

SPECIAL MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

CONFERENCE ROOM
TRIBAL BUILDING
MARCH 18, 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: John Danks, BIA Resources Development Officer; Shirley White, Almit Breuer, Addie Porter, BIA Realty Specialist; Clyde Bearstail, Larry Burr, BIA Trust Services; John Fredericks, Teddy Vigen, TERO Staff; Jodi White, Robert Bell, Tribal Staff Ass't; Kip Quale, Tribal Attorney; Keith Mandan, Eva Beaks, Burt Yellow Wolf, Ken Deane, Tribal Planner; Phyllis Lone Fight, Francine Narum, Lyle Smith, Linda Little Soldier, Recording Secretary.

CALL TO ORDER (Item No. 1)

The meeting was called to order by Chairman Spotted Bear at 10:32 AM.

ROLL CALL (Item No. 2)

Roll call, quorum present.

ITEM NO. 3 MINUTES

MOTION NO. 1 - Motion was made by Matthew Mason to approve the minutes of the Natural Resource Meeting of January 31, 1983 with corrections, SECONDED by Roy Bird Bear. VOTE: 10 in favor, 1 opposed, MOTION CARRIED.

MOTION NO. 2 - Motion was made by Gerald White to approve the minutes of the February 3, 1983, Special Meeting with corrections, SECONDED by Donald Malnourie. REMARKS: Gerald White questioned if the present Tribal insurance was recommended by Jim Burton. It was not. VOTE: 10 in favor, 1 not voting, MOTION CARRIED.

MOTION NO. 3 - Motion was made by Gerald White to approve the minutes of the February 17, 1983, Special Meeting as read, SECONDED by Donald Malnourie. VOTE: 10 in favor, 1 not voting, MOTION CARRIED.

MOTION NO. 4 - Motion was made by Dennis Huber to post the minutes with copies to all council members at least 10 days before meetings, SECONDED by Pete Coffey. REMARKS: Chairman Spotted Bear remarked they could be posted 10 days before the meeting, upon receipt of council members copies, they could annotate and make their comments in the next meeting, thus eliminating the reading of minutes during the meeting. Marie Wells commented on resolutions being made available to the BIA, 10 days after a meeting, and it was decided that a message board would be put in the Tribal Office for Council members phone messages. VOTE: 7 in favor, 2 opposed, 1 abstaining, 1 not voting, MOTION CARRIED.

ITEM NO. 4 A. BREUER LAND TRADE

MOTION NO. 5 - Motion was made by Marie Wells to approve the land sale providing an outside appraiser does appraisal, SECONDED by Tillie Walker
REMARKS: Gerald White remarked that this transaction was preliminarily approved at a previous meeting and the when the transaction took place between the two individuals, the Tribes would approve the resolutions. Discussion followed on a conflict of interest since one of the two individuals involved was a Bureau employee. VOTE: 2 in favor, 8 opposed, 1 not voting
MOTION DEFEATED.

MOTION NO. 6 - Motion was made by Dennis Huber to approve the resolution for the land trade with Henry Almit Breuer, Jr., on N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ within Sec. 33, Twp 147 N, R. 91 W, 5th PM., Dunn County, ND containing 32.50 acres, more or less, exclusive of minerals in exchange for Tribal land described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ within Sec. 32, Twp. 148 N, R. 89W., 5th PM., McLean County, ND, containing 32.50 acres with the difference in value of \$162.50 in favor of the Tribe to be paid to FHA as payment on the Three Affiliated Tribes land acquisition loan, SECONDED by Matthew Mason. VOTE: 9 in favor, 2 opposing, MOTION CARRIED (Res. #83-51-S)

ITEM NO. 5 LAND PURCHASE FROM NANCY FOX, M. GOOD BEAR & M. J. GOOD BEAR

MOTION NO. 7 - Motion was made by Dennis Huber to approve the land purchase from Nancy Fox on Allot# 359A, 1/3 undivided interest, NE $\frac{1}{4}$, Sec. 33, T. 150 N., R. 90 W., Exclusive of Minerals containing 160 acres for cash consideration of \$13,900.00, SECONDED by Pete Coffey. REMARKS: Paul Good Iron questioned the amount of money that would be transferred from the FHA account to the T/2 for land purchase. Dennis Huber informed \$400,000.00 and that this resolution would be taken up later in the meeting. VOTE: 10 in favor, 1 not voting,
MOTION CARRIED (Res. #83-52-S)

