

REGULAR MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

CONFERENCE ROOM
TRIBAL BUILDING
JANUARY 13, 1983

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

ABSENT: None.

OTHERS: Rose Crow Flies High, Robert Bell, Calvin Stone, Wesley Plenty Chief, Frank Fox, Jr., Hugh Baker, Natural Resource Administrator; Kip Quale, In-House Attorney; Dennis Maddox, Tribal Comptroller.

Roll Call, Quorum Present.

MINUTES: The minutes of the Regular Meeting on December 9, 1982 were read by Secretary Mason.

MOTION was made by Paul Good Iron to approve with corrections,
SECONDED by Gerald White.

REMARKS: None. (No corrections), VOTE: 9 in favor, 2 not voting,
MOTION CARRIED.

The minutes of the Special Meeting on December 13, 1982, were read by Secretary Mason.

MOTION was made by Paul Good Iron to approve with corrections,
SECONDED by Pete Coffey.

REMARKS: Under sub-title STATE REVENUE ON WHITE SHIELD & MANDAREE SCHOOLS: Ms. Walker corrected Dr. Dickens to read Dr. Felix. Under sub-title BREAD ADMINISTRATOR: Chairman Spotted Bear stated that she recommended Thelma Stiffarm because she is an attorney and that the \$31,000 salary was for an attorney and that if an attorney were hired, she could draft regulations and ordinances pertaining to business development on the Reservation and that it would not be subject to an intensive legal review but rather a superficial one.
VOTE: All in favor, MOTION CARRIED.

The minutes of the January 6, 1983, Special meeting were read.

MOTION was made by Paul Good Iron to approve the minutes with corrections, SECONDED by Gerald White.

REMARKS: None (No corrections). VOTE: All in favor, MOTION CARRIED.

OLD SCOUTS SOCIETY: Secretary Mason read a resolution pertaining to a claim for pension, funds or reimbursement for the immediate descendants of Arikara Scouts who enlisted with the United States during the 1800s. Mr. Plenty Chief explained that Charlie Hobbs is aware of this claim; however, further research is needed in order to submit a historical and factual documentational claim. There was a discussion regarding this type of claim for the Mandans and Hidatsas. Mr. Good Iron remarked that the Arikara tribe took a more active role in pursuing this claim but the other tribes could pursue this course also.

Mr. Plenty Chief mentioned those names that are eligible are listed in the archives and that he was asking for support from the council plus monetary support. Mr. Huber suggested that a committee be established composed of Human Resource committee, Old Scouts Society and an attorney and give them a week to gather information and send their delegate along with council members attending the NCAI meeting in Washington. This person could go to the archives, see congressional people and get the claim started while in Washington and this claim would include all three tribes.

MOTION was made by Matthew Mason to Mr. Huber's recommendation to send Wesley Plenty Chief and Frank Fox, Jr. from the Old Scouts Society to go to Washington, DC with the Tribal Business Council, SECONDED by Gerald White.

REMARKS: Mr. Good Iron asked if they were voting for 2 delegates or for the funding. Chairman clarified at this time, it is just for the travel and per diem that will be paid for the 2 delegates. This would get them there to do their documentation and get advise and if necessary draft a resolution there.

VOTE: 10 in favor, 1 opposed, MOTION CARRIED.

The meeting recessed at 12:20 PM for lunch.

The meeting reconvened at 1:25 PM.

VOIGHT BAY ROAD: Chairman Spotted Bear read a memo in regards to a road near Voight Bay that could be built over 1½ miles of Tribal land to a recreation site being built by D. Holstadt and C. Davis. There was discussion regarding the feasibility of such a road to the Tribes and how does the Twin Buttes Community feel about such a road. Mr. Hugh Baker, upon the council request, submitted a report favoring a road with conditions stipulated.

MOTION was made by Paul Good Iron that this issue be taken back to the Twin Buttes Community for their recommendations and then the full council should take action accordingly, SECONDED by Dennis Huber.

