

REGULAR MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

CONFERENCE ROOM
TRIBAL BUILDING
MAY 13, 1983

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

ABSENT: Roy Bird Bear, Pete Coffey.

OTHERS: Mike Yellow Bird, Human Resource Administrator; Paul White Owl, Larry Parker, FBCC Acting Director; Larry Burr, Addie Porter, BIA Trust Services; Calvin Stone, Robert Bell, Tribal Staff Assistant; Rollie Morud, New Town School Superintendent; Wally Chase, Tribal Court Administrator; Ernest Wilkinson, Dennis Maddox, Tribal Comptroller, Rose Crow Flies High, Delores Sand, Dale McGrady, Eva Beaks, Judy Black Hawk, Juvenile Judge; Gary Beechie, Darlene Finley & Francis Boyd, BIA Social Services; Christine Mann, Ed Hall, Jean Hall, Buddine Stewart, Theodora Vigen, Titus Hall, TERO Dept; Ron Smith, Rich Schilf, Tribal Geologist; Kip Quale, Tribal Attorney, Leroy Newman, Mike Cross, DEED; Keith Mandan, Leo Brockie, BIA Superintendent, Linda Little Soldier, Recording Secretary.

CALL TO ORDER (Item No. 1)

The meeting was called to order by Chairman at 10:45 AM.

ROLL CALL (Item No. 2)

Roll call, quorum present.

ITEM NO. 1 PROPOSAL/RESOLUTION ON COMPREHENSIVE MENTAL & PHYSICAL HEALTH FACILITY

MOTION NO. 1 - Motion was made by Paul Good Iron that the resolution regarding the proposal for a comprehensive mental & physical health facility be accepted, SECONDED by Marie Wells. REMARKS: Discussion followed on the Jarrette Johnson ranch and the necessity of a health facility of this type. Also discussed was the Alcohol Rehab Center in Parshall. After much discussion, on ranch and who would benefit the most from it, it was the general consensus that all interested parties be notified and for each to submit a plan to the Council to see who would benefit the most from the ranch. VOTE: 2 in favor, 6 opposed, 1 abstaining, MOTION DEFEATED

It was decided by the Council that the Planning Dept. (Ken Deane & Mike Cross) do a feasibility study on the Johnson ranch and return to the Council their recommendations at next meeting.

ITEM NO. 2 JOHNSON O'MALLEY DISTRIBUTION FORMULA

MOTION NO. 2 - Motion was made by Dennis Huber to approve the resolution that the Secretary of Interior take immediate action to revise the existing Johnson O'Malley formula to ensure that each eligible student receive equal share, and the Secretary abolish the precedent established in 1979, and that until such time as the Secretary publishes the aforementioned formula revision

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he take the necessary steps to establish an interim funding formula that will guarantee each eligible Johnson O'Malley student an equal share of the Johnson O'Malley appropriation, SECONDED by Tillie Walker. VOTE: 9 in favor, MOTION CARRIED (Res. #83-110-S)

ITEM NO. 3 FBCS SCIENCE CENTER RENTAL REDUCTION

MOTION NO. 3 - Motion was made by Paul Good Iron to approve the resolution that reduces the rental of the Science Center in New Town, ND down to \$225.00 per month exclusive of utilities beginning August 1983, SECONDED by Marie Wells. REMARKS: Chairman Spotted Bear remarked that the Tribal Council should do all they can to assist the Community College in their hardship. VOTE: 9 in favor, MOTION CARRIED (Res. #83-111-S)

ITEM NO. 4 REBATE TO E. WILKINSON

MOTION NO. 4 - Motion was made by Gerald White to approve the resolution to reimburse Ernest Wilkinson for \$3,600.00 from the Three Affiliated Tribes because he was illegally accessed by the Bureau of Indian Affairs although he did carry out a proper "trashy fallow" program, SECONDED by Donald Malnourie. VOTE: 8 in favor, 1 not voting, MOTION CARRIED (Res. #83-112-S)

ITEM NO. 5 LAND SALES

MOTION NO. 5 - Motion was made by Dennis Huber to approve the land purchase of Primrose T. Morgan, of 1/12 undivided interest of Allot #301-507A, S $\frac{1}{2}$ Sec. 3-146-91, for 26.66 acres for \$3,333.33, SECONDED by Tillie Walker, REMARKS: Chairman Spotted Bear clarified that although this was for 1/12, the Tribe owns most of the interests in this allotment, VOTE: 8 in favor, 1 not voting, MOTION CARRIED (Res. #83-113-S)

MOTION NO. 6 - Motion was made by Dennis Huber to approve the land purchase of Quentin Whiteman, Jr., of Allot #301-759A, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 29-147-91 for 80 acres for \$30,625.00, SECONDED by Ernest Stone. VOTE: 8 in favor, 1 not voting, MOTION CARRIED. (Res. #83-114-S)

MOTION NO. 7 - Motion was made by Marie Wells to approve the land purchase from Peter Paul Spotted Wolf of Allot 301-2160, W $\frac{1}{2}$ Sec. 12-147-93, for 320 acres at \$38,400.00, SECONDED by Matthew Mason. VOTE: 8 in favor, 1 not voting, MOTION CARRIED. (Res. #83-115-S)

MOTION NO. 8 - Motion was made by Marie Wells to approve the land purchase from Avallon B. Knight on Allot #301-998A, NW $\frac{1}{4}$ Sec. 29-148-94 for 160 acres for \$19,200.00, SECONDED by Gerald White. VOTE: 8 in favor, 1 not voting, MOTION CARRIED (Res. #83-116-S)

MOTION NO. 9 - Motion was made by Matthew Mason to approve the land purchase from Carrie Brady 1/6 undivided interest on Allot #301-243A, NE $\frac{1}{4}$ Sec. 20-150-90, for 26.66 acres for \$11,450.00, SECONDED by Donald Malnourie. VOTE: 9 in favor, MOTION CARRIED (Res. #83-117-S)

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MOTION NO. 10 - Motion was made by Dennis Huber to approve the land purchase of John H. Morsette 1/12 undivided interest on Allot #301-666, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15-147-88, 3.33 acres for \$1,333.33, SECONDED by Donald Malnourie. VOTE: 9 in favor, MOTION CARRIED (Res. #83-118-S)

MOTION NO. 11 - Motion was made by Tillie Walker to approve the land purchase of Gladys Old Mouse of 1/9 undivided interest on Allot #301-666, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15-147-88, 4.44 acres for \$1,777.77, SECONDED by Dennis Huber, VOTE: 9 in favor, MOTION CARRIED (Res. #83-119-S)

MOTION NO. 12 - Motion was made by Donald Malnourie to approve the land purchase of Bernadine Yellow Wolf for 1/12 undivided interest on Allot #301-666, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15-147-88 for 3.33 acres for \$1,333.33, SECONDED by Donald Malnourie. VOTE: 9 in favor, MOTION CARRIED (Res. #83-120-S)

MOTION NO. 13 - Motion was made by Donald Malnourie to approve the land purchase of Roger Old Mouse for 1/9 undivided interest for Allot #301-666, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15-147-88 for 4.44 acres for \$1,777.77, SECONDED by Gerald White. VOTE: 9 in favor, MOTION CARRIED (Res. #83-121-S)

ITEM NO. 6 RECESS & RECONVENEMENT

The Council recessed for lunch at 12:18 PM and reconvened at 1:30 PM.

ITEM NO. 7 CRESTA, INC.

MOTION NO. 14 - Motion was made by Matthew Mason to disapprove the Three Affiliated Tribes purchasing Cresta, Inc., SECONDED by Gerald White. REMARKS: Dennis Huber suggested that the Tribes should keep an interest in this type of business as a future enterprise for the Reservation with possible contracts with the government, and secondly, even considering the purchase of some of the machinery whenever it goes to auction. VOTE: 9 in favor, MOTION CARRIED.

ITEM NO. 8 BIA SOCIAL SERVICES/TRIBAL COURT

Discussion was had on temporary child welfare payments and placements, travel both within and out-of-state, completing home studies, payment of transportation costs, and honoring Tribal Court orders. Also discussed was the Tribe's interest and intent to 638 contract the BIA Social Services department. The transportation problem was referred back to the Judiciary Committee and to have them make recommendations to the full council. The issue of 638 contracting the BIA Social Services will be make available to the BIA Social Service Dept. when the plans are completed. No other action was taken by the Council.

ITEM NO. 9 ED & JEAN HALL'S REQUEST FOR LICENSES FOR A SMALL BUSINESS

MOTION NO. 15 - Motion was made by Gerald White to approve the liquor and general mercantile licenses for Ed and Jean Hall for their small business venture, SECONDED by Ernest Stone. VOTE: 5 in favor, 3 opposed, 1 not voting, MOTION CARRIED.

MOTION NO. 16 - Motion was made by Dennis Huber to table Ed & Jean Hall's request for deferral of payment of license fees for 1 year until the Council receives the code, then negotiate for the fees, SECONDED by Marie Wells. VOTE: 9 in favor, MOTION CARRIED.

ITEM NO. 10 TERO ORDINANCE & RESOLUTION

MOTION NO. 17 - Motion was made by Gerald White to approve the resolution adopting the provisions entitled "Tribal Employment Rights Ordinance of the Three Affiliated Tribes of the Ft. Berthold Reservation" which shall forthwith supersede and replace all provisions currently set forth in entitled document and shall take effect immediately, SECONDED by Ernest Stone. REMARKS: Dip Quale reviewed the amendments with the Council and a general discussion among the Council members and others present followed. VOTE: 9 in favor, MOTION CARRIED (Res. #83-122-S)

ITEM NO. 11 PUBLICATION OF MINUTES

MOTION NO. 18 - Motion was made by Paul Good Iron that the Secretary of the Tribal Business Council submit to the "Ahead of the Herd" only those Regular, Special and Committee minutes that are approved for publication, SECONDED by Marie Wells. REMARKS: Marie Wells commented that on some referendums, publicizing them would not be in the best interest of the Tribes. Chairman Spotted Bear reassured that on topics that are classified information it will be handled as such. AMENDED MOTION by Paul Good Iron that the Secretary of the Tribal Business Council submit to the "Ahead of the Herd" only those Regular, Special and Committee minutes that are approved for publication, and that censorship is done on classified information before publication. Secretary Mason stated that the publication will begin with minutes approved after May 13, 1983. VOTE: 8 in favor, 1 opposed, MOTION CARRIED.

ITEM NO. 12 DIRECTORY LISTINGS

MOTION NO. 19 - Motion was made by Dennis Huber that a directory for the Reservation listing telephone numbers of Tribal and BIA programs, employees, schools in Mandaree, Twin Buttes, White Shield, etc.. plus any related areas, SECONDED by Gerald White. VOTE: 8 in favor, 1 not voting, MOTION CARRIED.

ITEM NO. 13 LENERTZ STORE

MOTION NO. 20 - Motion was made by Marie Wells to disapprove the Tribes purchasing the Lenertz Store, SECONDED by Dennis Huber. VOTE: 8 in favor, 1 not voting, MOTION CARRIED.

ITEM NO. 14 TRIBAL FAIR

MOTION NO. 21 - Motion was made by Marie Wells to approve that the Council support Ronald Smith in his efforts on the sobriety issue of his proposed Tribal Fair to be held the same time as Little Shell pow-wow, SECONDED by Paul Good Iron. REMARKS: Dennis Huber suggested that Ron Smith get a letter of support from Little Shell pow-wow to bring back to the Council. VOTE: 9 in favor, MOTION CARRIED.

ITEM NO. 15 BIA, REALTY DEPARTMENT RESOLUTION

MOTION NO. 22 - Motion was made by Dennis Huber to approve the resolution that the Tribes directs the Office of the Inspector General, Dept. of Interior to evaluate the Realty Department, BIA, Ft. Berthold Agency as soon as possible, request that area covered by the distribution of income, accounting procedures, accountability, management of Realty Department, and that the Tribes receive a report of findings and recommendations, SECONDED by Gerald White. VOTE: 9 in favor, MOTION CARRIED (Res. #83-123-S)

ITEM NO. 16 SUPREME COURT CASE INVOLVING A GRAVEL

Larry Burr explained that there is a case in Wyoming that pertains to whether or not gravel is considered a mineral. The Council asked Mr. Burr to draft an article or letter explaining as such for the "Ahead of the Herd" for the enrolled members. No Council action taken.

ITEM NO. 17 MOSSETT ROAD

Kip Quale was asked to check on the status of the Mossett Road that is presently in the U.S. Courts. No Council action was taken.

ITEM NO. 18 HOME VISIT BY BIA TO KINGDOM BLACK HAWK RESIDENCE

MOTION NO. 23 - Motion was made by Dennis Huber that Leo Brockie and Range Officer visit Kingdom Black Hawk's ranch no later than Wednesday of next week, SECONDED by Gerald White. VOTE: 9 in favor, MOTION CARRIED.

ITEM NO. 19 CONSOLIDATED COAL LEASE

After discussion, Chairman Spotted Bear stated she would contact Jerry Jaeger, Aberdeen Area Director, regarding the appeal on the consolidated coal lease. No Council action taken.

ITEM NO. 20 TRIBAL FINANCE IBM SYSTEM RESOLUTION

MOTION NO. 24 - Motion was made by Paul Good Iron to approve the resolution that the Tribes approve the lease purchase of the IBM System 34 and shall pay the monthly installments of under \$1,200 from the T/2 account beginning with the month of October, 1983. For any monthly rentals paid prior to Oct. 1983, these will be paid from interest income being earned on "Money Market" bank account, SECONDED by Tillie Walker. VOTE: 9 in favor, MOTION CARRIED (Res. #83-124-S) PAUL GOOD IRON LEFT MEETING AT 4:55 PM.

ITEM NO. 21 THREE AFFILIATED TRIBES vs WOLD ENGINEERING RESOLUTION

MOTION NO. 25 - Motion was made by Gerald White to approve the resolution that the Tribal Council requests that the Native American Rights Fund and John Holm forthwith serve in the capacity of "of counsel" in conjunction with the Legal Department of the Three Affiliated Tribes in court action entitled Three Affiliated Tribes vs. Wold Engineering, SECONDED by Donald Malnourie. VOTE: 8 in favor, 1 not voting, MOTION CARRIED (Res. #83-125-S)

ITEM NO. 22 ELECTRIC LOGGING OF SEISMIC SHOT HOLES

MOTION NO. 26 - Motion was made by Dennis Huber to approve the resolution that the Tribes request that the Bureau of Indian Affairs expeditiously approve the proposal and contract to electrically log seismic shot holes on the Fort Berthold Reservation, SECONDED by Gerald White. VOTE: 8 in favor, 1 not voting, MOTION CARRIED (Res. #83-126-S)

ITEM NO. 23 SURETY BOND FOR JOINT VENTURE RESOLUTION & EXECUTIVE COMMITTEE MINUTES

MOTION NO. 27 - Motion was made by Tillie Walker to re-do the minutes and to show exactly what happened, SECONDED by Gerald White. VOTE: 8 in favor, 1 not voting, MOTION CARRIED

MOTION NO. 28 - Motion was made by Dennis Huber to approve the resolution that the Tribal Council approves the temporary use of Tribal funds presently invested within the money market to be deposited in the Lakeside State Bank as surety for the 5 percent bid bond Letter of Credit, and that the monies so deposited will be returned to the money market fund upon issuance of the surety bond for the Joint Venture, SECONDED by Marie Wells.

REMARKS: Clarification was made on the procedure that would be applied on this transaction. VOTE: 8 in favor, 1 not voting, MOTION CARRIED (Res. #83-127-S)

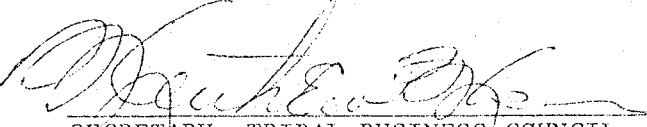
ITEM NO. 24 BUFFALO HIDE

MOTION NO. 29 - Motion was made by Gerald White to approve the resolution that the Council agree to have Wes Cummings, Taxidermist, preserve the hide and head of the buffalo purchased for American Indian Day and that \$250.00 in advance payment be made to Wes Cummings, SECONDED by Ernest Stone. VOTE: 6 in favor, 1 abstaining, 1 not voting, MOTION CARRIED (Res. #83-128-S)

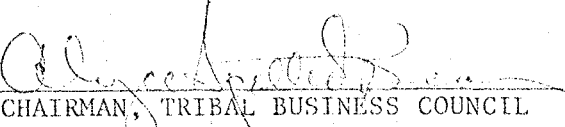
ITEM NO. 25 ADJOURNMENT

The meeting adjourned at 5:22 PM.

12-8-83
DATE APPROVED


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL