

REGULAR MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

CONFERENCE ROOM
TRIBAL BUILDING
FEBRUARY 18, 1983

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

ABSENT: Paul Good Iron.

OTHERS: Larry Burr, Leo Brockie, John Danks, Mary Baker, Cora Baker, Joseph Painte, Keith Mandan, Eva Beaks, Delores Sand, Clyde Bearstail, Shirley White, Thomas Bearstail, Rose Crow Flies High, Bobby Bell, Burr Crows Breast, Jr., Pearl Howard, Dorothy Yellow Bird, Bennet Yellow Bird.

The meeting was called to order at 11:04 AM. Roll call, quorum present.

M. BAKER: Mary Baker read a resolution to the Council requesting payment for the balance of her work agreement with the Tribe since her position was phased out before the work agreements September 30, 1983 expiration date. Discussion followed on the repercussions of granting such a request and the statement in the work agreements which stated the work agreement is valid as long as Tribal program funds are provided for during the program fiscal year, and the amount being requested. MOTION was made by Marie Wells to approve the resolution, SECONDED by Gerald White.

REMARKS: Chairman expressed concern over the seriousness of granting such a request and that the council will be unindated with requests from other past employees and if the council was prepared to grant those requests also. Marie Wells stated one candidate came back and received \$1,800 after the election and another employee received the same amount and that she felt the work done would come under other duties as assigned and they shouldn't have been compensated for the work. She also stated that Mary should have been told her job was being phased out, it should of been in a resolution form and she should of been given the opportunity to express her side when the issue was brought up at the council meeting or she should have been offered a different position to work at until September 30, 1983. Chairman stated that Marie was implying that one person be given preferential treatment over others and that the two individuals she referred to is a totally unrelated matter being that these individuals were reimbursed for work done for which the Tribe compensated them for inadequately. Gerald White asked Mary Baker if she wanted to take the Tribes to court. Ms. Baker stated, she didn't want to take the Tribes to court--she just wanted her reimbursement nor did she want to go to work for the Tribes. Roy Bird Bear expressed that when the work agreement was no longer in effect an explanation should have been made to Ms. Baker being that job is a livelihood for someone and felt Ms. Baker should be granted her request. Pete Coffey felt the Tribes could possibly give her a job so she could continue to support herself and her mother. Chairman informed that Ms. Baker unemployment benefits would be of a substantial amount and that the benefits are more than what a minimum wage earner receives. Matthew Mason suggested hiring Ms. Baker as a consultant. Dennis Huber stated as treasurer where would this money come from. Gerald White felt that when the Indirect Cost came around, Ms. Baker's position should of been phased out at the end of FY '83, he realized the repercussions and understood Dennis Huber's position and that a lot of these issues were acted on too hastily.

VOTE: 6 in favor, Dennis Huber and Alyce Spotted Bear opposed, Pete Coffey and Matthew Mason abstaining, MOTION CARRIED. (Res. #83-34-S)

For the record, Dennis Huber stated that this is not over yet, this resolution will be rescinded at another meeting, it has to be approved at another meeting, this is the most ridiculous and ridicule thing I've seen happen in any meeting I have been associated with. Further discussion followed on the Indirect Cost proposal and Ms. Baker's former position.

REBATE: John Danks explained the actions of the previous council in regards to the rebate for Indian ranchers. He stated the present council needs to identify from which funds this rebate would come from before disbursement. Discussion followed on which account to take this from, the rate that would be applied and the number of years this would be in effect.

MOTION was made by Dennis Huber to approve the rebate to be paid out of the FmHA funds, this amount to be in the form of a modification and transfer into the Tribe's budget.

John Danks explained the proper procedures in drawing down this money. Delores Sand addressed the council on behalf of the landowner and expressed views on the rebate.

MOTION was made by Dennis Huber to modify the FmHA or the Tribal budget whichever to reflect the rebate for the cattlemen in the amount needed or give Dennis Huber, Treasurer, the authority to make the modification with the FmHA account for a rebate along with the land purchase monies. SECONDED by Roy Bird Bear.

