

SPECIAL MEETING  
TRIBAL BUSINESS COUNCIL  
THREE AFFILIATED TRIBES

CONFERENCE ROOM  
TRIBAL BUILDING  
APRIL 17, 1981

PRESENT: AUSTIN GILLETTE, CHAIRMAN; AUGUST LITTLE SOLDIER, VICE-CHAIRMAN;  
TILLIE WALKER, SECRETARY; GERALD WHITE, TREASURER; ROY BIRD BEAR,  
THOMAS EAGLE, WILLARD LITTLE OWL, MATT MASON, WILLARD YELLOW BIRD.

ABSENT : NATHAN PAUL GOODIRON, MARIE WELLS.

OTHERS : WILBUR SPOTTED WOLF, ALYCE SPOTTED BEAR, PERSONNEL DIRECTOR;  
G. RUSSELL GILLETTE, MATERIAL RESOURCES DEPARTMENT ADMINISTRATOR;  
JOHN CHARGING, TERO DIRECTOR; JERRY JAEGER, ABERDEEN AREA DIRECTOR;  
TOBIAS MORAN, ABERDEEN AREA DIRECTOR OF TRIBAL OPERATIONS & 638 GRANTS  
COORDINATOR; EARL LINGER, ABERDEEN AREA CONTRACTING OFFICER;  
HARRISON FIELDS, BIA SUPERINTENDENT; LARRY BURR, BIA TRUST SERVICES  
OFFICER; LAWREN H. BAKER, NATURAL RESOURCES DEPARTMENT ADMINISTRATOR;  
KEN DEANE, JR., TRIBAL PLANNING DIRECTOR.

Chairman Gillette called the meeting to order at 10:40 a.m.  
Roll call; quorum present.

MINUTES: Secretary Walker read Material Resources Committee minutes of  
March 13, 1981.

Vice-Chairman Little Soldier moved for approval of March 13, 1981,  
Material Resources Committee minutes. Second by Councilman Mason.  
Vote: Nine (9) in favor, motion carried.

INTERVIEW: Wilbur Spotted Wolf was present for interview for Human Resources  
Department Administrator position. Secretary Walker read job description.  
Wilbur Spotted Wolf was called on to speak and give work experiences and education.

Mr. Spotted Wolf received his Bachelors Degree in Social Science from Minot State  
College in 1970. He worked at the University of Minnesota in the School of  
Business Health Administration Program from September, 1973 to June, 1975, where  
major work was in human services. He worked in Mandaree as CAP instructor,  
in West Africa in a summer program, in Washington, D.C., with the State  
Department, and at Belcourt hospital.

Vote was taken by secret ballot and results were: Wilbur Spotted Wolf - 3,  
and Michael Yellow Bird - 6.

Salaries for the three Department Administrators, Human Resources, Material  
Resources and Natural Resources, were discussed.

Vice-Chairman Little Soldier moved to authorize salary of Human Resources Department Administrator at \$18,500 and after ninety (90) days to \$20,000, and to authorize salaries for the remaining two Department Administrators, Natural Resources and Material Resources, at \$20,000. Roll Call Vote: Little Soldier, yes; Bird Bear, yes; White, yes; Little Owl, abstained; Yellow Bird, yes; Eagle, yes; Mason, yes; Walker, yes, and Chairman yes. Eight (8) in favor, one (1) abstention, motion carried.

**TERO GUIDELINES:** John Charging, TERO Director, presented resolution containing TERO guidelines to require preferential employment of Indians by all employers operating within the boundaries of the Fort Berthold Reservation.

Vice-Chairman Little Soldier moved for approval of resolution establishing Indian Contract preference ordinance with further modifications after review by Tribal Attorney. Second by Councilman Eagle. Vote: Nine (9) in favor, motion carried. Resolution #81-120

**ABERDEEN AREA OFFICE:** Jerry Jaeger, Area Director, Toby Moran, Richard Zephier, and Earl Linger, Aberdeen Area Office staff, were present. Chairman Gillette said the Council members would like information on current block grant process and how it will affect our contracting if block grants go to the state. Dr. Jaeger said the program is put together by the Reagan Administration, and they have taken ten (10) programs and created one grant, changed funding so the Tribe has one line item for funding. He reported that they will be getting program guidelines on administration, how it will come down to the tribes, how tribes share will be determined, and how it will be approved, sometime this summer. He said he talked to the Commissioner, and BIA is working on amendment to the 638 contracting law. He reported they will be operating the grant program under 638 guidelines and it will be a contract for 1982 because block grant processes will not be in place until 1983. The Tribe will contract under 638 for programs for fiscal year 1982.