REMARKS: Mr. Coffey reiterated that it should go back to the community for their input. VOTE: All in favor, MOTION CARRIED.

WASTEWATER TREATMENT FACILITY STUDY: Chairman Spotted Bear read a resolution designating a "certified" representative to sign all EPA 201 documents. As requested in a former resolution (#80-222) the Tribal Business Council asked assistance from Environmental Protection Agency for preparation of a facility plan for the rehabilitation of the Indian Community Waste Facility System. This new appointment was needed due to the new seated council. Chairman recommended the Treasurer since this concerned financial issues.

MOTION was made by Paul Good Iron to appoint the Treasurer, Dennis Huber, to sign off on all the EPA documents, SECONDED by Pete Coffey.

REMARKS: None. VOTE: 8 in favor, 1 opposed, 2 abstaining.

MOTION CARRIED. (Res. #83-3-S)

TRIBAL LOTS: Chairman Spotted Bear read the resolution for payment of taxes on Tribal lots on fee patent property and city lots which have accumulated through 1982 and are to be paid on January 1, 1983, out of T/2 Land Revenue fund through the Bureau of Indian Affairs.

Discussion was held on turning these lots back into trust land status which is suppose to be done by the Bureau of Indian Affairs.

MOTION was made by Paul Good Iron to approve the resolution and for Roy Bird Bear, as secretary of the Natural Resource Committee, to follow through on these lots and get them back into trust status, SECONDED by Gerald White.

REMARKS: It was explained that the Bureau of Indian Affairs sent these requests of the lots to Aberdeen Area Office where they are now awaiting completion of the paperwork.

VOTE: All in favor, MOTION CARRIED. (#83-4-S)

PARTITIONMENT OF K. WHITE CLAY: Chairman Spotted Bear read the resolution requesting partitionment of land held in trust for Karen White Clay (Young Bird) and the Three Affiliated Tribes. She was making this request so she may sell her portion.

MOTION was made by Paul Good Iron to approve the resolution, SECONDED by Tillie Walker.

REMARKS: None. VOTE: All in favor, MOTION CARRIED (#83-5-S)

TRANSPORTATION COMMITTEE: Chairman Spotted Bear read the resolution appointing Paul Good Iron, Chairman; Dennis Huber, Secretary; Ernest Stone, Tom Yellow Wolf and Tom Wells as members to the Tribal Transportation Department. She explained her appointment of the members and discussion followed.

MOTION was made by Marie Wells to replace Tom Yellow Wolf and Tom Wells on the committee with Pete Coffey and Matthew Mason, SECONDED by Gerald White.

REMARKS: Mr. Good Iron remarked that in the past, Indian Action did this type of road work under the Material Resource Committee.

VOTE: 10 in favor, 1 abstaining, MOTION CARRIED (#83-6-S)

INDIRECT COST: Chairman Spotted Bear read the resolution in regards to the Indirect Cost reimbursing T/2 account when the Indirect Cost rate for FY '83 was approved.

MOTION was made by Paul Good Iron to disapprove of the resolution because there was nothing in T/2, SECONDED by Gerald White.

Mr. White agreed with Mr. Good Iron. He said that Dennis Maddox should of presented the T/2 budget before any transfers were made and where or how much the transfer would be. Mr. Huber called Mr. Maddox in the meeting to answer the questions. Mr. Maddox explained the situation with all the accounts and that they presently are closing accounts and updating all records. The payments previously made were budgeted out of the Indirect Cost budget, but since the proposal has not yet been approved, the monies were taken out of the T/2 account. This resolution stated that Indirect cost pay back T/2 account. Mr. Maddox also explained the consequences of such a disapproval.

Mr. Good Iron withdrew his first MOTION and amended MOTION to approve the resolution, SECONDED by Gerald White.

REMARKS: None. VOTE: All in favor, MOTION CARRIED (#83-7-S)

INDIRECT COST PROPOSAL: Mr. Maddox distributed copies of the Indirect Cost Proposal for FY '83. Chairman Spotted Bear read the resolution requesting the Inspector General's office of the Dept. of the Interior to accept the Tribes FY '83 proposed Indirect Cost proposal. Discussion was had on the contents of the proposal.