REMARKS: Marie Wells stated the council should approve the modification for the rebate and the land purchase. Dennis Huber said as long as they are withdrawing funds, funds for the land purchase should also be included. Dennis Huber informed that the Natural Resource Committee approved 10 land sales. Gerald White informed that there is a homestead land south of White Shield that the Natural Resource committee and full council went on record to purchase. Larry Burr informed that on that land purchase, they cannot get the title clear on that Krueger land.

VOTE: 9 in favor, 1 abstaining. MOTION CARRIED.

LAND PURCHASE POLICIES: The council was informed that the Natural Resource Dept. was asked to develop a policy in regards to land purchases and this would be presented to the Natural Resource Committee with a map locating each land. Larry Burr informed that the lots in Parshall and the Peisier land are being appraised. No Council action was taken.

REPAYMENT OF MONIES: John Danks mentioned that since the Tribe will be amending the budget, they should also include the amount that is needed to repay the overdrawn monies from the letter of credit from the Bureau of Indian Affairs, before March 15, 1983, or the Tribe's letter of credit will be withdrawn. Dennis Maddox was called into the meeting and discussion was had on the amounts overdrawn from each program. The amount was accrued through years 1976 to 1981.

MOTION was made by Dennis Huber to have Dennis Maddox, Dennis Huber, and John Danks work on modifying the budget to reflect this amount needed from wherever funds are available in repaying the Bureau of Indian Affairs, SECONDED by Marie Wells.

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

FORECLOSURE: Discussion was had on the foreclosure of Joe Chase and the amount of delinquency. Larry Burr explained how FEA forecloses and the procedure in selling the property to regain the delinquent amount. The council asked Larry Burr to get in contact with Joe Chase.

MOTION was made by Tillie Walker for the Bureau of Indian Affairs to explore the foreclosure in the interest of the Tribe, SECONDED by Gerald White.

REMARKS: Keith Mandan asked when they sell the property if it was done at the County courthouse. Larry Burr told him on the county steps and once a foreclosure action is filed, it automatically is considered fee patent land. Matthew Mason clarified that everything would depend on what Joe Chase wants. VOTE: 9 in favor, 1 not voting, MOTION CARRIED.

The meeting recessed for a lunch break. The meeting reconvened at 2:40 PM.

MANDAREE COMMUNITY: Eva Beaks requested that the Mandaree Community wanted their community development funds released so some of the community projects could start operating. Dennis Huber informed that until the community is a chartered incorporated community, their expenses will have to be vouchered through Tribal Finance. Discussion followed on chartering the communities. Ms. Beaks was told after a 30-day waiting period, Revenue Sharing funds would be released.

MOTION was made by Tillie Walker that all Revenue Sharing funds ('82) be allocated directly to the communities provided that they have a bank account set up and that any expenditures from the Revenue Sharing funds must be approved by their communities prior to their expenditures and subject to an audit, SECONDED by Dennis Huber.

REMARKS: Marie Wells asked if they still needed a charter. Dennis Huber said the Revenue Sharing funds would go direct. Eva Beaks asked about the Twin Buttes Charter & how soon can action be taken on it, Chairman explained that it is just a matter of Mandaree community approving the charter and bringing it to the full council for approval.

VOTE: All in favor, MOTION CARRIED.

J. PAINTE: Joe Painte asked for an emergency loan to help his relocation from Ft. Yates to Bismarck. This relocation was necessary due to his ailing mother for whom he had guardianship. He was asked to sign a promissory note.

MOTION was made by Marie Wells to approve Joe Painte for an emergency loan of \$300.00, SECONDED by Pete Coffey.

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

IHS/LaCHANCE: Matthew Mason explained Norman LaChance's situation that was referred from the Human Resource Committee. Discussion followed on the position and the advantages of retaining Mr. LaChance at Minne-Tohe Health Center.

MOTION was made by Dennis Huber to approve to retain Norman LaChance for 2 months at a base salary of \$18,000 per annum with an extension after 2 months based on the approval by the Tribal Business Council, SECONDED by Marie Wells.

REMARKS: Matthew Mason was asked to follow-up on this matter this position this week. VOTE: 9 in favor, 1 not voting, MOTION CARRIED.

PESTICIDE CONTROL: Harley Lone Bear presented a resolution and a revised copy of the Ft. Berthold Pesticide code which was passed earlier by the Tribal Business Council. The only revisions that needed approval were the "Restricted Use Pesticide" and the addition of Section 12, "Civil damage and/or injunctive actions". Explanation of the 2 sections and discussion followed.

MOTION was made by Dennis Huber to approve the resolution and the revisions to the code, SECONDED by Pete Coffey.

REMARKS: None. VOTE: All in favor, MOTION CARRIED (#83-35-S)

VOCATIONAL ED. ACT: Resolution was read from the Community College pertaining to the re-authorization of the Vocational Education Act for an Indian set-aside of 1% to be matched by the Bureau of Indian Affairs and that no congressional waiver be issued to the Bureau of Indian Affairs and they be mandated to provide the match required.

MOTION was made by Gerald White to approve the resolution,

SECONDED by Dennis Huber.

REMARKS: None. VOTE: All in favor, MOTION CARRIED. (Res. #83-36-S)

FOUR BEARS MOTOR LODGE: Resolution was read to have the Three Affiliated Tribes pay the delinquent payroll taxes to the Internal Revenue Service which would be considered a loan for the Ft. Berthold Development Corp.

MOTION was made by Dennis Huber to approve the resolution,

SECONDED by Gerald White.

REMARKS: It was clarified that these were payroll taxes that weren't matched to the government. VOTE: 9 in favor, 1 abstaining, MOTION CARRIED. (Res. #83-37-S)

H. WALKER: Resolution was read that was drafted by Hans Walker which was in protest of the Senate Concurrent Resolution 4029. Chairman reported on her testimony given at the senate hearings. Discussion followed on the resolution and issues pertaining to the boundary. It was decided to taken no action at this time but to take up the resolution at their next meeting.

TRANSPORTATION COMMITTEE: Resolution was brought up pertaining to the Transportation Committee that was discussed at an earlier meeting.

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

by Gerald White. REMARKS: None. VOTE: All in favor, MOTION CARRIED (#83-6-S)

COMMUNITY DEVELOPMENT FUNDS: A resolution was presented from the White Shield Community Development Corp. requesting release of all their community development funds to be used towards expenses of projects & services.

MOTION was made by Gerald White to approve the resolution, SECONDED by Donald Malnourie. REMARKS: Marie Wells asked if this would be the requirements of all communities to bring in resolutions of this type to release funds. She was told yes.

VOTE: All in favor, MOTION CARRIED. (Res #83-38-S)

NATURAL RESOURCE: Resolution was read and discussion was had on the appointment of someone from the East Segment to the Natural Resource Committee. Chairman stated that instead of going by resolution, she would appoint Gerald White to the committee with the approval of the Tribal Business Council.

MOTION was made Tillie Walker to appoint Gerald White to the Natural Resource Committee, SECONDED by Donald Malnourie.

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

R. HANDEGARD: Resolution was read which strongly urged the Superintendent of the Bureau of Indian Affairs to seek and select a replacement for Royal Handegard, for the intent of improving communications between the Bureau of Indian Affairs and the Three Affiliated Tribes and their members.

MOTION was made by Dennis Huber to approve this resolution, SECONDED by Gerald White. REMARKS: Discussion followed on the possibility of that position not being filled by the Bureau of Indian Affairs or Mr. Handegard taking his salary with him upon transfer, also the types of problems that ranchers have in working with Mr. Handegard.

VOTE: 9 in favor, 1 abstaining, MOTION CARRIED. (Res. #83-39-S)

M. BAKER RES: Chairman asked the council if they wanted to reconsider Mary Baker's

resolution. She presented a review of contracts of employees that were laid-off done by the Personnel office and asked if the council was ready to grant similar wishes to the 58 people.

MOTION was made by Dennis Huber to rescind Resolution #83-34-S)

SECONDED by Alyce Spotted Bear.

