgment funds. Second by Tom.

Austin amends to his motion that this final purchase price will have to be brought back, will have to be figured out by Realty before its final. Second by Tom. Vote: Sam, Larry, Tom, Wayne-YES. Ralph, John, Roy, Austin, Eva-NO. Hazel-ABSTAIN. Four in favor, five opposed, one abstention, Chairperson not voting, motion defeated.

Austin moved that next Wednesday we have a Special meeting to go over this land transaction at 1:00 p.m. Second by John, Vote: Sam-NO. Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Nine in favor, one opposed, Chrp. not voting, motion carried.

Ron Reichert's vouchers for payment were presented.

Services rendered in December, 1977 and January, 1978, in the amount of \$1,032.14. Sam moved to approve. Second by Eva. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Ten in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-76.

Services rendered for August, 1977 in the amount of \$355.98. Eva moved for approval. Second by Tom. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Ten in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-77.

Services rendered for October, 1977 in the amount of \$366.45. Tom moved for

approval. Second by Sam. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Ten in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-78.

Services rendered for November, 1977 in the amount of \$565.95. Sam moved for approval. Second by Eva. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Ten in favor, none opposed, Chrp. not voting, motion carried. This is Res. No. 78-79.

Services rendered for February, 1978 in the amount of \$210.94. Sam moved for approval. Second by Tom. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Ten in favor, none opposed, Chrp. not voting. Motion carried. This is Res. No. 78-80.

Resolution on proposed amendment to the Constitution.
Sam moved for approval on the resolution. Second by Larry.

Eva asks Mr. Reichert to comment on it. Mr. Reichert stated that the unpublished opinion that the Judge Van Sickle issued on Standing Rock Reservation, that states that our election ordinance; it indicates that our election ordinance, as it was drawn, will survive a Constitutional attack. There is, also, been a Supreme Court case that came down, which approve a voting plan very similar to ours in Dallas County, Alabama. So, at this point, I don't feel that a resolution is necessary for election lawsuit; however, if you want to change the election procedure, that's entirely up to you.

As I understand, there are two proposed amendments with request, althou this resolution doesn't say so. It would request the Secretary of Interior to call an election on these amendments. They're making a motion, the motion is scheduled for a hearing in Tribal Court on Monday morning, asking the Tribal Court to amend their order, based upon this new legal present and if they decide and the Tribal Court takes Tribal Election Ordinance as it stands, is Constitutional. Then it will still have the Federal Court action open but in view of the ruling Judge Van Sickle made before, it appears that this plan should be upheld. I don't think its necessary for the election lawsuit, but if you feel you want to change the Constitution thats your privilege anytime, but I don't feel you are in any obligation.

This Court order, where the Judge has ordered that the matter be held in abeyance for a period of 90 days, this is what we're going by and the 90 days expires on April 24, 1978. Because of this, being held in abeyance, we have not been able to file any motion with the Federal Court, challenging, but the minute the 90 days is up, we are going to file a motion to dismiss that portion of the complaint that says our election scheme is unconstitutional.

Vote on the motion: Sam, Ralph, Larry, Hazel, Rose-YES. John, Roy, Tom, Wayne, Austin, Eva-NO. Five in favor, six opposed, Chrp. voting, motion defeated.

Loren Freeman, the man that was hauling hay to the Reservation, presented a bill for his services. This was discussed at length and was referred to the Bureau officials.

Secretary read a resolution presented by Mr. Don Keller, Housing Director, to reinstate John Stone, Sr. and Leonard Eagle as members of the Housing Board of Directors.

Actually this is not a resolution but a letter of request for action. Wayne moved to approve. Second by Austin. Vote: Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Sam-NO. Nine in favor, one opposed, Chrp. not voting, motion carried.

Then, Mr. Keller went on to explain the progress of the incoming units in the future and also, stated that there is a workshop on Friday, April 14, 1978. All Councilmembers should try to attend.

Next was a resolution presented by Arthur T. Mandan requesting to the Tribe a lease agreement between himself and the Tribe on the Tribal Finance Building whenever vacated.

Sam moved for approval. Second by Hazel. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Hazel-YES. Eva-NO. Nine in favor, one opposed, Chrp. not voting, motion carried. This is Res. No. 78-81.

Mr. Reichert, also, reports that Beulah Chase won her case in 8th Circuit Court. You can put land back into trust within the City and still get the water & sewer hooked up.

Mr. Monteau explains the Indirect Cost proposal that was submitted. Some copies of the draft were presented to the Council.

Austin moved to approve the rough draft of the Indirect Cost proposal. Second by Tom. Vote: Sam, Ralph, John, Larry, Roy, Tom, Wayne, Austin, Eva, Hazel-YES. Ten in favor, none opposed, Chrp. not voting, motion carried.

Rose brought up the issue of pay on our 638 grant. Mr. Monteau stated that he suspended the drawdown until the report is complete and he also suggested that somebody should help as Technical Assistance.

Chair calls the meeting adjourned until Monday, April 17, 1978 at 1:00 p. m.

Meeting adjourned.



Hazel M. Blake, Secretary
Three Affiliated Tribes
Tribal Business Council