

REGULAR MEETING  
TRIBAL BUSINESS COUNCIL  
THREE AFFILIATED TRIBES

CONFERENCE ROOM  
TRIBAL BUILDING  
DECEMBER 10, 1981

PRESENT: AUSTIN GILLETTE, CHAIRMAN; AUGUST LITTLE SOLDIER, VICE-CHAIRMAN;  
TILLIE WALKER, SECRETARY; GERALD WHITE, TREASURER; ROY BIRD BEAR,  
THOMAS EAGLE, JR., NATHAN PAUL GOODIRON, WILLARD LITTLE OWL,  
MATTHEW MASON, MARIE D. WELLS.

ABSENT : WILLARD YELLOW BIRD, SR.

OTHERS : VANCE GILLETTE, TRIBAL ATTORNEY; LUCILLE ECHOHAWK, CONLEY RICKER,  
AMERICAN INDIAN NATIONAL BANK; JOHN FOX, JR., TRIBAL COMPTROLLER;  
STEVE BURNS, TERRY KELLER, DAKOTA NORTHWESTERN BANK OF BISMARCK;  
MARY L. STANTON, PHS SERVICE UNIT DIRECTOR; ANGELITA PRIMEAUX,  
BIA SUPERINTENDENT OF EDUCATION; JOHN CHARGING, TERO DIRECTOR;  
VIVIAN PANKEY, SAM COOPER, WESLEY STEARNS, BIG SKY MUD, INC;  
LOUIE GWINN, EDMUND WHITE BEAR, CHARLES ROSS, JOHN BRAVE,  
TOM BLUESTONE, ROSE CROW FLIES HIGH, DELORES SAND, IVAN YOUNG BEAR.

Chairman Gillette called the meeting to order at 10:15 a.m.  
Roll call, quorum present.

MINUTES: Secretary Walker read minutes to each meeting.

Councilman Goodiron moved for approval of Judiciary Committee Minutes  
of September 15, 22, and 29; November 24, December 4, 8, 1981, with  
corrections. Second by Vice-Chairman Little Soldier. VOTE: Nine  
(9) in favor, motion carried.

Councilman Mason moved for approval of September 13, 1981, Natural  
Resources Committee Minutes. Second by Councilman Goodiron.  
VOTE: Nine (9) in favor, motion carried.

AMERICAN INDIAN NATIONAL BANK: Ms. Lucille Echohawk and Mr. Conley Ricker were  
introduced to the Council. Mr. Ricker said  
Ms. Echohawk was his associate and member of the Board who joined them from CERT.

Mr. Ricker said they are here to discuss the banking services the American Indian  
National Bank can provide to tribes, and to review the financial conditions and  
capabilities. He said the bank was Indian-owned and chartered for the purpose of  
providing assistance to tribes for economic development and self-sufficiency.  
Major stockholders are tribes, and CERT is one of the largest depositors. The bank  
was begun in 1973, and when new management took over in 1978, they had to establish  
the bank on second financial conditions. They have not paid dividends to shareholders  
yet because under federal law, they have to earn back money that prior management  
lost, but they can now loan up to \$250,000. Their prime lending rate is 12½%, with  
long-term rates around 13-14%. When asked if they could make loans to individuals,  
the reply was no, that tribal enterprises were their goal. He said some tribes have  
a credit union where members can make loans.

Councilman Mason asked if this Tribe could make a loan for land purchase as it is a priority with us. Mr. Ricker said they would be able to do that because it is collateral, and they could make out a payment schedule. Councilman Mason requested him to write more information and send it to the Council. Chairman Gillette said there were about 20 members operating under FmHA and some of them are getting fore-closed. In some cases, their land was put up for auction.

Mr. Ricker said the Tribe could put Revenue Sharing money in their bank and make loans on it. They can also secure loans through IHS letter of credit, program grants, and contracts with the BIA. He will be sending information to the Council on the matter and the Council can make a decision.

RECESS: The meeting recessed at 12:05 p.m. Reconvened at 1:00 p.m.  
Councilman Bird Bear did not return. Nine (9) present.

TREASURER'S REPORT: The next item on the agenda was the Treasurer's Report. John Fox, Jr., Tribal Comptroller, was called into the meeting. He gave report on different accounts, how much was expended, etc. He was asked why some employees were cut in salary when budgets for FY-82 were made, and why some employees have not received their 7% increases. Chairman Gillette said budgets have to be revised. Secretary Walker said when the Council approved budgets, employees should have received their 7% increases. The Council decided to go over budgets again tomorrow.

