

REGULAR MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

CONFERENCE ROOM
TRIBAL BUILDING
MAY 14, 1981

PRESENT: Austin Gillette, Chairman; August Little Soldier, Vice-Chairman; Tillie Walker, Secretary, Gerald White, Treasurer; Roy Bird Bear, Nathan Paul Goodiron, Thomas Eagle, Willard Little Owl, Marie Wells, Willard Yellow Bird, Matthew Mason.

OTHER : Vance Gillette, Tribal Attorney; United States History Class of Mandaree; Wanda Sheppard, Hugh Baker, Natural Resource Dept. Administrator; Ray Cross, Consultant; Celeste Schettler, Alan McKay, Natural Resource Dept.; Ken Deane, Tribal Planner; Ed Danks, Eagle Nest Construction; Tom Schoppert, Attorney-at-Law; Louis Gwin, Calvin Drags Wolf, Glenn Perkins, Run for Unity; Clyde Brady, Sargeant-at-arms.

Chairman Gillette called the meeting to order at 10:40 a.m.

Roll Call: Quorum present.

MANDAREE CLASS: Chairman Gillette asked the students of Mandaree High School to introduce themselves and inform the Council members they were here to observe how business is carried on in the Tribal business Council.

MINUTES: Secretary Walker read minutes for each meeting.

Vice-Chairman Little Soldier moved for approval of March 17, 1981 Judiciary Committee minutes, with necessary corrections. Second by Treasurer White. Seven (7) in favor, motion carried.

Councilman Goodiron moved for approval of 4/1/81 Material Resource Committee minutes, with corrections. Second by Vice-Chairman Little Soldier. Seven (7) in favor, motion carried.

Councilman Little Owl arrived at 10:55 a.m.

Councilman Eagle moved to approve Special Meeting minutes of 4/6/81 with necessary corrections. Second by Vice-Chairman Little Soldier. Eight (8) in favor, motion carried.

Councilman Goodiron moved for approval of Special Meeting minutes of 4/17/81. Second by Treasurer White. Nine (9) in favor, motion carried.

Vice-Chairman Little Soldier moved for approval of Judiciary Committee minutes of 4/12/81 with necessary corrections. Second by Treasurer White. Nine (9) in favor, motion carried.

Chairman Gillette inquired about funds for positions of process server and assistant procesutor/clerk will be paid from, and to insert in minutes. The payments is from Fines & Costs and should be added to minutes.

REPORT: Secretary Walker reported on trip to Washington D.C. regarding renovation of Mandaree School. She said they met with Senator Burdick, Congressman Dorgan and Senator Andrew's staff about renovation of Mandaree School. The school was being placed back on priority list of Facility Improvement and Repair list for FY82 and possible for FY81.

TREASURER'S REPORT: Treasurer White presented revised budget for FY80 and budget for Tribal Business Council expenditures as of March 27, 1981, and he explained budgets to Council members. Concerns were expressed about budget summaries not being available since August, 1981.

RUN FOR UNITY: Glenn Perkins, Louis Gwin, and Calvin Drags Wolf were called on to speak. They explained they were planning Run for Unity to bring people together on Fort Berthold Reservation and wanted the support of the Tribal Council. They also wanted Tribal Council's support in feeding the people after the run at the Little Shell Pow-Wow grounds.

Vice-Chairman Little Soldier moved to help Run for Unity by providing a buffalo for the meal, assistance of DCPTI Community Coordinator and CHR provide help along run route. Second by Councilman Eagle. Nine (9) in favor, motion carried.

RECESS: Meeting recessed for lunch at 12 noon. Meeting reconvened at 1:40 p.m. Councilpersons Yellow Bird and Wells arrived at meeting at 1:40 p.m.

LAKE SAKAKAWEA: Ray Cross reported on benefits and risks of proposal plan for a joint Tribal-State Plan to both regulate non-Indian use of Lake Sakakawea resources and to increase the Tribe's managerial role in concerning fish, game and waterfowl resources was presented to the Council for their review and consideration. A lengthy discussion followed. He said State will require non-Indians who want to fish on Lake Sakakawea to get access permits to cross trust land plus State fishing licenses. The proceeds from access permits will go to the Tribe. Some Council members expressed concern for individually owned land because there will be problems of trespassing. Restricting and designating areas for fishing with access roads created for the purpose of permits was suggested by Hugh Baker, Natural Resources Administrator. Another suggestion was made to provide maps showing where they can fish and hand out pamphlets when issuing licenses and permits. Secretary Walker read resolution.