MOTION NO. 8 - Motion was made by Dennis Huber to approve the land purchase from Maynard Good Bear, on Allot# 359A, 1/3 undivided interest, NE $\frac{1}{4}$, Sec. 33, T. 150N., R. 90W., Exclusive of Minerals containing 160 acres for cash consideration of \$13,900.00, SECONDED by Pete Coffey. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res. #83-53-S)

MOTION NO. 9 - Motion was made by Dennis Huber to approve the land purchase from Merle Jean Good Bear on Allot# 359A, 1/3 undivided interest, NE $\frac{1}{4}$, Sec. 33, T. 150 N., R. 90 W., Exclusive of Minerals containing 160 acres for cash consideration of \$13,900.00, SECONDED by Pete Coffey. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res. #83-54-S)

MOTION NO. 10 - Motion was made by Dennis Huber to approve the ten tentative land purchases that were made by the Natural Resource Committee, MOTION died due to lack of SECOND.

ITEM NO. 6 RECESS

The meeting recessed at 12:15 PM for lunch.

ITEM NO. 7 RECONVENEMENT

The meeting reconvened at 1:27 PM.

ITEM NO. 8 LAND PURCHASES

MOTION NO. 11 - Motion was made by Paul Good Iron to purchase Allot# 394A from Phyllis A. Lone Fight, 1/3 undivided interest, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, T. 150 N., R. 92 W., for 80 acres, exclusive of minerals, for a cash consideration of \$10,666.67, SECONDED by Matthew Mason. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res# 83-55-S)

MOTION NO. 12 - Motion was made by Paul Good Iron to purchase Allot #394A from Lyle T. Smith, 1/3 undivided interest, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, T. 150 N., R. 92 W., for 80 acres, exclusive of minerals, for a cash consideration of \$10,666.67, SECONDED by Matthew Mason. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res #83-56-S)

MOTION NO. 13 - Motion was made by Paul Good Iron to purchase Allot #394A from Francine Narum, 1/3 undivided interest, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, T. 150 N., R. 92 W., for 80 acres, exclusive of minerals, for a cash consideration of \$10,666.67, SECONDED by Matthew Mason. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res #83-57-S)

MOTION NO. 14 - Motion was made by Paul Good Iron to approve the land purchase from Peter Coffey, Sr., of Allot #214A, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 148 N., R. 90 W., exclusive of minerals, for 120 acres for a cash consideration of \$19,200.00, SECONDED by Donald Malnourie. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res #83-58-S)

MOTION NO. 15 - Motion was made by Marie Wells to approve the land purchase from Ida Beston on Allot #211A, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, T. 150 N., R. 90 W., for 80 acres, exclusive of minerals, for a cash consideration of \$36,800.00., SECONDED by Paul Good Iron. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res #83-59-)

MOTION NO. 16 - Motion was made by Paul Good Iron to approve the land purchase of Melda Packineau Berget on Allot #898, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 148 N., R. 88 W., for 40 acres, exclusive of minerals, for a cash consideration of \$17,000.00 SECONDED by Donald Malnourie. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res. #83-60-S)

MOTION NO. 17 - Motion was made by Dennis Huber for the Three Affiliated Tribes to ask for any rentals on land purchased before June 1, 1983, SECONDED by Paul Good Iron. VOTE: 10 in favor, 1 not voting, MOTION CARRIED.

MOTION NO. 18 - Motion was made by Paul Good Iron to approve the land purchase of Rosella Young Bear Mandan on Allot# 301-1013A, SW $\frac{1}{4}$, Sec. 4; NW $\frac{1}{4}$, Sec. 9, T. 148 N., R. 92 W., exclusive of minerals, for a cash consideration of \$30,032.21 for 320 acres, SECONDED by Pete Coffey. VOTE: 10 in favor, 1 not voting, MOTION CARRIED (Res# 83-61-S)

ROY BIRD BEAR CAME BACK INTO MEETING AT 1:38 PM.

MOTION NO. 19 - Motion was made by Paul Good Iron to approve the land purchase of Richard Hosie, on Allot# 264A, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 150 N., R. 90 W., for 80 acres exclusive of minerals for a cash consideration of \$8,210.00, SECONDED by Tillie Walker. REMARKS: Paul Good Iron remarked that the reason these land purchases were approved was because of current appraisals. Discussion followed on land purchases. VOTE: 11 in favor, MOTION CARRIED (Res. #83-62-S)

MOTION NO. 20 - Motion was made by Paul Good Iron to approve Wm. Wells, Jr. land purchase of Allot #424A, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 150 N., R. 92 W., for 40 acres, exclusive of minerals, for a cash consideration of \$4,457.14, SECONDED by Matthew Mason. VOTE: 11 in favor, MOTION CARRIED (Res. #83-63-S)

ITEM NO. 9 LAND CONSOLIDATION ACT

Larry Burr handed out a copy of an Act passed by Congress which became effective January 12, 1983. This Act would only be implemented when the Three Affiliated Tribes adopt a land consolidation plan and an ordinance.

ITEM NO. 10 SENATE CONCURRENT RESOLUTION 4029

MOTION NO. 21 - Motion was made by Tillie Walker that a resolution be drafted immediately for our consideration to counteract Senate Concurrent Resolution 4029 and ask the other Tribes to denounce 4029 and ask Congress to uphold our treaty rights and statutory rights and the decision handed down from the Eighth Circuit Court, SECONDED by Paul Good Iron.

REMARKS: Matthew Mason remarked that on the Chairman's suggestion, this issue would still be taken up by the Human Resource Committee on Tuesday and those interested may sit in on the meeting. Gerald White commented that the Judicial Committee should also be included on the meeting and have Homer White Buffalo there to determine if the accusations are true. Kip Quale stated that Ray Cross and him could work on the resolution together. VOTE: 11 in favor, MOTION CARRIED.

MOTION NO 22 - Motion was made by Marie Wells to authorize Tillie Walker to head up the Committee on North Daktoa Senate Concurrent Resolution 4029, SECONDED by Gerald White. REMARKS: Paul Good Iron remarked that the committee might consult groups that have expertise and knowledge in these types of matters and possibly consultant fees could be paid plus other suggestions were made. VOTE: 11 in favor, MOTION CARRIED.

ITEM NO. 11 GROWTH & DEVELOPMENT

Don Rush informed that refunding for the next biennium for Growth & Development was being re-introduced into the legislature for another vote. He asked for support from the Council in lobbying with State Representatives for approval.

ITEM NO. 12 JODIE WHITE'S REQUEST FOR REINSTATEMENT TO PROPERTY & SUPPLY

MOTION NO. 23 - Motion was made by Marie Wells to reinstate Jodie White to her Property & Supply position due to conflicting circumstances between Dennis Maddox and the Personnel Policies & Procedures, SECONDED by Pete Coffey. REMARKS: Dennis Maddox remarked that Jodie White was terminated due to poor attendance, absenteeism and tardiness. She had written warnings, verbal warnings on Feb. 9, 1982, by John Fox; August 25, 1982 by Mary Baker, and October 12, 1982 by Dennis Maddox. There were many verbal warnings, personnel evaluations and still the lack of phone calls which ended in suspension for Jodie in February. MOTION was amended by Marie Wells to include that Jodie White be on probation for one year after her re-instatement, SECONDED by Pete Coffey. REMARKS: Paul Good Iron questioned the Council if the action taken was correct and outlined the errors as they were in the Personnel Policies & Procedures that contradict. He felt that based on those contradictions, Jodie should be hired back on in a different slot. Dennis Maddox said he would hire her back in an available position that she is qualified for with a years probation. VOTE: 4 in favor, 4 opposed, 2 abstaining, 1 not voting, MOTION DEFEATED

MOTION NO. 24 - Motion was made by Matthew Mason to re-instate Jodie White in the Property & Supply Clerk position or any position that is available with a years probation, SECONDED by Marie Wells. REMARKS: Discussion followed on the clerk position. Jodie White stated that she would rather have the Property & Supply Officer's position because she felt she had more knowledge and would not consider the position of Clerk over the Officer. VOTE: 9 in favor, 1 opposed, 1 not voting, MOTION CARRIED.

ITEM NO. 13 T/2 BUDGET & RESOLUTION

MOTION NO. 25 - Motion was made by Tillie Walker to table the T/2 Budget until questions which pertained to the budget can be answered such as the "Other" line item, "Emergency Loan", etc.. MOTION DIED DUE TO NO SECOND.