TRIBAL LEGAL DEPARTMENT: Vance Gillette, Tribal Attorney, asked what money was available for the proposed legal department and requested a budget. He said the In-house attorney position was advertised last week and asked where funding was coming from to hire another attorney. He brought up activities that needed attention and presented goals and objectives. A lengthy discussion followed and Chairman Gillette requested Treasurer White and Attorney Gillette to draft budget for the Legal Department.

NARF CONTRACT: Attorney Gillette asked if the Tribe has decided to contract with NARF. If so, the Tribe would have to decide what areas and how much they will pay. He said one area was agreement North Dakota State Water Commission wants with the Tribe. He said the State Water Commission wants the Tribe to donate land to them, give control to the State and pay for the water on the proposed pipeline. Attorney Gillette said one of the goals and objectives would be to develop strategy on tribal water rights. The State Water Commission set a deadline for the Tribe to respond and said the Tribe has not responded yet. Chairman Gillette said there was resolution passed on the matter and said a letter will be sent to them for the record that the Tribe has responded.

TERO ORDINANCE: The TERO Ordinance revised by Wilkinson, Cragun & Barker was read by Secretary Walker. Attorney Gillette said it only extends to trust land and Mr. Hobbs recommended establishing a commission to review, issue investigations and certify companies apply for Indian preference for work on the reservation. John Charging, TERO Director, was present and said he felt this revised ordinance was better, especially about the Commission.

Attorney Gillette asked if the Council had any suggested amendments. Mr. Charging said when they try to get people hired or secure contracts with oil companies on rig sites located on fee patent land, they say the Tribe has no jurisdiction, but through access permits, they can be required to have permit to do business on the reservation.

Expanding access permits, not only for motor carriers, but for other businesses was discussed. Secretary Walker said she spoke with Mr. Hobbs last week on access permits, and one of his concerns was that it was going to take a lot of money. He felt to get started, it would be better to go simplified.

The Council recommended passing the revised TERO Ordinance with amendment of changing boundaries to include all lands within the boundaries of the Fort Berthold Reservation, and having Attorney Gillette do further research on access permits.

The TERO Ordinance, with amendment, will be presented tomorrow for Council action. Attorney Gillette recommended letting NARF research the ordinance.

DAKOTA NORTHWESTERN BANK: The Dakota Northwestern Bank of Bismarck representatives, Mr. Steve Burns and Mr. Terry Keller, were called on. Mr. Burns said the bank was affiliated with one in Minneapolis, Minnesota, with assets of \$14 billion and 4,000 employees, with banks in North Dakota, South Dakota, Montana, Minnesota, Nebraska, and Iowa.

Mr. Burns said he met with Mr. Dave Gipp, UTETC Director, on a cash management system, and Mr. Gipp thought all tribes should be informed about it. Since then, they have been invited for presentations at Standing Rock and Fort Totten. Standing Rock's Community College decided to switch their banking to Dakota Northwestern.

Mr. Burns said he is aware of the American Indian National Bank, their functions and lending lines. He said their approach is to have you bank with them, and they will take your deposits, handle checking and invest those deposits with their revenue which will help them operate as a bank. Dakota Northwestern will invest the Tribes investments for the Tribes profit. He said Dakota Northwestern is not interested in making money off investments. When asked how Dakota Northwestern makes money, Mr. Burns replied there is fee charged and amount of fee determined by account activities.

Dakota Northwestern could analyze the Tribe's bank statements and show what it might have earned during a 12 month period. The Tribe could then decide what to do next.

Mr. Burns explained overnight reservation agreements and said the Tribe should not close books and leave funds idle overnight. The funds can be invested during weekends and returned to the Tribe's account on Monday morning.

The Council held discussion on Dakota Northwestern's presentation.

Councilman Goodiron moved to authorize John Fox, Tribal Comptroller, to work with Steve Burns, Dakota Northwestern, to research possibility of Tribe's banking with Dakota Northwestern. Second by Treasurer White.  
VOTE: Nine (9) in favor, motion carried.

BIG SKY MUD, INC.: Big Sky Mud, Inc. application for certification from the Tribe as an Indian-owned company for the purpose of Indian preference was reviewed. Ms. Vivian Pankey, Mr. Sam Cooper, and Mr. Wes Stearns were present in behalf of Big Sky Mud. A few weeks ago, Big Sky Mud, with Mrs. Thelma Stearns as 52% owner of the company, came before the Council for certification. Vivian Pankey, TERO Compliance Officer at that time, was present in behalf of Big Sky Mud. Today, Ms. Pankey said she is president of the company and owns and controls 52% of Big Sky Mud. She was asked how long it took Big Sky Mud to be reincorporate, such as they did. She replied they sold stock by shares.

John Charging said Big Sky Mud had approached Fort Peck Reservation for certification. Ms. Pankey was asked if Big Sky Mud was granted certification, and reply was no. Mr. Charging said further investigation needs to be done before certification. He expressed concern for TERO in future certifications.

Secretary Walker asked John Charging if TERO has criteria to base companies on. Mr. Charging replied there was criteria. Attorney Gillette said Mr. Charging has valid question as to the ownership of Big Sky Mud and the test was whether objective standards have been met. Attorney Gillette said whatever criteria TERO is using should be made clear to Big Sky Mud in order that they may comply and respond. The Council decided to place Big Sky Mud on Agenda for December 17, Special Meeting.

IHS BUDGET: Ms. Mary Stanton, PHS Service Unit Director, reported on IHS's budget for FY-82. There are reductions in the budget and Aberdeen Area has asked the service unit to respond on its plan in case there is a 10% reduction. It also needs tribal input.

The budget for FY-81 was \$586,900. A 10% reduction would be \$528,210. She said lapsing the physician position in Twin Buttes would do it. Another option would be to return one GSA vehicle, lapse the physician position for 6 months, not allow any overtime or travel, and monitor long distance calls. But, this would only meet \$36,000. She was asked why 2 pharmacists are needed. She said it was because of the patient load. She reported the physician position was advertised and closed in October and there was only one applicant. She recommended sending it back to Aberdeen to solicit more applications.

Chairman Gillette asked status of college students. Ms. Stanton said these were paid out of Aberdeen. Students who have never resided on the reservation cannot get services because of IHS regulations. This would have to be initiated by resolution. Also, she said Bismarck is not in this service unit area and this would also need resolution to change it.

Ms. Stanton gave information on applicant for the physician position. Mr. Terrance North from Oxford Wisconsin, has applied. He is a certified PA and is experienced.

After discussion, the Council decided to go with Ms. Stanton's recommendation to lapse the physician position in Twin Buttes, in case there is a 10% reduction. Also, to request the Aberdeen Area to solicit for more applications for the position. People in Twin Buttes are authorized to go to Hazen for service.

RECESS: The meeting recessed at 3:40 p.m. Reconvened at 4:00 p.m.  
Vice-Chairman Little Soldier left the meeting.

IVAN YOUNG BEAR: Mr. Ivan Young Bear was called on. He said he had woodcarving for sale and asked if the Council is interested in purchasing. Chairman Gillette asked the wish of the Council. No motion was made to purchase.

REVISED JUDGEMENT PLAN: Secretary Walker read the revised Judgement Disbursement Plan. The program allocation of the 20% portion was discussed. The Council recommended changing Tribal Communications to 7.5% and raising Alcoholism to 7.5%.

Mr. John Brave spoke in support of Plan B, the 80/20 plan. He asked why the Council wanted a radio station. Chairman Gillette responded that a survey was conducted on the reservation asking if the people wanted a radio station, and 99% were in favor of one.

Plan B, the 80/20 plan, was read by Secretary Walker. Plan B contains the same programs as Plan A, the investment plan.

Chairman Gillette entertained motion to approve Plan A and Plan B, with minor changes of 7.5% for Alcoholism Program and 7.5% for Tribal Communications, and to hold referendum vote on the two plans on January 25, 1982. Treasurer White moved for approval. Second by Councilwoman Wells. ROLL CALL VOTE: Walker, Yes; Mason, Yes; Wells, Yes; Eagle, Yes; Little Owl, No; White, Yes; Goodiron, No; Chairman, Yes. Six (6) in favor, two (2) opposed, motion carried.  
Resolution #81-251

ADJOURNMENT: The meeting adjourned at 4:55 p.m.

  
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SECRETARY, TRIBAL BUSINESS COUNCIL

APPROVED: April 8, 1982.