

SPECIAL MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

CONFERENCE ROOM
TRIBAL BUILDING
December 13, 1982

PRESENT: Chairman Alyce Spotted Bear, Dennis Huber, Treasurer, Ernest Stone, Pete Coffey, Donald Malnourie, Tillie Walker, Vice-Chairman; Marie Wells, Matthew Mason, Secretary; Paul Good Iron.

ABSENT: Roy Bird Bear, Gerald White

OTHERS: Orlin Smith, Theodora Vigen, Buddine Stewart, Wade White Body, Christine Mann, Veronica Baker, Coleen Beaks, Calvin Stone, Delores Sand, Clyde Brady, Sargeant-at-arms.

The meeting was called to order at 1:53 PM. Roll call, quorum present.

Theodora Vigen said an opening prayer.

Ms. Wells stated Mr. White had an emergency and went to Garrison Hospital.

GAMBLING ORDINANCE: Chairman Spotted Bear explained the gambling ordinance which was being proposed for the Four Bears Motor Lodge. The ordinance is to regulate gambling, license certain forms of gambling and to license establishments within the Fort Berthold Reservation. Mr. Kip Quale, Tribes Legal Department, was called in to explain the ordinance that was distributed. Mr. Quale went over the ordinance item by item explaining each section.

Roy Bird Bear and Titus Hall came in at 2:05 PM.

Mr. Quale explained this was tabled before because of a referendum that was before the State to do away with all forms of gambling the outcome which would have affected the Tribes. Mr. Quale stated the draft was in its preliminary stages. Vance Gillette had first drafted it, Mr. Quale reviewed it and made a few changes and some supplements. He stated he would have to have more time to research the laws so if the Tribe wanted to adopt the draft there would be no attacks from the State or Federal Courts. He suggested the Tribal Council to adopt an interim gambling ordinance so the Four Bears could begin acquiring equipment and attracting tourists which it badly needed. There was further discussion about the business attraction to Four Bears Motor Lodge, the revenue received from this and how it would be distributed and what should the Tribes expect.

MOTION was made by Paul Good Iron to table this until the final version was completed. SECONDED by Roy Bird Bear.

REMARKS: Mr. Huber inquired of Four Bears wanting sometime passed informally so they could start acting on this before December 25. Mr. Quale informed their only source of income was the care and lounge at present. Mr. Huber asked Mr. Quale if he could have the final version in by next week.

VOTE: all in favor, MOTION CARRIED.

UTETC: Chairman Spotted Bear read a resolution pertaining to the delegation appointment to the United Tribes Employment Training Center Board of Directors.

MOTION was made by Paul Good Iron to accept the resolution (#82-16-S).
SECONDED by Roy Bird Bear.

REMARKS: None. VOTE: all in favor, MOTION CARRIED.

HOUSING AUTHORITY BOARD: Chairman Spotted Bear read the resolution appointing Board members to the Fort Berthold Housing Authority Board. She explained Joe Deane, Jr.'s appointment because of his past experience with the Board. Mr. Huber's appointment was due to the fact that Twin Buttes area had no representation since John Stone left and Ms. Mary Schoppert because of her past working relationship with HUD and knowledge of rules and regulations. A brief discussion followed regarding any councilmen serving on such a board.

MOTION was made by Dennis Huber to approve the resolution (#82-17-S).
SECONDED by Roy Bird Bear.

REMARKS: None. VOTE: 7 in favor, 4 opposed, MOTION CARRIED.

STATE REVENUE FOR

WHITE SHIELD & MANDAREE SCHOOLS: Chairman Spotted Bear explained the reasons, Dr. Angelita Felix returned the former resolutions. The resolutions according to Jim Davis had specified figures given the average pupil costs in the areas of White Shield and Twin Buttes and Mandaree combined. Mr. Davis thought these would be detrimental if presented to the State in their present form. He suggested rewriting the resolutions without the figures, and the two resolutions now presented were as he requested.

MOTION was made by Tillie Walker to accept the resolution concerning State Revenues for Mandaree and Twin Buttes, SECONDED by Paul Good Iron.

REMARKS: Ms. Wells asked if they should rescind the former resolution. Ms. Walker amended her MOTION to include the rescission of Resolution #82-165. SECONDED by Paul Good Iron. VOTE: all in favor, MOTION CARRIED. (#82-18-S)

MOTION was made by Marie Wells to rescind Resolution #82-166 and to approve Resolution (#82-19-S) for White Shield. SECONDED by Gerald White.

REMARKS: None. VOTE: all in favor, MOTION CARRIED.

INVESTMENT OF MONIES: Chairman Spotted Bear explained the investment of monies that was brought up at the Regular meeting of December 9, 1982.

Mr. Good Iron questioned if this was tribal or program monies. Mr. Huber replied both. Discussion followed regarding if this was possible with some program monies. The resolution was presented at this time.

MOTION was made by Paul Good Iron to approve the resolution (#82-20-S),
SECONDED by Dennis Huber.