MOTION was made by Paul Good Iron to approve the resolution and accept the Indirect Cost proposal, SECONDED by Dennis Huber.

REMARKS: Discussion was held on the Program Managers position which was revised to a Tribal Contracts/Grants Specialist. This change due to a duplication of duties by the Program Manager and program administrators or Dept. heads. Chairman explained the necessity of approval and expediency since this proposal had to be postmarked by January 13, 1983 in order for it to be considered for review and approval.

VOTE: 7 in favor, 3 opposed, 1 abstaining, MOTION CARRIED. (#83-8-S)

TRIBAL PERSONNEL: Chairman Spotted Bear read a resolution changing the Personnel Officer title to Personnel Director and re-establishing the administrative assistant position. This request was due to the workload in the Personnel office. Discussion followed on the resolution and instead of the Director being under the direct supervision of the Chairman, it should read to be placed under the supervision of the Executive Committee of the Tribal Business Council.

MOTION was made by Paul Good Iron that the resolution be approved and that it should read to be placed under the supervision of the Executive Committee of the Tribal Business Council, SECONDED by Dennis Huber.

REMARKS: Ms. Wells asked if this included getting a raise. She was told this is just for a title change.

VOTE: 8 in favor, 3 opposed, MOTION CARRIED. (#83-9-S)

STATE INDUSTRIAL COMMISSION: This resolution pertained to the appointment of Dennis Huber to the State Industrial Commission with Gerald White as alternate. This appointment allows Mr. Huber to participate at any hearing before the commission relating to oil and gas activity affecting the Fort Berthold Reservation and also, the Natural Resource Administrator or his designee be present at all hearings.

MOTION was made by Paul Good Iron to approve the resolution, SECONDED by Roy Bird Bear.

REMARKS: None. VOTE: 10 in favor, 1 opposed, MOTION CARRIED (#83-10-S)

HUD PROJECTS: This resolution pertained to the approval of the plans for 2 housing projects, (ND 5-10 & ND 5-13) as they have been developed with working drawings and not to impose any restrictions due to new minimum property standards. There was discussion regarding the reduced dimensions of new houses being built and the necessity of a building code for the Reservation. It was decided with 1 sentence deleted, the resolution would be acceptable to the Council.

MOTION was made by Dennis Huber to approve the resolution with the sentence deleted, SECONDED by Gerald White.

REMARKS: None. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (#83-11-S)

WHITE SHIELD SCHOOL BRD.: A resolution was presented for passage by the full council in regards to council members serving on school boards and school operations.

MOTION was made by Marie Wells to disapprove this resolution due to Dr. Felix's statement that the council should show more interest in the school systems because of a situation that recently occurred at one school, SECONDED by Tillie Walker.

REMARKS: There were comments by White Shield council members who serve on the school board. They remarked that council intervention is almost impossible since the council passed resolution 80-149. This pertains to the Tribal Business Council granting policy-making functions to the school boards. Also they remarked that they were encouraged to serve on the board and elected as such by the community and they are not representatives of the Tribal Council.

VOTE: 8 in favor, 3 abstaining, MOTION CARRIED (#83-12-S disapproved)

SEISMIC FEES: Chairman Spotted Bear read the resolution pertaining to increasing the seismic fees and minimum vibroseis fees to be consistent with fees paid outside the Reservation. There was discussion regarding the fees for farming, grazing and farm pastures.

MOTION was made by Dennis Huber to approve the resolution with the inclusion of farming along with grazing in item 2, SECONDED by Pete Coffey.

REMARKS: None. VOTE: 9 in favor, 1 abstaining, 1 not voting, MOTION CARRIED (#83-13-S)

JUDICIARY COMMITMENT PROCEDURES: This resolution pertains to commitment procedures for treatment and/or counseling for alcohol, drug addiction and mental illness. Mr. Quale explained the procedures to the council. Mr. Good Iron stated this was referred to the full council from the Judiciary committee.

