

SPECIAL MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

TRIBAL COUNCIL CHAMBERS
TRIBAL BUILDING
APRIL 26, 1984

PRESENT: ALYCE SPOTTED BEAR, CHAIRMAN; TILLIE WALKER, VICE CHAIRPERSON;
MATTHEW MASON, SECRETARY; N. PAUL GOODIRON, TREASURER; PETE COFFEY,
DENNIS HUBER, DONALD MALNOURIE, ERNEST STONE, GERALD WHITE

ABSENT : ROY BIRD BEAR, MARIE WELLS

OTHERS : KIP QUALE, TRIBAL ATTORNEY; RAY CROSS, TRIBAL ATTORNEY; RICH SCHILF,
BARB BAKER, NATURAL RESOURCE DEPARTMENT; HARLEY GOOD BEAR, FT. BERTHOLD
COMMUNITY COLLEGE; DON RUSH, GROWTH & DEVELOPMENT PROGRAM; MIKE YELLOW
BIRD, DARRYL HALL, HUMAN RESOURCE DEPARTMENT; TOM FREDERICKS, LAW FIRM
OF FREDERICKS & PELCYGER; CLARRISA MANDAN, TOM EAGLE, JAKE GOOD BEAR,
ROSE CROW FLIES HIGH, ADAM MANDAN, DALE MCGRADY, BUDDINE STEWART, MIKE
MASON, ED BRACKLIN, SARGEANT-AT-ARMS; RACHEL GRADY, RECORDING SECRETARY

ITEM 1 CALL TO ORDER

Chairman Spotted Bear called the meeting to order at 11:40 a.m.

ITEM 2 ROLL CALL

Secretary Mason called roll; quorum present. (9 present)

ITEM 3 TRIBAL-STATE WATER RIGHTS NEGOTIATIONS

Motion No. 1 - Dennis Huber moved, seconded by Pete Coffey for approval of resolution regarding a special counsel contract by and between the three Affiliated Tribes and the law firm of Fredericks & Pelcyger for Water Rights negotiations with the State. Roll call vote: Dennis Huber, yes; Paul Goodiron, no; Gerald White, yes; Ernest Stone, yes; Pete Coffey, yes; Don Malnourie, yes; Tillie Walker, no; Matthew Mason, abstained and Chairman Spotted Bear, yes. Six (6) in favor, two (2) opposed, one (1) abstained, motion carried. Reso. #84-116-S

Motion No. 2 - Dennis Huber moved, seconded by Paul Goodiron for a approval of the following treaty purposes for the Tribes for negotiations with the State for quantification of the Tribes' Winter Rights based rights to both ground and surface water on the reservation: (1) agricultural use, (2) industrial use, (3) fish & wildlife preservation, (4) municipal and domestic uses, (5) preservation of recreation and aesthetic values, and (6) such other future uses as the Tribal Council may specify. Roll call vote: Dennis Huber, yes; Paul Goodiron, yes; Gerald White, yes; Ernest Stone, yes; Pete Coffey, yes; Donald Malnourie, yes, Tillie Walker, yes, Matthew Mason, no; and Chairman Spotted Bear, yes. Remarks: a resolution will be presented at a later date for the purposed approved today. Eight (8) in favor, one (1) opposed, motion carried.

ITEM 4 LEGAL REPORTS

Ray Cross said he needed authorization from the Tribal Council to finalize motion for dismissal on the Consolidated Coal Case, and after discussion, the general direction of the Council was to have Mr. Cross file a motion for dismissal. On the McKenzie Electric matter, he said they were at the writing stage.

ITEM 5 CANDIDATE FOR STATE LEGISLATURE FOR DISTRICT 4

Mike Yellow Bird informed the Tribal Council of his running for office on the Democratic ticket in the 4th District for State Legislature.

Motion No. 3 - Matt Mason moved, seconded by Gerald White to grant Mike Yellow Bird one day of leave per week for campaign purposes. Eight (8) in favor, one (1) not voting, motion carried.

ITEM 6 JAKE GOOD BEAR

Jake Good Bear was present a meeting to inform the Tribal Council as to why he was resigning as Operations Coordinator from KMHA Radio Station. He said he was terminated for three reasons: 1) was insubordination. He said the station manager would write out a memo or move to do something a certain way, and with his past experience in radio, he would tell her it was not going to work or suggest a better way to do it, and the station manager would call 3-4 other radio station engineers, sometimes in New Orleans, etc., and she would come back later and say Jake was right. He said he could've stood back and said nothing, but in the end it would come back to him, and they would say you should've known that. 2) non-performance of duties, when station manager was on vacation in Arizona. He said he was doing both jobs and training the d.j.'s, which should have been taken care of months ago. 3) failure to maintain effective working relationship with other staff. He said if there was a failure in working relationship, it was not on his part. Chairman Spotted Bear said he should go before the Telecommunications Board. He said if he did, he would not get a fair hearing, because he was told by Mike Cross that the Board will not support him. He said he is resigning rather than have termination take effect. He said the reason why he came before the Tribal Council was to have his side made known and be a part of the minutes. Several people, including Barb Baker and Rose Crow Flies High spoke on his behalf, of his performance as an employee in the past. Chairman Spotted Bear said when he goes before the Board and is not satisfied with their decision, he can go before Tribal Court.

ITEM 7 RECESS

The meeting recessed at 2:15 p.m. and reconvened at 2:45 p.m. Gerald White did not return for the remaining session.

ITEM 8 FORT BERTHOLD COMMUNITY COLLEGE

Harley Good Bear, President of Community College, said he was returning the money that was given to the Community College by mistake, in the amount of \$17,854.41. Mistake was made by using wrong code numbers.

Motion No. 4 - Don Malnourie moved, seconded by Tillie Walker to approve resolution regarding the Chairman, Alyce Spotted Bear to contact Governor's office to pursue all available State Voc-Ed monies to assist the Community College's Voc-Ed Program, with further resolve to have the Chairman work with the Governor on securing a portion of his state wide JTPA discretionary funds for additional funding. Eight (8) in favor, one (1) not voting, motion carried. Reso. #84-117-S

Motion No. 5 - Tillie Walker moved, seconded by Pete Coffey for approval of resolution regarding the Tribal Council granting permission for the Fort Berthold Community College's Board of Directors to carry out a feasibility study to utilize Four Bears Motor Lodge as a future FBCC facility, with further resolve to have FBCC contact Denby Deegan, an enrolled members and architect, to draft up costs and plans for renovation of the Four Bears Motor Lodge, and FBCC's Board of Directors will present all findings to the Council. Eight (8) in favor, one (1) not voting, motion carried. Reso. #84-118-S

ITEM 9 ALCOHOL AWARENESS WEEK

Motion No. 6 - Paul Goodiron moved, seconded by Don Malnourie for approval of resolution regarding Alcohol Awareness Week to be held on May 14-18, 1984 on the Fort Berthold Reervation. Eight (8) in favor, one (1) not voting, motion carried. Reso. #84-119-S

ITEM 10 ENROLLMENT

The Tribal Council tabled resolution regarding the enrollment of Autumn Jarski because in the resolution, a per capita share of the 1982 Judgement award is to be set aside for her. The Council said there are a number of other people who are in the same situation, and decided to wait until all determinations have been made as to who was eligible for 1982 payments, then a meeting will be set up for an enrollment meeting.

ITEM 11 MINERALS

Motion No. 7 - Dennis Huber moved, seconded by Paul Goodiron for approval of resolution regarding the Tribes approving a Tribal Minerals Agreement in the form of a negotiated lease between the Tribes and Frio Oil Company, with further resolve that the Tribes will offer the individual landowner the opportunity to include mineral interests owned by them in the Agreement. Seven (7) in favor, two (2) not voting, motion carried. Reso. #84-120-S

SPECIAL MEETING

APRIL 26, 1984

page four

ITEM 12 ENVIRONMENTAL PROTECTION AGENCY

Motion No. 8 - Tillie Walker moved, seconded by Pete Coffey to have Nathan P. Goodiron, Treasurer, as "certified representative" to sign EPA 201 documents - such as financial draw down funds, etc. Eight (8) in favor, one (1) not voting, motion carried. Reso. #84-121-S

ITEM 13 APPEAL HEARINGS

Motion No. 9 - Pete Coffey moved, seconded by Tillie Walker to approve resolution regarding appeal hearings being closed to any and all persons not directly involved in proceeding and not requested to be present thereat by the Human Resource Committee, with amendment: to include all Committees. Seven (7) in favor, one (1) opposed, one (1) not voting, motion carried. Reso. #84-122-S

ITEM 14 TRAVEL AUTHORIZATIONS

Motion No. 10 - Dennis Huber moved, seconded by Pete Coffey to authorize travel for Hugh & Barb Baker and Ken Deane with Dennis Huber to Washington, D. C. to meet with Senate Select Committee with Quentin Burdick, Mark Andrews and Byron Dorgan on May 2, 1984. Remarks: They will be doing some program writing when they ask Indian Finance Act for funding. Eight (8) in favor, one (1) not voting, motion carried.

Motion No. 11 - Dennis Huber moved, seconded by Ernest Stone to approve travel for John Fredericks to Washington, D. C. with Dennis Huber. Tribes will be reimbursed from the Ft. Berthold Livestock Association. Three (3) in favor, three (3) oppose, two (2) abstained, motion was not carried.

ITEM 15 MIKE MASON

Mike Mason was present at meeting to request financial assistance from the Tribe. He received a check from Blue Cross/Blue Shield, and he did not know what it was for and cashed it, in the amount of \$218.00. He said he received a summons from Tribal Court to pay the money back. The Council said Diane Johnson will do some checking.

ITEM 16 FARM/PASTURE LEASE

Dale McGrady said he had a farm/pasture lease that he needed approval, and he said previous leaser was Chuck Franchuck. Chairman Spotted Bear said they have been having problems with people saying the previous leaser did not want it anymore and finding out later that they did. Matter was referred the next Natural Resource Committee meeting.

ITEM 17 MIKE MASON (CONTINUED)

Motion No. 12 - Tillie Walker moved, seconded by Don Malnourie to refer the matter to the Executive Committee. Six (6) in favor, one (1) abstained, two (2) not voting, motion carried.

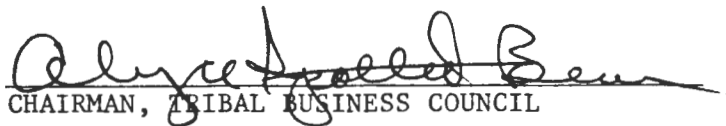
SPECIAL MEETING
APRIL 26, 1984
page five

ITEM 18 MINUTES

Motion No. 13 - Pete Coffey moved, seconded by Don Malnourie for approval of Human Resource Committee minutes held on March 27, 1984 and March 28, 1984. Seven (7) in favor, two (2) not voting, motion carried.

ITEM 19 ADJOURNMENT

The meeting adjourned at 4:20 p.m.


CHAIRMAN, TRIBAL BUSINESS COUNCIL

6-28-84
DATE APPROVED