Councilman Yellow Bird moved to table resolution on joint Tribal-State Plan to regulate non-member use of Lake Sakakawea resources for further study. Second by Councilman Little Owl. Three (3) in favor, seven (7) opposed, motion defeated.

Councilman Eagle moved for approval of the joint Tribal-State Plan with further resolve that the Tribal Business Council authorizes the Natural Resources Department to tender proposed plan to the Attorney General of the State of North Dakota, and no agreement shall be effective without the approval of the Tribal Business Council. Second by Treasurer White. ROLL CALL VOTE: Little Soldier-yes; Bird Bear-abstained; Goodiron-yes; White-yes; Little Owl-no; Yellow Bird-no; Eagle-yes; Wells-yes; Walker-yes; and Chairman-yes. Seven (7) in favor, two (2) opposed, and one(1) abstention. Motion carried. RESOLUTION #81-133

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SUMMER LAW CLERK: Creating a law clerk position, hiring another attorney, and establishing a Tribal Law Office was discussed. Secretary Walker reported that Duane Bird Bear was interested in the Tribal Attorney position and will be available in April or May to consider. Diane Johnson is interested in the law-clerk position.

Secretary Walker moved to interview Duane Bird Bear for Tribal Attorney position at an early Date. Second by Councilman Eagle. Nine (9) in favor, one (1) not voting, motion carried.

CONSTITUTIONAL REVISION: Constitutional Revision was discussed and Tribal Attorney, Vance Gillette, said because of work load, he is unable to give his full attention to the constitutional revision and Tribal code. The work can start when another Tribal Attorney is hired. He also reported that somebody wanted to buy the Well Drilling Unit for \$125,000. If Tribe goes to court on drilling unit, it will be a year in federal court.

ATTORNEY FEES: Secretary Walker read resolution on Tribal Attorney Fees.

Vice-Chairman Little Soldier moved for approval of resolution regarding attorney fees to be paid to Vance Gillette in the amount of \$3,107.50 for services rendered Mary 9 to April 30, 1981. Second by Councilman Eagle. Nine (9) in favor, one (1) not voting, motion carried. RESOLUTION #81-134

2415 LAND CLAIMS PROGRAM: Secretary Walker read resolution presented by the Natural Resources Department regarding contracting with the BIA the Statute of Limitations 2415 Land Claims Program under 638.

Councilman Eagle moved for approval of resolution contracting the Statute of Limitations 2415 Land Claims Program for one year beginning 5/1/81 for \$30,000. Second by Treasurer White. Ten (10) in favor, motion carried. RESOLUTION #81-135

Chairman Gillette said Indirect Cost should be checked and included in the budget.

IMPROVED LEASE COMPLIANCE PROGRAM: Secretary Walker read resolution presented by Natural Resources Department regarding an Improved Lease Compliance Program proposal to be submitted to the Bureau for funding.

Treasurer White moved for approval of resolution presented on Improved Lease Compliance Program proposal in the amount of \$35,000 presented by the Natural Resources Department, second by Vice-Chairman Little Soldier. Ten (10) in favor, motion carried. RESOLUTION #81-136

Chairman Gillette said Indirect Cost should be included in this budget also.

BLOCK GRANT: Ken Deane, Tribal Planner was called on next. Secretary Walker read resolution presented by Planning Department for FY81 Community Development Block Grant. He reported that in the other proposal submitted, Housing Rehabilitation and street paving were approved by HUD, CDBG, and sewer project was ineligible.

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Councilman Yellow Bird moved for approval of resolution for application for FY81 Community Development Block Grant in the amount of \$196,000. Second by Vice-Chairman Little Soldier. Ten (10) in favor, motion carried. RESOLUTION #81-137

ANA GRANT: Secretary Walker read resolution on ANA Grant. It was decided that Council members will review proposal and decide whether to change it or leave it as is. Chairman Gillette commented he would like to see a Tribal newspaper started.

RECESS: Meeting recessed at 3:40 p.m. until 10:00 a.m. Friday, May 15, 1981.

RECONVENE: Meeting reconvened at 10:55 a.m. PRESENT: Austin Gillette, Chairman; August Little Soldier, Vice-Chairman; Tillie Walker, Secretary; Gerald White, Treasurer; Roy Bird Bear, Nathan P. Goodiron, Willard Little Owl, and Willard Yellow Bird. OTHERS: Vance Gillette, Tribal Attorney, Ed Danks, Eagle Nest Const., and Tom Schoppert, Attorney-at-Law.

Willard Little Owl arrived at 11:03 a.m.

MINUTES: Secretary Walker read minutes of each meeting.

Councilman Goodiron moved for approval of 4/8/81 Judiciary Committee minutes with corrections and additions. Second by Treasurer White. Seven (7) in favor, Chairman not voting, motion carried.