MOTION was made by Paul Good Iron to approve the resolution and the commitment procedures, SECONDED by Tillie Walker.

REMARKS: None. VOTE: 9 in favor, 2 not voting, MOTION CARRIED (#83-14-S)

GUARDIANSHIP PROCEDURES: Resolution was read in regards to guardianship procedures that would replace the inadequate procedures that presently are in existence.

MOTION was made by Tillie Walker to approve the resolution and the attached guardianship procedures to take effect immediately,

SECONDED by Gerald White

REMARKS: None. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (#83-15-S)

OCCUPANT PROTECTION: Chairman Spotted Bear read a resolution pertaining to child safety restraint seats for automobiles. This project is to be administered by the Human Resource Dept. Attached to the resolution was a budget fully funded for FY '83 by the Bureau of Indian Affairs and a proposal. This resolution was referred by the Human Resource Committee for full council action.

MOTION was made by Paul Good Iron to approve the resolution, SECONDED by Matthew Mason.

REMARKS: None. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (#83-16-S)

ATTORNEY CONTRACT: A resolution was presented that confirmed the hiring of Christopher Quale, In-House Attorney, at a May 21, 1982, Special meeting via motion by the Tribal Business Council. Aberdeen Area Office is requesting a formal resolution to this effect.

MOTION was made by Paul Good Iron to approve the resolution,
SECONDED by Gerald White.

REMARKS: None. VOTE: All in favor, MOTION CARRIED (#83-17-S)

ATTORNEY SALARY INCREASE: Chairman Spotted Bear read a resolution requesting a salary increase for In-House attorney Raymond Cross. In his contract, a potential increase of salary would be granted at the termination of the initial 4 months of employment. This request is to be retroactive to January 1, 1983. Chairman informed there were sufficient funds to approve the request.

MOTION was made by Dennis Huber to approve the resolution, SECONDED by Gerald White.

REMARKS: Mr. Quale informed that Mr. Cross travels a lot to Grand Forks which is necessary in order to maintain their licenses. Mr. Ray Cross holds licenses for practice in California, Colorado and has a petition to the North Dakota State Bar.

VOTE: All in favor, MOTION CARRIED. (#83-18-S)

Another resolution was read for a salary increase for Christopher Quale. His contract stated the same alternative as Ray Cross's.

MOTION was made by Gerald White to approve the resolution,
SECONDED by Marie Wells.

REMARKS: Ms. Wells questioned the status of the law and order code. Mr. Quale explained that NARF is presently working on the code and the amendments to the constitution at the request of the previous council. \$40,000 was granted NARF to do this for the Three Affiliated Tribes with a 3-year contract. Question was asked if the legal dept. could assist tribal members on private matters. Chairman remarked that at this time the legal department is only concerned with tribal matters but that sometime in the future it might be possible for that kind of assistance to the tribal members.

VOTE: All in favor, MOTION CARRIED (#83-19-S)

NEWS MEDIA: There was discussion regarding a program called "Indians in Progress" that was aired on television that Ron Holt had compiled. His presentations highlight programs, what the tribe is working on, or reservation life in general and that he is affiliated with CBS. The resolution read by Chairman Spotted Bear pertained to Mr. Hold of Red Eagle Productions providing 1 television program of 1/2 hour per month for 12 months with stipulations. He will be paid out of Aide to Tribal Government monies.

MOTION was made by Paul Good Iron to approve the resolution,
SECONDED by Pete Coffey.

REMARKS: None. VOTE: All in favor, MOTION CARRIED (#83-20-S)

FT. BERTHOLD DEVELOPMENT CORP.: Chairman Spotted Bear read a resolution appointing board members to the Ft. Berthold Development Corporation. This corporation is responsible for the operations of the Four Bears Motor Lodge. Chairman named her appointees to the board and explained her reason for the appointments. Discussion followed on the appointees and the lease contract between Four Bears Motor Lodge and Ft. Berthold Development Corp.

MOTION was made by Dennis Huber to approve the resolution with appointees as follows: Ed Danks, Roy Bird Bear, Dennis Maddox, Thomas Schoppert, Christine Mann, Dennis Huber and Alyce Spotted Bear, SECONDED by Pete Coffey. (#83-21-S)

REMARKS: None. VOTE: 9 in favor, 1 opposed, 1 abstaining, MOTION CARRIED

MANDAREE COMMUNITY HALL: Ms. Walker commented on the heating system at the Mandaree Community Hall. There are funds available for this purpose and she asked that this be made available for a coal conversion heating system.

MOTION was made by Tillie Walker to make available the \$21,000 for a coal conversion heating system for the Mandaree Community Hall.

SECONDED by Paul Good Iron.

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

MILEAGE & LODGING: Mr. Huber presented a resolution that he was asked to draft for all councilmen in regards to mileage and subsistence for lodging when councilmen stay overnight in New Town. Discussion was had on the resolution and if it is to be accepted, revisions would have to be made on the budget to reflect the change.

MOTION was made by Paul Good Iron to table this resolution until all the councilmembers talk to Mr. Huber and notify him if they want mileage or not, SECONDED by Marie Wells.

REMARKS: None. VOTE: 10 in favor, 1 not voting, MOTION CARRIED

ND PROJECT #AHL-51(S): Resolution was read by Chairman Spotted Bear on the construction of a road south of New Town. The resolution requested that this project be classified as 20% minority set-aside project by the State of North Dakota and that the Bureau of Indian Affairs assist the tribes in meeting this objective. Discussion followed and the council suggested Matthew Mason, check further into this and report to the full council at the next meeting.

REVENUE SHARING: The resolution pertaining to the Revenue Sharing budget was presented and discussion was had on the amount that was budgeted to the Tribal Business Council. This amount was clarified to be part of the repayment to the T/2 account for monies given to contestants and other individuals that Revenue Sharing must reimburse. Also discussed was the commitment to the radio station, KMHA.

MOTION was made by Tillie Walker that \$25,000.00 out of the Revenue Sharing be made available to the radio station and to approve the resolution, SECONDED by Marie Wells.

REMARKS: Mr. Good Iron commented on the negative reaction of a lot of the people regarding the radio station and is it gonna become a reality. Chairman informed that the tower has been erected and the dome station will be put together by the Ft. Berthold Community College's construction class. The \$25,000.00 is needed for the wiring, plumbing and other equipment. Staffing and training of the station is presently being worked on through State CETA.

VOTE: 9 in favor, 1 opposed, 1 not voting, MOTION CARRIED (#83-22-S)

DELEGATED TRAVEL: Discussion was held on the appointment of Ed. Danks, Eagle Nest, President, to attend a meeting in Washington, DC on behalf of the Chairman. Chairman explained that he went as a personal representative of the Chairman and at the request of the Executive Committee because of his knowledge of roads on the Reservation. Also, Mr. Danks was to make certain that the wording on a bill in congress reflected set aside monies for minority companies so as to create employment for tribal members. Mr. Danks was accompanied by TERO Director, Titus Hall. There was further discussion regarding travel of council members.

MOTION was made by Marie Wells that in the future, all travel be approved and authorized by the Tribal Business Council, SECONDED by Gerald White.

REMARKS: Discussion was held on the power of the Chairman and the Executive Committee to approve issues without full council action. Mr. Good Iron stated that according to the constitution and by-laws the motion Ms. Wells was making is already being taken care of in that it states any 3 council members can authorize travel. He suggested that Ms. Wells motion should say that travel authorized for a non-council members to be paid out of T/2 account, should be approved by the full council.

Ms. Wells amended her motion to read as such, "that travel authorization for a non-council member to be paid out of T/2 funds should be approved by the full council, SECONDED by Paul Good Iron.

REMARKS: None. VOTE: 9 in favor, 2 opposed, MOTION CARRIED.