REMARKS: Matthew Mason asked if this person could be given a job as a consultant for the remaining time since there was too much money involved until the contract ends. Ernest Stone stated that she didn't want to work here and that maybe she could be considered for the President position at Community College. Chairman stated she would like to see her there due to to her educational background as well as the fact that she worked there once before. Discussion followed on recommending her for this position Pete Coffey suggested that Dennis Huber put into his motion the support for Mary Baker to the Community College position along with rescinding the resolution.

MOTION was amended by Dennis Huber to rescind the resolution and to recommend Mary Baker for the position of Director of the Ft. Berthold Community College, SECONDED by Alyce Spotted Bear.

VOTE: 8 in favor, 1 opposing, 1 not voting, MOTION CARRIED.

Gerald White and Donald Malnourie were excused at 4:50 PM.

R. SMITH: Ron Smith submitted a proposal for funding for a pilot program in alcoholism prevention center in Mandaree. Chairman explained the situation with the White Shield Drop-in center which was approved for funds by re-programming the summer youth program monies but was disapproved by the Bureau of Indian Affairs. To release these funds the scope of work would have to be changed but the work would still have to include working with youth. Tillie Walker indicated that Ron Smith's program does work with the youth and wonder if the youth funds could be put into Mandaree since it is a youth program. Chairman stated this would be check with the Bureau of Indian Affairs.

MOTION was made by Tillie Walker that the Tribal Business Council support this program, budget and find funds to cover the budget, SECONDED by Matthew Mason. REMARKS: Discussion followed on the White Shield drop-in center. Ron Smith explained that the coordinator's salary in the budget is an incentive for the coordinator to write proposal for further funding. Further discussion followed on Growth & Development program and the program Louie Gwinn now has in Mandaree.

VOTE: 7 in favor, 3 not voting, MOTION CARRIED.

F. LAMEBULL: Resolution was read in regard to paying Francis Lamebull for 17½ hours of work which amounts to about \$900.00 that was disapproved by the Bureau of Indian Affairs when submitted under Vance Gillette's request for payment.

MOTION was made by Marie Wells to approve the resolution, SECONDED by Pete Coffey. REMARKS: Chairman asked who actually hired him and according to the contract Vance had with the Tribe, it specifically states that if he hires another attorney, he is liable for that attorney's fees.

MOTION amended by Marie Wells to table until further information is received regarding who hired him and for what, SECONDED by Pete Coffey. REMARKS: Roy Bird Bear remarked that sometimes even though the contract specifically states it, special considerations are given.

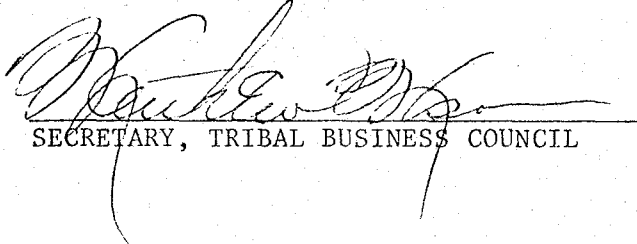
VOTE: 8 in favor, MOTION CARRIED.

M. WELLS: Tillie Walker asked why Marie Wells hadn't received her payment for the last week. Discussion followed on the resolution that was formerly presented to the Council. Dennis Huber stated that he still had that resolution because it was tabled because Paul Good Iron questioned if there was money in the travel line item to cover proposed expenses. The resolution was read by Chairman.

MOTION was made by Dennis Huber to approve the resolution, SECONDED by Ernest Stone.

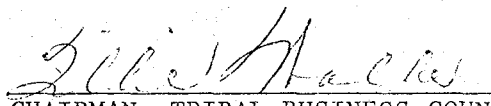
REMARKS: Marie Wells said Ernest and her will go meet with Dennis Huber but that she will stay on her per diem and work out a plan that will come out to about \$20,000.00. VOTE: 8 in favor, MOTION CARRIED (Res. #83-40-S)

ADJOURNMENT: The meeting adjourned at 5:17 PM.


SECRETARY, TRIBAL BUSINESS COUNCIL

APPROVED: 3-23-83
DATE

ATTEST:


VICE CHAIRMAN, TRIBAL BUSINESS COUNCIL