Councilman Goodiron moved for approval of 5/5/81 Special meeting minutes with corrections and additions. Second by Treasurer White. Eight (8) in favor

Chairman Gillette said minutes should include Bud Hall's request for payment for fencing Tribal Land, and budget for White Shield Community Development should be clarified. He also commented that on drafted resolution on Council members salaries, none of the Council members knew what was being rescinded.

NEWSPAPER: Chairman Gillette suggested providing money through a grant or revenue sharing for a Tribal newspaper, and to have a workshop or classes at Fort Berthold Community College. He requested ANA Grant be tabled until Ken Deane returns from leave, and to place it on agenda at next meeting. Announcement will be made for a special meeting to be held on May 22, 1981 to go over revision of Tribal Code and will start at 10:00 a.m.

FORT BERTHOLD REFINERY PROJECT: Letter written to Ed Gabriel of CERT Office in Washington, D.C. from Chairman Gillette was read by Secretary Walker concerning Ft. Berthold Refinery Project, for Council approval.

Treasurer White moved for approval of letter to be sent to Ed Gabriel of CERT Office concerning Ft. Berthold Refinery Project. Second by Councilman Goodiron. Eight (8) in favor, motion carried.

NATIONAL COUNCIL ON AGING: Secretary Walker read letter from National Council on Aging requesting nomination from Fort Berthold.

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Secretary Walker moved to nominate Lawrence Birdsbill to the National Council on Aging with August Little Soldier as alternate. Second by Councilman Bird Bear. Nine (9) in favor, motion carried.

BRINE WATER DISPOSAL WELL: A business development lease of a brine water disposal well was presented by Eagle Nest Construction to be established on Tribal land located in McKenzie County. A lengthy discussion followed and concern was expressed about minerals and minerals owners and the damage it could do to the minerals. CERT Office said a work plan should be developed on environmental concerns, and when they submit to USGS, they have to comply. There is a provision in the agreement that they are subject to Tribal regulations, so some laws on environmental controls should be passed. Advantage of agreement was that there will be employment for Indians. Secretary Walker read lease.

RECESS: Meeting recessed for lunch 12 noon. Reconvened at 1:50 p.m. Vice-Chairman August Little Soldier left meeting at 12 noon.

DISPOSAL WELL LEASE CONTINUED: Council members wanted a clause included in agreement about Eagle Nest, Inc., notifying all parties concerned and another was that Eagle Nest, Inc. be responsible for any damages to the minerals, and there will be no transfer of minerals. Ed Danks of Eagle Nest, Inc., reported they do file a collective bond with the Bureau for any damages. Tom Schoppert said they will give list of people contacted to the Council and clauses will be inserted in agreement.

Councilman Yellow Bird moved to approve business development lease of a brine water disposal well to be established by Eagle Nest Construction on Tribal land located in McKenzie County, with clauses added: Eagle Nest will notify all parties concerned, be responsible to the mineral owners for any damages to the minerals, and there will be no transfer of minerals. Second by Treasurer White. Seven (7) in favor, one not voting. Motion carried. RESOLUTION #81-138

CHER-KOTA BURIAL INSURANCE: Secretary Walker read letter from Cher-Kota Insurance Agency of Rapid City, South Dakota on burial insurance. They stated several alternatives to the insurance program and options were based on 3,000 tribal members to be covered.

Secretary Walker moved to have Treasurer White appoint a committee to review burial insurance and to come back to Council with recommendations, second by Councilman Little Owl. Seven (7) in favor, motion carried.

CHER-KOTA CREDIT LIFE INSURANCE: Secretary Walker read letter to Gerald White, Tribal Council Treasurer, concerning credit life insurance from Cher-Kota president. The Credit Committee was requested to review credit life insurance program and make recommendations to the Council.

COUNCIL SALARIES: Secretary Walker read resolution on salaries of Council members. Council salaries were approved by Resolution #80-203 on October 15, 1980. Tribal Council passed a resolution #81-122 on 4/17/81 authorizing Council salaries, and another resolution was passed on May 5, 1981 by a vote of four in favor, three opposed, and one abstention rescinding salaries for Council members.

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Treasurer White moved for approval of resolution reinstating the payment schedule for the full Tribal Council as approved of 10/15/80 for FY81, second by Councilman Yellow Bird. Seven (7) in favor, motion carried. RESOLUTION #81-139

Vance Gillette, Tribal Attorney informed the Council members who are on stipends that they will be responsible for their own taxes.

UNEMPLOYMENT TAXES: Secretary Walker read resolution authorizing payment unemployment taxes due to the Job Service of North Dakota because previous payroll clerk failed to make timely payments.

Councilman Goodiron moved to authorize payment of \$5,148.52 to Job Service of North Dakota for penalties and interest due for late payments of unemployment taxes to be paid from Tribal T/2 account. Second by Councilman Little Owl. Six (6) in favor, one (1) abstaining, motion carried. RESOLUTION 381-140

TRAVEL/PER DIEM: Secretary read resolution regarding travel and per diem for Tribal Council members.

Treasurer White moved to approve payment on travel and per diem to Council members at (1) actual cost of hotel/motel room with verification by telephone on cost of room, (2) meal allowance shall not exceed \$25.00 per day, and (3) receipts will be required upon return from travel for reimbursement or it will be deducted from their payroll, second by Secretary Walker. Seven (7) in favor, motion carried. RESOLUTION #81-141

SUMMER LAW CLERK: Secretary Walker read resolution to authorize hiring Diane Johnson as summer law clerk. She will need scholarship assistance for tuition during summer session at Denver University Law School.

Secretary Walker moved to hire Diane Johnson as summer law clerk at a rate of \$1,000 per month stipend, amend graduate scholarship limit of \$1,000 and authorize Chairman and Treasurer to award scholarship to meet need of qualified applicants, second by Councilman Yellow Bird. Seven (7) in favor, motion carried. RESOLUTION #81-142

ATTORNEY FEES: Secretary Walker read resolution authorizing payment to John Holm for services and expenses in the appeal of Fredericks v. Mandel, et al.

Councilman Goodiron moved to authorize payment of \$1,038.77 to John Holm for services and expenses in the appeal of Fredericks v. Mandel et al. Second by Councilman Yellow Bird.

Discussion followed on condemnation of Pete Fredericks' land for the road to Mossett family home.

Councilman Yellow Bird said he wanted to stay neutral on the issue and withdrew his second. Motion was seconded by Treasurer White. Five (5) in favor, two (2) abstaining, motion carried. RESOLUTION #81-143

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ATTORNEY FEES: Secretary Walker read resolution authorizing payment to Wilkinson, Cragun & Barker for legal services for the month of March 1981.

Councilman Goodiron moved to authorize payment of \$ 2,420.92 to Wilkinson, Cragun & Barker for legal services for the month of 3/81, second by Councilman Yellow Bird. Seven (7) in favor, one (1) not voting, motion carried. RESOLUTION #81-144

TERO OFFICE: Secretary Walker read resolution regarding TERO office amending #80-135, Number 7, 7(a) & 7(b). Chairman Gillette said before the ordinances are enacted, Council can review them on 5/22/81 at a Special Meeting after review by the Judiciary Committee. The resolution was tabled for further review.

SUMMER HOURS: Secretary Walker read memorandum from BIA Office setting summer hours.

Treasurer White moved to approve summer hours for employees same as BIA Office for the summer, effective 5/18/81 from 8:00 a.m. to 12:00 noon and 12:30 p.m. to 4:30 p.m. and to remain in effect until 8/28/81, second by Councilman Goodiron. Seven (7) in favor, motion carried.

SOCIAL WORK PROGRAM: Secretary Walker read letter from the Social Work Program at Minot State College requesting field experience for entry level social work practice relative to American Indian situations. If approved, there will be four social work students working with various human services providers on the reservation.

Councilman Goodiron moved to approve placement of four (4) social work students from Minot State College with various human services providers on the Fort Berthold Reservation, to write to them of approval, and that Tribal Council would like to see any papers or material pertaining to work experience here, second by Treasurer White. Seven (7) in favor, motion carried.

The students will be invited to the next Regular Meeting on June 11, 1981. If any material is written on the student's experience, the Council is to be informed.

OTHER BUSINESS: A reported will be here in June from "Bismarck Tribune" to do a series on the reservation. There will be four series done.

Councilman Goodiron reported Zuni Black Feather was concerned that the contract with Eagle Nest, Inc. was for all this type of work on the reservation. He also reported Rosalie Bird Bear had to pay additional taxes because the staff in her previous job did not give her W-2 form. The Secretary was asked to draft resolution to have jail condemned and have a new facility built.

Councilman Goodiron moved that he and Councilman Yellow Bird be authorized to sign documents on behalf of the Three Affiliated Tribes, second by Councilman Little Owl. No vote was taken on the motion. Councilman Goodiron was informed the Constitution lists authorized signatures.

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ADJOURNMENT: Meeting adjourned at 4:25 p.m.

Bill Haller
Secretary, Tribal Business Council

Approved: June 18, 1981.