MOTION NO. 26 - Motion was made by Marie Wells that in line item "Emergency Loan" that \$8,000 be left in there and that it have a plan of operation. MOTION amended by Marie Wells to table the budget until March 21, 1983, meeting and submit with an itemized listing of who and where the money was spent for, SECONDED by Tillie Walker. REMARKS: Dennis Huber asked if more money could be put into "Audits" Dennis Maddox explained that under "Other" payments were made to like Four Bears Motor Lodge's back payroll taxes, bills obligated by Four Bears and also intended to cover overruns by individual departments. VOTE: 10 in favor, 1 opposed, MOTION CARRIED.

ITEM NO. 14 ANA/SEDS PROPOSAL

It was decided that the Council will meet on Monday, Wednesday, Thursday with a full Council meeting on Friday to approve the ANA/SEDS Proposal. The proposal is due in Washington, DC on March 31, 1983.

ITEM NO. 15 MANDAREE COMMUNITY FUNDS

MOTION NO. 27 - Motion was made by Marie Wells to disburse \$21,720.00 of Mandaree Community funds to be used for a propane heating system for the community hall, SECONDED by Tillie Walker. VOTE: 11 in Favor, MOTION CARRIED (Res. #83-64-S)

ITEM NO. 16 RESOLUTION TO CONNECT THE PROPOSED HWY 1806 TO HWY 22

MOTION NO. 28 - Motion was made by Paul Good Iron to approve the resolution which asks the Tribes to support & negotiate with appropriate government officials in altering the route of Hwy. 1806 so as to bring it on the Ft. Berthold Reservation by connecting with a road running North of Golden Valley into Twin Buttes and improving existing Hwy 22 which runs East & West of Twin Buttes, SECONDED by Ernest Stone. REMARKS: Chairman Spotted Bear remarked this would provide the Twin Buttes Community members who are employed in the ANG Plant easier access to get to work during the bad weather months. VOTE: 11 in favor, MOTION CARRIED. (Res. #83-65-S)

ITEM NO. 17 DISAPPROVAL OF PAVING ACCESS ROAD FOR REACTIONAL PURPOSES

MOTION NO. 28 - Motion was made by Paul Good Iron to approve the resolution disapproving the paving of BIA Road 601 as a recreation access road off the Little Shell Road, SECONDED by Matthew Mason. REMARKS: Matthew Mason explained that this resolution was brought before the Material Resource Committee. VOTE: 11 in Favor, MOTION CARRIED (Res #83-66-S)

ITEM NO. 18 RELEASE OF APPROPRIATED REVENUE SHARING FUNDS TO RADIO STATION

MOTION NO. 29 - Motion was made by Marie Wells to approve the resolution releasing appropriated Revenue Sharing Funds of \$25,000.00 to the Ft. Berthold Communications Enterprise Construction Account for construction of KMHA Studios with full accounting and financial statement of expenditures upon completion of construction, SECONDED by Donald Malnourie. REMARKS: Paul Good Iron asked if this allocation fell within the guidelines of the Revenue Sharing Account and was told, yes. VOTE: 11 in favor, MOTION CARRIED (Res. #83-67-S)

ITEM NO. 19 AMENDMENT TO PERSONNEL POLICIES & PROCEDURES

MOTION NO. 30 - Motion was made by Marie Wells to amend the Personnel Policies & Procedures, Employee Benefits and Leave, Section D, procedures for Administrative leave to immediate family (Father, Mother, Brother, Sister, Daughter & Son) and D.1. to change to Leave Without Pay, SECONDED by Gerald White. VOTE: 11 in favor, MOTION CARRIED (Res #83-68-S)

ITEM NO. 20 REIMBURSEMENT OF EXPENSES TO DELORES WILKINSON

MOTION NO. 31 - Motion was made by Matthew Mason to reimburse Delores Wilkinson for 210 miles at .20¢ and \$50.00 for 2 days for expenses incurred while lobbying on behalf of Three Affiliated Tribes on Senate Concurrent Resolution 4029, SECONDED by Paul Good Iron. VOTE: 11 in favor, MOTION CARRIED (Res #83-69-S)

ITEM NO. 21 N.D. HOUSE BILL 1013

Don Rush, Growth & Development Director, asked the Council to support House Bill 1013 which is the funding bill for the Alcohol Program. No Council action taken.

ITEM NO. 22 ED WHITE'S REQUEST FOR A LOAN

MOTION NO. 32 - Motion was made by Pete Coffey to approve a loan to Ed White based upon signing a promissory note for the amount of \$114.00 to be paid to the Montana Iron Workers Union for his dues, SECONDED by Matthew Mason. VOTE: 6 in favor, 4 opposed, 1 not voting, MOTION CARRIED.

ITEM NO. 23 RENT ON HOUSES

Paul Good Iron stated that prior to election there was talk of taking low-rent houses and making them mutual. The follow-up being that people occupying them when converted into mutuals would have to reapply and requalify under the income guidelines plus be subject to paying utility costs. Regarding low-rent complaints are that rent is too high, and Mr. Good Iron suggested that any Council member going to Washington, DC discuss this topic with appropriate officials in lowering the rent. No Council action taken.

ITEM NO. 24 J & J SHOTHOLE

Paul Good Iron brought up the subject of J & J Shothole being the only qualified company on the Reservation to do shotholeing plugging and their needing contract from the Tribe to state that they will do this work. Mr. Good Iron suggested that the Executive Committee confer with TERO staff and discuss the matter. No Council action taken.

ITEM NO. 25 CHAIRMAN'S REQUEST TO I.P.A. LARRY BURR FOR 3 MONTHS

Discussion was had on the feasibility of Individual Personnel Assignment of Larry Burr to the Tribal Office because of the amount of work in managing the Realty Dept. No decision was made and no Council action was taken.

ITEM NO. 26 LETTER FROM CORP. OF ENGINEERS

Chairman Spotted Bear read a letter stating that the Corp is in the process of conducting an audit in the use of Corp administered lands encompassing Lake Sakakawea and requested the Tribes assistance in determining the existence of unauthorized structures or facilities along Lake Sakakawea. If so, additional and/or modification of easements will be needed. No Council action was taken.

ITEM NO. 27 DISTRIBUTION OF JUDGMENT FUND ESCROW ACCOUNT (HOSPITAL FUND BILL)

MOTION NO. 33 - Motion was made by Paul Good Iron to approve the resolution directing the BIA not to distribute any part of the Judgement Fund Escrow Account until such time that S.727 passes Congress, SECONDED by Gerald White. REMARKS: It was clarified that this Escrow Account is part of the 80% of the Judgment Plan that was put into an Escrow account. VOTE: 11 in favor, MOTION CARRIED (Res. #83-70-S)

ITEM NO. 28 LETTERS TO REPRESENTATIVES & SENATORS

Matthew Mason asked if letters could be typed and sent to all Representatives and Senators who voted against 4029, that 1 person be hired to do this task. Chairman informed that letters will be typed by the individual tribal secretaries. No Council action taken.

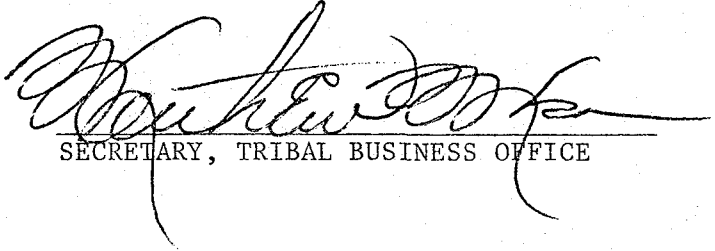
ITEM NO. 29 SENECA LAW FIRM TO PREPARE AMICUS BRIEF

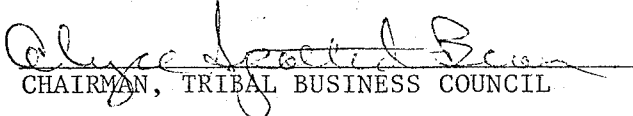
MOTION NO. 34 - Motion was made by Marie Wells to approve Seneca Law Firm to prepare an amicus brief on behalf of the enrolled members whose per cap monies had civil monetary judgments attached to by the Federal District Court, SECONDED by Donald Malnourie. VOTE: 11 in favor, MOTION CARRIED.

ITEM NO. 30 ADJOURNMENT

The meeting adjourned at 6:25 PM.

DATE APPROVED: Sept. 15, 1983


SECRETARY, TRIBAL BUSINESS OFFICE


CHAIRMAN, TRIBAL BUSINESS COUNCIL