THIRD PARTY INVOLVEMENT: Mr. Huber stressed the importance of the Tribal Business Council or a program director or a department head of the Three Affiliated Tribes be present at meetings wherever they are conducted on the Reservation.

MOTION was made by Dennis Huber for the Secretary to draft a resolution stating that any third party that comes onto the Reservation to conduct business with the Bureau of Indian Affairs, Indian Health Service or any other agency that a member of the Tribal Business Council or a program director or department head be present at those meetings, SECONDED by Gerald White.

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

ND PROJECT #AHL-51(S): The resolution presented earlier was discussed again with an explanation by Mr. Huber of the 20% minority set aside monies. The original amount to be set aside was 10% which would have been \$1 million out of a \$6 million project. This resolution was asking for 20% set aside for minority contractors.

MOTION was made by Matthew Mason to approve the resolution, SECONDED by Dennis Huber

REMARKS: Ms. Walker suggested that the Tribes should also ask the State for 10% set aside monies for minority contractors.

VOTE: All in favor, MOTION CARRIED (#83-23-S)

TERO DIRECTOR: The appointment of the TERO Director was discussed. The appointment was for 30 days.

MOTION was made by Paul Good Iron to advertise and hire for the TERO Director at the next meeting, SECONDED by Marie Wells.

REMARKS: Chairman informed that the position has already been advertised. Mr. Good Iron stated that the council hires for directors, administrators or any position above these; therefore, the position of TERO Director should be selected by the full council. Chairman suggested that since the position has already been advertised and that there are applicants for the position, Mr. Good Iron amend his motion to state that the council look at the applications at the next meeting.

MOTION was amended by Paul Good Iron that the full council review the list of applicants and hire for the TERO Director at their next meeting, SECONDED by Marie Wells.

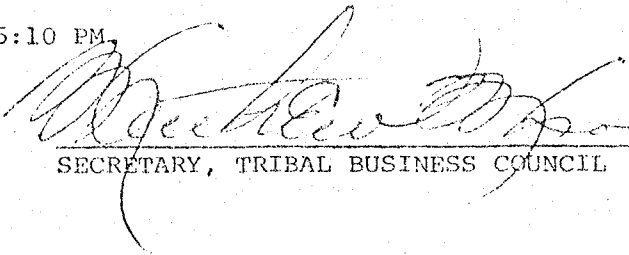
REMARKS: None. VOTE: 10 in favor, 1 opposed, MOTION CARRIED.

GENERAL DISCUSSION: Mr. Good Iron remarked on council members going into committee meetings and voting on jobs being filled then leaving after the voting is done. He thought this was not fair to the committee members. He suggested that when a council members sits in on a committee meeting to which is not a member, he should remain through the entire length of the meeting and not just on issues that are of interest to him.

Mr. Huber asked who had the authority to hire technical assistance consultants. He wanted clarification as he hired a consultant to attend an ANG meeting because of his expertise on education. He was informed that consultants on particular situations are usually hired by the different programs with approval by their particular committees. Consultants hired for things other than for programs are done by the Executive Committee.

Ms. Walker brought up the subject of TERO decertifying companies. Chairman explained that TERO presently does not have guidelines or ordinances to follow and Mr. Titus Hall decertified all of the companies until such time when the Tribal Business Council approves the enactment of their ordinance which is now being reviewed by the legal department. Mr. Good Iron remarked that the only people allowed to decertify was the TERO Commission. Chairman commented on the difficult process of getting the TERO commission to meet and pointed out that when TERO was first established, Dan Press, an attorney, recommended that TERO not be bound to the Tribal Business Council or any other agency which would include the commission because it is very difficult for TERO to operate this way. He foresaw this problem and most reservations have gone along with his concept. TEROs are suppose to be able to operate autonomously but it hasn't turned out that way. Chairman expressed concern over TERO become too political in it's operation procedures.

ADJOURNMENT: The meeting adjourned at 5:10 PM.


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL