

TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES
TRIBAL BUSINESS CHAMBERS

Special Meeting
September 22, 1988

- PRESENT: Ed Lone Fight, Chairman; Edmund White Bear, Vice-Chairman; Jim Mossett, Acting Secretary; Hugh Baker, Treasurer; and Delvin Driver.
- ABSENT : Elgin Crows Breast and Ted Lone Fight III.
- OTHERS : Dr. Angelita Felix, Superintendent of Education; Susan Paulson; Dr. Alonzo Spang, BIA Superintendent; Wilma Nelson, Project Coordinator; Vernon Sitting Crow; Iris Bird Bear Obis; and Judy Black Hawk, Recording Secretary.
- ITEM 1 CALL TO ORDER
Meeting called to order at 11:29 a.m.
- ITEM 2 ROLL CALL
Roll call by Acting Secretary Mossett, quorum present.
- ITEM 3 FLORENCE RACHEL DUBRAY
Hugh Baker moved that Brenda Hale draft a letter to Robert Lieberman regarding hiring policies and procedures for Ed Lone Fight's signature, seconded by Edmund White Bear.
- Discussion: Rachel DuBray said she was hired by Robert Lieberman, and requested that she get paid for the month of August and two weeks in September. Brenda Hale said there was no paperwork in the Personnel Office on Rachel DuBray, and as soon as the paperwork is complete she will get paid. (Steve Wells sitting in at 11:34 a.m.)
- VOTE: Unanimous-motion carried.
- ITEM 4 DR. ANGELITA FELIX
Discussion: Dr. Felix shared information on the workshop held on Learning Skills. Dr. Felix said the council was invited, but not one council member was at the workshop. Dr. Felix said she did not receive any effective school plans from the schools. (Bernadine Young Bird sitting in at 11:39 a.m.) Dr. Felix said she felt we did not have effective schools on the reservation. (Sadie Mann sitting in at 11:40 a.m.)

- ITEM 5 TRIBAL COORDINATING COMMITTEE (LETTER)
Discussion: Susan Paulson read the letter from the Tribal Coordinating Committee regarding sobriety, and the Council heard concerns from Susan Paulson; Dr. Felix; Wilma A. Nelson and Bernadine Young Bird regarding Abgail Country who is an employee at the Alcoholism Program. (Elgin Crows Breast joined at 1:03 p.m.) Hugh Baker moved not to accept the Tribal Coordinating Committee's resignation, seconded by Jim Mossett.

Discussion: Susan Paulson said in the letter all we are asking is what do you want us to do. Hugh Baker said we are going into an Executive session for about five minutes to discuss Abgail Country.

VOTE: Unanimous-motion carried.

- ITEM 6 ABGAIL COUNTRY
Hugh Baker moved to sustain Mr. Floyd Askim's decision in relieving Abgail Country of her employment, but the Councils needs to look for alternative employment for Abgail, she is educated she wants to work for the Tribe and she needs the job also we do have some positions that she qualifies for but at the same time she complete her thirty (30) day treatment, and because we have some concerns about the policies at the Alcoholism Program we should look at them and understand what they are and if we deem it is necessary to change those policies we will, right now the policies are that when you drink while employed by the Alcoholism Program you get terminated, seconded by Delvin Driver.

Discussion: Jim Mossett felt that if Abgail Country is doing her job she should go back to work. Hugh Baker said the question here is the policy of staying sober for two (2) years. Ed Lone Fight said we should go back to all the employees at the Alcoholism Program and see if they all have been sober for two (2) years or more. Hugh Baker said if we are not going to follow the policy then we should revise the policy. Ed Lone Fight said I made a decision not to fire Abgail, but to give her another chance, and if you want to over ride my decision it is up to you.

VOTE: Two in favor, three opposed, one not voting, motion died.

- ITEM 7 FORCE ACCOUNTS
Hugh Baker moved Jim Mossett and himself serve on the Task Force to develop procedures for Force Accounting with Dr. Spang, seconded by Jim Mossett.

ITEM 7 FORCE ACCOUNTS CONT.

Discussion: Dr. Spang said it was too late to force account any of the programs for this fiscal year. Hugh Baker said force accounting means if a ditch needs to be dug, the Bureau will provide the back hoe. Jim Mossett asked what happens to our Indian operators that have back hoes. Dr. Spang said any Indian firm can put in a bid, but if there was a tie bid then they go by experience. Elgin Crows Breast said we should develop our own policies, before going to the Bureau.

VOTE: Unanimous-motion carried.

ITEM 8 BIA PANELS

Discussion: Delvin Driver asked Dr. Spang if the BIA gave away their panels to Standing Rock? Dr. Spang said he was not aware of any panels given to Standing Rock. Ed Lone Fight asked Dr. Spang to check into this and if the BIA did give Standing Rock the panels, to get them back because we need them here on Fort Berthold. Dr. Spang said maybe we lent Standing Rock the panels, but I'll check into it as soon as I get back to my office.

ITEM 9 TWIN BUTTES PAVING PROJECT

Discussion: Dr. Spang said the Twin Buttes paving project has been shut down. Northwest Pipe submitted an appeal or a protest on the awarding of the bid to Flickertail AKA Mayd so a hearing was held, and Aberdeen ruled that Northwest Pipe denied the appeal. Aberdeen called and said that Flickertail was at the construction site and that they had to be shut down, because another appeal was filed by Northwest Pipe. The paving will not be done until next year.

ITEM 10 WAIVER OF GRAZING PAYMENT

Hugh Baker moved to waive payment on grazing where farm leases have already been paid, but will need to get permission from the farmers because of the drought, seconded by Elgin Crows Breast.

Discussion: These guys want to graze the stubble on the tribal farm leases, because there is no grass on the grazing pastures.

VOTE: Four in favor, one opposed, motion carried.

ITEM 11 SADIE MANN

Discussion: Sadie Mann said she would like to make a loan for medical emergency. Hugh Baker said she could go to the Small Loans Program and make a loan since her request was an medical emergency. Sadie Mann wanted to know how she could make a loan on her daughter's per capita. Hugh Baker said a letter will be typed up for you stating that you daughter will be entitled to her per capita with the Chairman's signature on it. (Ed stepped

- ITEM 12 VERNON SITTING CROW
Discussion: Vernon Sitting Crow said his water well has been out since August of 87. Steve Wells said if we could determine what happened to the water we can request funds from I.H.S. Steve Wells will work with Vernon Sitting Crow on his water well.
- ITEM 13 LEASE
Hugh Baker moved to approve a lease for the Koty house to Mike Mandan, seconded by Delvin Driver.

VOTE: Unanimous-motion carried.
- ITEM 14 LAND EXCHANGE/IRIS BIRD BEAR OBIS
Hugh Baker moved to approve the land exchange between the Tribe and Iris Bird Bear Obis, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-194-TL
- ITEM 15 P.L. 93-638 CONTRACT APPLICATION TECHNICAL ASSISTANCE
WATER RIGHTS
Hugh Baker moved to approve the P.L. 93-638 contract application technical assistance to collect and analyze data for water rights, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-195-TL
- ITEM 16 MINERAL SALE/CHRISTINE YOUNG
Hugh Baker moved to purchase minerals on Allot. No. 1745 containing 40.00 acres from Christine Young, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-196-TL
- ITEM 17 REVENUE SHARING BUDGET MODIFICATION/AMENDMENT
Hugh Baker moved to approve amends for FY-85 and FY-86 Official revenue Sharing Budgets and their authorizing Resolutions No. 85-112-C and 86-75-C, seconded by Jim Mossett. (Edith Likes Eagle sitting in at 2:45 p.m.)

VOTE: Unanimous-motion carried. Resolution No. 88-197-TL
- ITEM 18 PAYMENT TO HOBBS, STRAUS, DEAN & WILDER LAW FIRM
Hugh Baker moved to approve to pay one-half of the outstanding bill from Hobbs, Straus, Dean & Wilder Law Firm, seconded by Jim Mossett.

VOTE: Unanimous-motion carried. Resolution No. 88-198-TL

- ITEM 19 HOME PETROLEUM COMPANY
Hugh Baker moved to approve the agreement between the Tribe and Home Petroleum, seconded by Elgin Crows Breast.

Discussion: Hugh Baker said they have agreed to our amendments on the agreement. Jim Mossett asked Hugh Baker if we are locked in on this agreement? Hugh Baker said yes we are locked in for three years.

VOTE: Four in favor, one opposed, motion carried.

- ITEM 20 INDIRECT COST PROPOSAL
Hugh Baker moved to approve the FY-89 Indirect Cost Proposal, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-199-TL

- ITEM 22 P.L. 93-638 GRANT
Hugh Baker moved that the Three Affiliated Tribes request from the Bureau of Indian Affairs the amount of \$25,000.00 in coordinating the Tribe/State water negotiations effort, seconded by Elgin Crows Breast.

VOTE: Unanimous-motion carried. Resolution No. 88-200-TL

- ITEM 23 TRIBAL LEGAL DEPARTMENT REQUEST FOR FEDERAL FUNDS
Hugh Baker moved to authorize and direct the Tribal Legal Department to submit a formal request for federally appropriated funds, seconded by Elgin Crows Breast.

VOTE: Unanimous-motion carried. Resolution No. 88-201-TL

- ITEM 24 RESEARCH PARALEGAL SALARY
Hugh Baker moved to set the salary at \$18,500.00 for the Research Paralegal position, seconded by Jim Mossett.

VOTE: Unanimous-motion carried. Resolution No. 88-202-TL

- ITEM 25 LAND SALE
Hugh Baker moved to purchase Dennis Painte's land, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-203-TL

- ITEM 26 LAND SALE
Hugh Baker moved to purchase Debra Painte's land, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-204-TL

- ITEM 27 LAND SALE
Hugh Baker moved to purchase Elosie Ducheneaux's land, seconded by Delvin Driver.

ITEM 28 LAND EXCHANGE

Hugh Baker moved to approve a land exchange between the Tribe and William S. Baker, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-206-TL

ITEM 29 TOM FISHER

Discussion: Ed Lone Fight said he contacted Tom Fisher from Basin Electric and requested a meeting to be set up in the tribal chambers if possible at which time the Council will discuss the water contract and employment.

ITEM 30 TRAVEL APPROVAL

Hugh Baker moved to approve travel for the Tribal Chairman for a tentatively scheduled meeting to assist CERT in Washington, D.C., seconded by Delvin Driver.

Discussion: Hugh Baker asked Chairman Lone Fight if he knew what the dates were of the meeting? Mr. Lone Fight said the meeting is on Monday or Tuesday of next week and they are working on the details.

VOTE: Unanimous-motion carried.

ITEM 31 MEETING IN ABERDEEN AREA

Discussion: Mr. Lone Fight said a tentatively meeting has been scheduled in the Aberdeen Area Office regarding Tribal Employment Rights Preference for October 6, 1988. Hugh Baker said we should try and have the meeting here, Mr. Lone Fight said he would talk to Dr. Spang and see if he could set the meeting here in New Town.

ITEM 32 TRAVEL APPROVAL

Hugh Baker moved to approve travel for Mr. Lone Fight and himself to attend the September 23rd, meeting with Ross Swimmer and Associated Press; also September 27-28 meeting on JTAC with Rural Electric Cooperatives in Bismarck, seconded by Jim Mossett.

VOTE: Unanimous-motion carried.

ITEM 33 COMMUNITY SERVICES BLOCK GRANT

Hugh Baker moved to approve the Community Services Block Grant for FY-89 for Material Resource Department, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-208-TL

ITEM 34 FUNDS SET ASIDE FOR NCAI

Hugh Baker moved to set aside \$1,500.00 for coffee and tea sponsored by the Three Affiliated Tribes during the NCAI conference in Sioux Falls, SD, seconded by Delvin Driver.

VOTE: Unanimous-motion carried.

ITEM 35 LAND EXCHANGE
Hugh Baker moved to approve the land exchange between the Tribe and Jim Johnson, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-208-TL

ITEM 36 WHITE BODY FAMILY
Hugh Baker moved to try and help the White Body family with \$1,000.00, seconded by Delvin Driver.

Discussion: The White Body family was renting from Fort Berthold Housing Authority when the home they were renting burned.

VOTE: Four in favor, one not voting, motion carried.

ITEM 37 S555 BILL - GAMING
Elgin Crow Breast moved that the Tribe oppose the S555 Gaming bill, seconded by Hugh Baker.

VOTE: Unanimous-motion carried.

ITEM 38 AMENDMENTS TO TRIBAL CODE PROVISION
Hugh Baker moved to approve the amendments to the Tribal Code provision regarding usurious contracts, seconded by Delvin Driver.

VOTE: Unanimous-motion carried.

ITEM 39 APPEAL PENDING BEFORE INTERTRIBAL COURT OF APPEALS
Elgin Crows Breast moved that Kip Quale to draft up a two page position paper, seconded by Jim Mossett.

Discussion: Kip Quale said Mr. Fritzsimmmons requested him to draft a two page position paper on behalf of the enrolled member who did not pay the trailer space at the D&D trailer lots. Judge Beyer ruled that although the Tribal Code did not specifically prohibit such late rent penalties in the amount of five (5) dollars plus one (1) dollar per day penalty. Public policy would prohibit such penalties and late payment fees as being void.

VOTE: Unanimous-motion carried.

ITEM 40 CENTRALIZED CHECKING ACCOUNT
Hugh Baker moved to approve an centralized checking account for the Legal Department, seconded by Jim Mossett.

VOTE: Unanimous-motion carried. Resolution No. 88-209-TL

ITEM 41 T2 ACCOUNT BUDGET
Hugh Baker moved to approve the T2 Account budget for FY-89, seconded by Jim Mossett.

VOTE: Unanimous-motion carried. Resolution No. 88-210-TL

ITEM 42 \$40,000.00 LOAN TO KMHA
Discussion: Ed Lone Fight said we should request a process report on the \$40,000.00 loan to KMHA from Dorreen Yellow Bird.

ITEM 43 COUNCIL PAYROLL
Hugh Baker moved that the Council go on bi-weekly payroll and no more salary advances - only for funerals, medical emergency starting October 1, 1988, also travel close-outs will be deducted from salary checks in one lump sum similar to employees, seconded by Jim Mossett.

Discussion: Elgin Crows Breast said he wanted to go on a weekly payroll schedule. Ed Lone Fight said he was already on the bi-weekly payroll so he had no problem with that.

VOTE: Two in favor, three opposed, motion died.

ITEM 44 TRAVEL APPROVAL
Hugh Baker moved to approve travel for Elgin Crows Breast to accompany Denby Deegan, to attend a meeting in Denver, Colo. on the Knife River Indian Village, seconded by Jim Mossett.

VOTE: Unanimous-motion carried.

ITEM 45 BOW AND ARROW DEER PERMIT
Hugh Baker moved that Senior Citizens' holding a Bow and Arrow deer permit be authorized to allow a tribal member of their choosing to fill their permit, seconded by Jim Mossett.

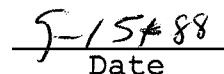
VOTE: Unanimous-motion carried.

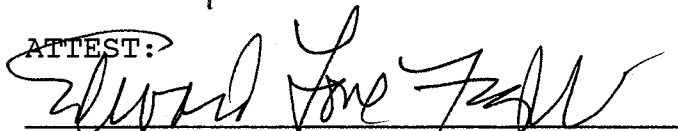
ITEM 46 ADJOURNMENT
Meeting adjourned at 4:36 p.m.

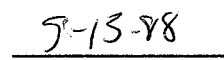
Approved

Disapproved


Secretary, Tribal Business Council


Date

ATTEST:



Date