REMARKS: Mr. Coffey questioned if it was possible to get in trouble with some of these investments if the monies are not to be invested. Discussion

followed on how to avoid this possibility, and it was suggested that Mr. Dennis Maddox make up a list of Tribal monies, grants and program monies that are investable with the amount and present it to the Treasurer. Ms. Walker asked if Mr. Good Iron could amend his MOTION to indicate that. The amendment to the Resolution was to say "BE IT FURTHER RESOLVED, that tribal funds, grants and contracts on which investment are allowable be the invested monies covered under this Resolution." Mr. Good Iron amended his MOTION to include that; SECONDED by Dennis Huber. VOTE: all in favor, MOTION CARRIED

PESTICIDE CODE & CERTIFICATION

PLAN RESOLUTION:

Chairman Spotted Bear read a resolution pertaining to a certification plan and pesticide code for the Fort Berthold Reservation. Ms. Spotted Bear referred to a copy which all the councilmen received.

MOTION was made by Paul Good Iron to approve the resolution (#82-21-S) as read. SECONDED by Marie Wells.

REMARKS: Mr. Coffey questioned the exact function of the Tribal Rangers in monitoring this enforcement. It was explained that they would go around and check fields and see what is being used. Chairman Spotted Bear emphasized the importance of having control on the Reservation. Mr. Rich Schilf was called in and he explained that the Tribal Legal Department had reviewed this and that the process is to get a permit from the Tribe which also included crop-dusting. To not abide by these laws could mean revoking licenses with the possibility of even losing State license. VOTE: all in favor, MOTION CARRIED.

ALCOHOL AWARENESS WEEK: Chairman Spotted Bear read the proposed resolution declaring one week in January Alcohol and Drug Abuse week by the Tribal Council.

MOTION was made by Gerald White to approve Resolution (#82-22-S). SECONDED by Paul Good Iron.

REMARKS: Ms. Wells read a letter dated December 7, 1982, which she thought should be right behind the resolution and suggested Mr. Coffey enforce the drug abuse by presenting it to his Judiciary Committee. The letter was regarding to a new form of acid being sold which did not require oral consumption but in a form of a tattoo which could easily be applied to young grade schoolers by upper class students without their knowledge. VOTE: all in favor, MOTION CARRIED.

TRIBAL ATTORNEY: Chairman Spotted Bear read a resolution regarding the employment of Mr. Duane Bird Bear to the legal staff with the Tribal Legal Dept.

MOTION was made by Marie Wells to approve resolution (#82-23-S). SECONDED by Tillie Walker.

REMARKS: Mr. White questioned if he would accept it and he was assured Mr. Bird Bear would. Mr. Good Iron asked that since the monies are from

ANA would they have to advertise the position. Ms. Walker said she understood that it was the contract that Vance Gillette formerly had that Mr. Bird Bear was replacing. VOTE: all in favor, MOTION CARRIED.

JERRY R. BIRDSBILL FORD: Ms. Ford had written a letter to the Tribal Council wishing to reclaim some farming land that she lost when the road in Shell Creek was built in 1950. Mr. Coffey informed that the BIA intends to do further construction on that road in the future and according to Material Resource Committee, Mr. Lindgren was informed and notified of this claim.

MOTION was made by Marie Wells to proceed by resolution (#82-24-S) and grant her request to move the road closer to the west fence so she may reclaim some farmland back. SECONDED by Tillie Walker.

REMARKS: Ms. Wells suggested the Secretary give her a call and tell her to proceed with her claim under 2415. VOTE: all in favor, MOTION CARRIED.

2415 CLAIMS: There was a discussion regarding the Public Law 96-217, 28 USCA 2415 claims for damages which affects a lot of people on the Reservation who are aware of such a claim. The deadline for filing your claim is December 31, 1982. It was explained that some of these claims may cost less than the actual attorney fees for filing.

MOTION was made by Tillie Walker to have the Tribal Business Council move forward in filing the 2415 claims on behalf of the Reservation and do whatever is necessary to get them in the court including the cost of legal services. SECONDED by Marie Wells.

REMARKS: Ms. Barbara Lindley explained how these claims were first worked on by her office and that since this publication, the responsibility of handling these claims have fallen back on her. She stated she talked to James Fitzsimmons who was doubtful that the claims could be filed in Federal Court on such short notice. Chairman Spotted Bear delegated the authority to Ms. Lindley to send another telegram reiterating the first one her office already sent. She was to also call Senator Burdicks' office and check on the claims. VOTE: all in favor, MOTION CARRIED.

LITTLE SHELL LIVESTOCK ASS'N: Chairman Spotted Bear read the resolution regarding the Little Shell Livestock Association establishing it as a legal entity eligible to receive grant funding. Also, as an Indian Association is authorized to seek allocation for Range Units #19 and #40. Discussion followed about the cancellation of the range units that are presently held by non-Indian ranchers. Mr. Brocke explained negotiations are possible with the non-Indian ranchers to give them other range units.

MOTION was made by Marie Wells to approve the resolution (#82-25-S) beginning November 1, 1983 and to negotiate with the non-Indian ranchers between now and then. SECONDED by Paul Good Iron.

REMARKS: There was a discussion regarding the resolution and what the next resolution proposed. Mr. Good Iron withdrew his SECOND and Ms. Wells amended her MOTION to adopt the resolution establishing the Association as a legal entity. SECONDED by Tillie Walker. VOTE: 10 in favor, 1 opposed, MOTION CARRIED.

The second resolution was read pertaining to the cancellation of range units that the Association needed to begin operations.

MOTION was made by Tillie Walker to approve the resolution (#82-26-S),
SECONDED by Paul Good Iron.

REMARKS: Mr. Huber asked if this was for November 1, 1982, or as soon as the BIA could negotiate. He also asked if the BIA was unable to negotiate what happens. It was explained that if this was the case, then it would be up to the landowners after the leases have expired. VOTE: 10 in favor, 1 opposed, MOTION CARRIED.

NATURAL RESOURCE

FISH & GAME:

A resolution was presented asking the Tribal Council support in requesting additional monies from the Bureau of Indian Affairs. The need was outlined in the areas of communication equipment, recreation area improvements and census and habitat development.

MOTION was made by Paul Good Iron to approve the resolution (#82-27-S).
SECONDED by Gerald White.

REMARKS: None. VOTE: all in favor, MOTION CARRIED.

BREAD ADMINISTRATOR: Resume's were circulated for the Council members to review for the position of BREAD Administrator. Chairman Spotted Bear informed \$31,000 was received from ANA/SEDS for this position. Chairman Spotted Bear explained the first selection would be for the administrator and the second vote will be for the alternate. The ballots were handed out and collected with the voting going with 6 votes for James Bluestone and 5 votes for Thelma Stiffarm.

MOTION was made by Tillie Walker that James Bluestone start the next day and that he negotiate his salary with the Executive Committee. SECONDED by Paul Good Iron.

REMARKS: None. VOTE: all in favor, MOTION CARRIED.

Chairman Spotted Bear entertained a MOTION to appoint Thelma Stiffarm as the alternate. Ms. Walker read Resolution 79-43 regarding the employment of people from our Reservation. Chairman Spotted Bear replied although this was passed it has not always been followed by the Tribal Council.

MOTION was made by Matthew Mason to appoint Thelma Stiffarm as the alternate
SECONDED by Ernest Stone.

REMARKS: Ms. Wells expressed that she didn't think this was fair to some of the enrolled members who applied. VOTE: 6 in favor, 5 opposed, MOTION CARRIED.

BUSINESS DEVELOPMENT

RESEARCH SPECIALIST:

There were 12 applications for this position. Ballots were handed out and the result of the voting was 9 votes for Mike Cross and 2 votes for Claryca Mandan. Another voting for an alternate took place resulting with 5 votes for Claryca Mandan, 2 votes for Evalon Crows Heart, and 4 votes for Wilhelmina Stewart.

GASOLINE TAX: Mr. Huber explained a bill that is presently being introduced by Bill Baker, Senate Bill 30-44 which will increase gasoline tax by 5¢ which will increase the revenues. Some of these revenues will be used to rebuild highways, bridges and transit systems throughout the country including the Reservations. Chairman Spotted Bear entertained a motion to draw up a resolution in support of the bill and send it on.

MOTION was made by Marie Wells to draw a resolution in support of this gasoline tax. SECONDED by Pete Coffey.

REMARKS: None. VOTE: 8 in favor, 2 abstaining. MOTION CARRIED.

HUNTING SEASON: Mr. Good Iron brought up the issue of another hunting season that would start on December 18, 1982 and end December 25, 1982.

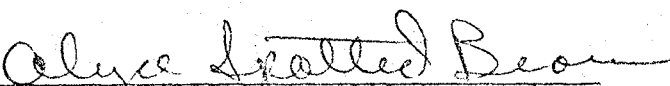
MOTION was made by Paul Good Iron to open another hunting season from the 18th to the 25th of December 1982.

REMARKS: Mr. Mason asked if Mr. Good Iron could amend his motion to allow only the needy to purchase licenses due to the State still objecting the last season. Mr. Good Iron said he would amend his MOTION to include this would be only for the needy families. Mr. Coffey questioned why was the State always involved and it was explained because of the shoreline jurisdiction of Corp of Engineers and a 25 year lease on hunting and fishing. Other discussion followed and Mr. Good Iron withdrew his MOTION due to lack of interest. The MOTION was made again by Matthew Mason to open the hunting season from December 18 - 25, 1982 with licenses to be purchased only by the needy families. SECONDED by Pete Coffey. VOTE: 10 in favor, 1 abstaining, MOTION CARRIED.

ADJOURNMENT: Chairman Spotted Bear reminded the council members of orientation meetings that were scheduled for the following week and stated the next full council meeting will be December 30, 1982. Meeting adjourned at 5:08 PM.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL

APPROVED: 1-13-83
DATE