Dr. Jaeger said there were some benefits under block grant and possibilities for problems for tribal governments. He said as this money comes down, tribes will have a fixed amount of money for programs that are going to be funded, and tribes will determine what programs will receive funding. If tribes have weak accounting systems, they could get into trouble because federal money has to be accounted for and audited. Advantages are tribes will have control of the money and determine the programs that tribes are going to fund. Tribes can switch money around to add additional money to a particular program as need occurs. One of the problems is that tribes will probably not get enough money to do all the things they want because there has been a 25 percent cut for 1982. The budget was cut from \$160,000,000 to \$120,000,000 in fiscal year 1982. He said tribes have option on some contracts to either put them under block grants or turn them back to the BIA to operate. This is an all-purpose contract directly from the BIA budget to tribes.

Secretary Walker asked what the role of the area office will be when the Tribe receives the block grant. Dr. Jaeger responded that they would have to get guidelines to answer questions because role could be affected by block grants.

**RECESS:** The meeting recessed at 12:00 noon. The meeting reconvened at 1:30 p.m.

**BIA BUDGET:** Letter from James Canon, Acting Deputy Assistant Secretary, to the Tribal Council was discussed and May 4, 1981, was the deadline given for submitting comments on block grant. Secretary Walker reported that Child Welfare had to close on March 31, 1981, the final day of funding. Last year, the program was funded for \$62,000 plus \$18,000 for Court Liaison, and for fiscal year 1982 the grant is \$31,000. Ray Butler, Social Services in Washington, suggested contacting the Area Director's office for additional funds. Toby Moran said no money was available. Dr. Jaeger requested information on how much money Child Welfare needed and they will try to find some money. Chairman Gillette said the Council will make comments and report by May 4 on block grants.

**GRAZING RENTAL:** Harrison Fields, BIA Superintendent, reported on meeting with the Court on April 6 held in Bismarck to determine what rate to pay out to landowners. Cattlemen wanted to pay out at \$68 including the rebate. The BIA wanted to pay out at \$78. Chairman Gillette asked what authority the Magistrate had in making decisions on tribal money. Thomas Schoppert, attorney for Land & Livestock Association and U.S. Attorney agreed to a hearing with the Magistrate and decision will be made by April 20. Payment can be made within a week to the landowners if agreement is reached to pay \$78. If payment is to be at \$42 or \$47, it will take an additional thirty (30) days.

Councilman Eagle raised the question about the number of cattle put on range for short grazing season at time of drought, Jim Quackenbush, BIA Range Specialist, doubled carrying capacity for short season. Dr. Jaeger said the BIA's job is to conserve and preserve land. The BIA currently has a lawsuit at Pine Ridge on carrying capacity of range.

Hugh Baker said the Tribe has established a task force and there are representatives from the landowners, livestock, and also a representative on behalf of the Council to coordinate on grazing matter. What they are attempting to do is come up with a CFR provision strictly for Fort Berthold in regards to researching and contracting. Dr. Jaeger reported that at the present time, they are reviewing CFR regulations. The Reagan Administration put a moratorium on all new regulations and ordered a review on existing regulations. He said it was a good opportunity to change some of the regulations. He said if the Tribe has suggestions, they may send them to Quentin Salsley. BIA employees receiving allocations was discussed and Mr. Fields reported that there is a moratorium on that now.

**BONDING WAIVER:** The bonding waiver was discussed many small operators cannot get bonds. Larry Burr said the regulations cover all rentals and penalty clauses. He said they have established bonding on Fort Berthold to cover annual rental because bonding was too high when it covers rental leases and penalty clauses.

Councilman Mason reported some ranchers and farmers were having trouble paying bonds and asked why bonding couldn't be lowered so people can afford to pay it or go by resolution passed on March 18, 1981 (Res. #81-86) waiving security bond requirement for FmHA clients for allocation of grazing privileges, and if they don't pay the lease or abuse the land, they will lose the money or cancel the lease.



Dr. Jaeger said he will discuss the matter with Harrison Fields and Larry Burr and see what can be worked out. He said they are attempting to enforce regulations against overstocking. Also, they are trying to plan ahead in view of the drought and extend feed grain program for another two months. They will extend it if operators will keep stock off of range until the critical growth period is over.

Hugh Baker said he read a report from BIA in Aberdeen Area that Aberdeen Area report that the BIA provided assistance for two ranchers moving cattle to another area. Dr. Jaeger responded they assisted by finding other range. He also reported that they have request in for \$12,000,000 for deferred grazing program where range land will not be used until it has reestablished itself for a period of three to five years.

Bonding was again discussed and questions raised. Chairman Gillette asked Mr. Fields if it was the Superintendent's discretion whether to bond or not. Dr. Jaeger responded that it was. He said bonding will be discussed with the Superintendent and Larry Burr. Councilman Mason asked that they take into consideration leases are paid in advance and interest on bonds.

**TAKEN AREA:** The Taken Area was discussed. Chairman Gillette asked what the Area Office's views were. Dr. Jaeger said BIA has always supported tribes and that water and river beds belong to tribes.

Hunting and fishing was discussed next and Hugh Baker asked if they will support the Tribe if the Tribe goes to court. Dr. Jaeger's reply was yes.

**MEETING:** Discussion was held on meeting with Larry Kruckenburg, ND Game & Fish Director, and Attorney General Wefald in Bismarck on issuing hunting and fishing licenses and how it applies to the reservations in North Dakota. Hugh Baker asked if it was possible for representation from the Solicitor's officer and the Area Office to attend the meeting on April 23-24, 1981. Dr. Jaeger promised to have staff at the meeting.

**RESTORATION OF LAND TO TRUST:** Chairman Gillette reported the Tribe has four tracts of land to be referred to trust and BIA Area Office has been holding it up. Dr. Jaeger said there was no question on it if they are within the reservation boundaries. Chairman Gillette said the Tribe had requested Solicitor's opinion on land purchased within incorporate city in 1979 and the Tribe had paid tax. When abstract was updated, the tax was not paid and the Tribe wanted to have Solicitor's opinion whether county had authority to taxit. Larry Burr said on fee land within incorporated cities, the requests have to be submitted to Washington for approval.

**IMPL FUNDS:** Chairman Gillette said the Tribe would like to know what will become of IMPL money and if it can be budgeted for this year. Dr. Jaeger reported IMPL funds are to be programmed and budgetted like any other line item.

Councilman Eagle asked about getting fire trucks for reservation. Mr. Linger said the Tribe could expend for any program. The BIA has range agreements for range fires within various towns.

Secretary Walker said the Tribe wanted to use IMPL funds to improve school conditions to repair and renovate schools in Mandaree and White Shield. She reported Mandaree and White Shield Schools were on the priority list in the Aberdeen Area for Facility Improvement and Repair, but Mandaree was dropped from the list. She asked how Mandaree School could be put back on the priority list, and invited the Area Director to come out and see the schools. Res. #81-116 passed on April 16, 1981, by the Council requested Mandaree School be put back on priority list for Facility Improvement and Repairs. Dr. Jaeger said they will try to get them to reconsider.

Chairman Gillette asked when proposed changes in regulations on IMPL funds will come in. Mr. Fields reported that in Aberdeen last week, they mentioned something will be proposed in Federal Register and will eventually be eliminated. The Tribe will get the funds and no money will go to IMPL. IMPL funds are suppose to go back to the resource from which they were generated, e.g., if IMPL was generated from land sale, that is where it will be used. In order to use IMPL funds, Dr. Jaeger suggested getting in contact with the Superintendent to set up program to submit to the Area Office. He said the BIA has a freeze on all equipment purchases so Tribe probably could not purchase any heavy equipment at this time because they are subject to regulations.

USE PERMITS: Use permits for vehicles were discussed. Mr. Linger said the Tribe will have to modify contract to get scrapers under Indian Action Team. He said the only regulations is in contract and BIA or government can turn equipment over to tribes. He said if the Tribe wants construction to tie into ITAC with Indian Action, ITAC will have to pick up equipment for the Tribe. He said BIA can turn it over to ITAC and they in turn can lease it to the Tribe or Indian Action.

ACCOUNTING CLAIM: Dr. Jaeger reported the Accounting Claim has cleared the BIA and been referred to Court of Claims who will issue award and Congress will appropriate money and do study on it, then it will come to the Tribe. The Tribe will then program funds. Claim funds will start drawing interest when Congress makes appropriation.

RECESS: The meeting recessed at 3:40 p.m., and resumed at 4:00 p.m.

HOUSING BOARD OF COMMISSIONERS: Secretary Walker read resolution from Fort Berthold Housing Authority reappointing Laverne Fettif to the Board of Commissioners.

Councilman Yellow Bird moved to appoint Roy Bird Bear to the Fort Berthold Housing Authority Board of Commissioners. Second by Councilman Mason. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-121

The Secretary was asked to write letter to Laverne Fettig thanking her for her services while on the Board of Commissioners.

INSTITUTE OF AMERICAN INDIAN ART: The Institute of American Indian Art of Santa Fe, New Mexico, is going to be turned over to the All Indian Pueblo Council High School, and there is question about what will happen to the students attending IAIA. Students at IAIA would like the Three Affiliated Tribes support in remaining in Santa Fe and building a facility for the art school.

Councilman Yellow Bird moved to table request until further review and presented at the next Council meeting. Second by Councilman Mason. Vote: Eight (8) in favor, one (1) not voting, motion carried.

HELEN GOUGH SCHOLARSHIP: Mr. W. Ray Stewart, Mountrail County Superintendent of Schools, sent packet of materials relative to the Helen Gough Scholarship Foundation. The materials were distributed to Council members for information.

SALARIES: Secretary Walker read resolution regarding salaries for Council members. The resolution sets salary for Vice-Chairman at \$25,000 and salaries for Council members at \$18,585 with a travel allowance of \$100 per month.

Treasurer White moved for approval of resolution setting salaries for Council members at \$18,585 and salary for Vice-Chairman at \$25,000 with travel allowance of \$100 per month. Second by Councilman Eagle. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-122

TRAVEL/PER DIEM: Secretary Walker read resolution on travel and per diem for Council members. The resolution was tabled for amendments on actual expense incurred and meal allowance.

Secretary Walker read resolution regarding tribal representation on various organizations.

Treasurer White moved for approval of resolution authorizing payment of travel, per diem and lodging by the Tribe for tribal representation to NCAI, NTCA, and any workshops or conferences, and Council members belonging to Wahpeton Indian School Board, Pierre Indian Learning Center, ND Indian Affairs Commission, CERT, United Tribes, etc., will have travel and per diem paid for by these organizations. Second by Councilman Eagle. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-123

COMMUNITY MEETINGS: Secretary Walker read resolution on Council members attending community meetings. Council members now receive \$10 for attending community meetings and resolution authorizes mileage to Council members who attend community meetings other than their own district.

Councilman Mason moved for approval of resolution authorizing payment of mileage to Council members attending community meetings other than their own district and Council members shall not be paid for attending community meetings in their own district. Second by Councilman Yellow Bird. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-124



NEWS RELEASE: Hugh Baker said he got telephone call from Bismarck Tribune on U.S. vs. Montana, and he said he would tell them what the Tribe is doing. He reported on meeting he attended in Beulah concerning road project within and adjacent to the southern portion of the reservation in Twin Buttes. Resolution approving the road project was presented by Twin Buttes community but had to be approved by the Council and there was time line of thirty (30) days to go through process. He said the reason why county was interested was that federal money will be available for the road project.

LAND SALE: Secretary Walker read resolution on land sales.

Councilman Yellow Bird moved to authorize purchase of 1/11 undivided interest of Allotment 465A from Robert Fox at appraised price of \$6,718.18 from Judgement Funds. Second by Councilman Eagle. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-125

Councilman Yellow Bird moved to authorize purchase of 3/12 undivided interest of Allotment 137A, 40 acres, from Wayne White Bear at appraised price of \$4,700 from Judgement Funds. Second by Councilman Mason. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-126

Councilman Yellow Bird moved to authorize purchase of 4/12 undivided interest of Allotment 137A, 40 acres, from Elaine White Bear at appraised price of \$6,266.67 from Judgement Funds. Second by Councilman Eagle. Vote: Eight (8) in favor, one (1) not voting, motion carried.  
Resolution #81-127

TAXES: Resolution approving payment of taxes due, under protest, on all fee patent property and city lots acquired by the Three Affiliated Tribes was read.

Councilman Eagle moved to table resolution authorizing payment of all taxes due, under protest, on fee patent property and city lots acquired by the Tribe until Solicitor's opinion is received. Second by Councilman Yellow Bird. Vote: Eight (8) in favor, one (1) not voting, motion carried.

COMMUNITY MEETING: Secretary Walker read minutes of North Segment Community meeting held on April 14, 1981 with resolution passed by community granting \$5,140 to the Aging Services Program from Community Development Funds.

Councilman Eagle moved for approval of minutes along with request for \$5,140 to Aging Services Program with a clearer budget made to be approved by the Treasurer or Human Resources Committee and then presented to the Council. Second by Councilman Yellow Bird. Vote: Eight (8) in favor, one (1) not voting, motion carried.

It was pointed out that the cooks hired to cook meals for senior citizens should be on part time.

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ADJOURNMENT:       The meeting adjourned at 5:15 p.m.

  
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SECRETARY, TRIBAL BUSINESS COUNCIL

APPROVED: May 14, 1981