

TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES
TRIBAL BUSINESS CHAMBERS

Regular Meeting
December 15, 1988

PRESENT: Ed Lone Fight, Chairman; Delvin Driver, Vice-Chairman; Ted Lone Fight III, Secretary; Hugh Baker, Treasurer; and Austin Gillette.

ABSENT : Titus Hall and Jim Mossett.

OTHERS : Emerson Baker, Chapter I Coordinator; Ivetta Spotted Bear, Job Services; Esley Thorton, Director of TERO; Pete Coffey Jr., KMHA Radio; Shawn Fredericks, JOM Coordinator; Roger Bird Bear, Parlegal; Mr. & Mrs. Larry Lockwood; Leland Mann, Koah Company; Jim Boyd, Field Supervisor; Philip Stewart, Pipeline Foreman; and Judy Black Hawk, Recording Secretary.

ITEM 1 CALL TO ORDER

Meeting called to order at 10:27 a.m.
(Opening prayer by Delvin Driver)

ITEM 2 ROLL CALL

Roll call by Secretary Lone Fight, quorum present.

ITEM 3 LOT SALE/JUNE LOCKWOOD

Discussion: (Titus Hall and Jim Mossett joined the meeting at 10:29 a.m.) June Lockwood wanted to know how long it would take before she gets her money from her lot sale? June Lockwood said she heard there was no resolution on her lot sale. Hugh Baker said there is a resolution which will be passed today. June Lockwood asked if she had to be at the meeting. Ed Lone Fight said no because there is no problem with the lot sale and that it will be passed today.

ITEM 4 CHAPTER I PROGRAM

Discussion: Charles Gustafson from the Aberdeen Area Office said there should be an agreement in writing that identifies or indicates where the Tribe will delegate the authority to the Project sites or if the Tribe is going to take direct role. Emerson Baker said he got together with Paige Baker and Dr. Felix and put together a draft sub-contract. Emerson Baker said he was looking for the Tribes approval of the sub-contract. Ed Lone Fight said the Tribe passed a resolution as the prime contractor. Emerson Baker said I think the concern is who is going to hire the teachers? Ed Lone Fight said the resolution states that the school boards will do there own hiring.

ITEM 5 CHAPTER I PROGRAM CONT.

Ed Lone Fight said he will call up Mr. Gustafson regarding the Sub-contract. Emerson Baker said he had a question on Indirect Cost? Ed Lone Fight said see Steve Francis or Dixie Kruger regarding indirect cost.

ITEM 6 KOCH GAS GATHERING COMPANY

Ted Lone Fight III moved to approve a twenty (20) year easement for a gas pipeline across Allotment No. 549A and those allotted lands in which the Three Affiliated Tribes have an undivided interest in, also requesting twenty dollars (\$20.00) per rod and two (2) permanent positions with Koch for two (2) enrolled members of the Three Affiliated Tribes and a one time payment of ten thousand dollars (\$10,000.00), seconded by Hugh Baker. (Edith McNarama and Rose Crow Flies High sitting in at 11:06 a.m.)

Discussion: Leland Mann said they were in agreement to everything the Tribe was requesting, and that they already have two (2) enrolled members signed up with Koch. Koch will follow all TERO regulations while operating on the Fort Berthold Reservation.

VOTE: Six in favor, One opposed, motion carried.
Resolution No. 88-247-TL

ITEM 7 SENIOR CITIZENS PER CAPITA

Discussion: Hugh Baker said this year we have 446 senior citizens signed up and they will be receiving \$114.13 also we have planned for three (3) additional senior citizens. The checks can be picked up tomorrow by noon and the ones that are not picked up, will be mailed out at 4:30 p.m. Austin Gillette said the original judgment plan in 1982 was to invest the money in one lump sum, then annually divided by those eight (8) programs that are in the plan. But what the Bureau of Indian Affairs did was break down the 7 million according to the eight programs. Austin Gillette said he told the Bureau of Indian Affairs that the intent was to invest the money in one lump sum, so the Tribe could get a better interest. Hugh Baker said he was trying to get the Bureau of Indian Affairs to get the Tribe to invest their own funds, but the law says the Tribe cannot invest their own funds. Austin Gillette said we should at least tell the Bureau of Indian Affairs how to invest the docket funds this money is ours and we should be able to tell them how to invest the money. Hugh Baker said in 1982 the Bureau paid the Tribe the principle and now we are paying it back. Austin Gillette said the Tribe should not have to pay the Bureau back.

ITEM 8 ENROLLMENT

Hugh Baker moved to approve thirty-one (31) applicants for enrollment with the Three Affiliated Tribes, seconded by Delvin Driver.

VOTE: Unanimous-motion carried. Resolution No. 88-248-TL

ITEM 9 EDUCATIONAL LEAVE

Ted Lone Fight III moved to approve educational leave for Paige Baker from January 4, 1989 to February 4, 1989, seconded by Hugh Baker.

Discussion: Ed Lone Fight told Paige Baker to look under the Employee Training Act of 1965 to see if the Bureau will allow him paid educational leave. Ed Lone Fight said he would talk to Dr. Jerry Jaeger to see if Paige Baker could get paid.

VOTE: Unanimous-motion carried.

ITEM 10 DOCKET FUND 350-C/D

Ted Lone Fight III moved that the \$16,803.85 docket fund 350-C/D be moved into administration to pay for building insurance, seconded by Hugh Baker.

Discussion: Hugh Baker said we are going to have about \$25,000.00 in our business development funds. Austin Gillette said when dealing with docket funds do you ever refer back to the original judgment plan, the plan states that this is a loan procedure not a grant. Hugh Baker said if this is the case then we have to go back and collect every grant that was given out. (Ed Lone Fight left stepped out of the meeting at 11:55 a.m.) Austin Gillette said yes. Austin Gillette said the docket funds were to be taken out on annual basis, but in the past the Council have taken funds as they saw fit, and not on annual basis. Hugh Baker said the Judgment plans have changed since then. Austin Gillette said the Judgment plan procedures have not changed. Austin Gillette said we should go back and look at the Judgment plan. Austin Gillette said we need to go back and review past expenditures from all docket funds according to the judgment plan its self to clarify the business loan section that permits grants or if it is a loan as stated in the plan and if they were loans the Tribe will collect on the loans. Austin Gillette said it is our responsibility to collect the money, because those are tribal funds.

VOTE: Five in favor, one opposed, motion carried.
Resolution No. 88-249-TL

ITEM 11 MAILING OF BUDGET REPORT

Ted Lone Fight III moved to set aside \$1,000.00 to mail a copy of the budget report to all enrolled members, seconded by Hugh Baker. (Ed Lone Fight rejoined the meeting at 12:05 p.m.)

Discussion: Jim Mossett asked why the report could not be put in the paper. Hugh Baker said I want everyone to get a copy of the budget. Austin Gillette said with corrections.

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

ITEM 12 EARN PROJECT

Discussion: Susan Holland requested that she get paid. She had not gotten paid since she started work. Steve Francis said Brenda Hale had put a hold on Susan's salary check, because she was not satisfied with one part of the contract. Hugh Baker said he would look into Susan Holland's request.

ITEM 13 HOSPITAL FUNDS 54-81L

Hugh Baker moved to approve that the Tribal Business Council use the Hospital funds from 54-81L as follows:
1. \$33,937.87 to be repaid to Docket 350-C/D principal to complete the pay back in full of the \$219,335.87 erroneously withdrawn and paid to the Tribes in 1985.
2. \$131,392.17 plus interest earned from investments which matured November 17, 1988, and any future interest earned from overnigher funds, shall be used to purchase lots within the cities of New Town and Parshall, seconded by Titus Hall.

Discussion: Austin Gillette gave a history on the hospital funds.

VOTE: Four in favor, two not voting, one opposed, motion carried. Resolution No. 88-250-TL

ITEM 14 ROSE CROW FLIES HIGH

Discussion: Rose Crow Flies High went to the Bureau and wanted to get a loan, and she was told that her leasor had to be an Enrolled member. Hugh Baker said he directed Shelly Yellow Bird to work with Rose Crow Flies High. Referred back to Credit Committee.

Five Minute Break taken at 12:30 p.m.

Meeting reconvene at 1:09 p.m.

ITEM 15 BEVERLY WILKINSON

Hugh Baker moved that the HIP Program modify their budget for funds to move houses, seconded by Austin Gillette.

Discussion: Beverly Wilkinson requested funds to move her house closer to White Shield so she can get running water.

VOTE: Unanimous-motion carried.

ITEM 16 ALLEN NEWMAN

Ted Lone Fight III moved to accept Allen Newman's proposal, seconded by Delvin Driver.

Discussion: Hugh Baker said we will not have \$50,000.00 in the Business Development funds as we expected we will only have \$25,000.00. Ed Lone Fight said all proposal will be reviewed in February.

VOTE: Three in favor, four opposed, motion dies.

ITEM 17 BUSINESS DEVELOPMENT DOCKET 350-G

Hugh Baker moved to rescind Resolution No. 88-206-TL and approve the actual amount available of \$25,000.00 in the Business Development funds, seconded by Delvin Driver.

Discussion: Austin Gillette said the Tribe needs to meet with the Bureau accountants.

VOTE: Unanimous-motion carried. Resolution No. 88-251-TL

ITEM 18 REQUEST OF DONATIONS/U.T.E.T.C.

Discussion: Hugh Baker said we have limited funds in the T2 Account. It was directed by Chairman Lone Fight that James Bluestone write a letter to U.T.E.T.C. letting them know that the Tribal Business Council rejected their request for funds.

ITEM 19 REQUEST FOR DONATIONS/DELA WILKINSON

Discussion: Hugh Baker said we have an resolution that that states no loans will be given from the T2 Account. A letter will also be written to Dela Wilkinson rejecting her request by James Bluestone for Chairman Lone Fight's signature.

ITEM 20 WAGE ASSIGNMENTS

Austin Gillette moved to approve the YB Store, Roadside Store and Broken Spoke Western Wear for wage assignment deductions for the Tribal Employees, seconded by Delvin Driver.

VOTE: Unanimous-motion carried.

ITEM 21 LEGAL DEPARTMENT

Hugh Baker moved to authorize the Legal Department to proceed with Legislation to re-introduce the Full Faith and Credit Law, seconded by Ted Lone Fight III.

Discussion: Kip Quale said the Full Faith and Credit Law was passed in 1986-87 for only two (2) years just to see how it would work and will expire on June 30, 1989. Basically what it does is it provides that Tribal Court Judgments in the area of principally domestic relations and Juveniles matters would be granted Full Faith and Credit and enforcement by State, County District Courts and this will also work the other way around with Tribal Court recognizing their court orders.

VOTE: Unanimous-motion carried.

ITEM 22 INDIAN BURIAL SITES

Delvin Driver moved to authorize the Legal Department to introduce to the Legislative assembly the Indian Burial Sites Protection Law so that the remains that are already buried will be protected, seconded by Ted Lone Fight III.

Discussion: Kip Quale said this will protect the Indian remains in the ground already, so land owners cannot dig the graves up.

VOTE: Unanimous-motion carried.

ITEM 23 LAND SALES

Hugh Baker moved to approve that the Tribe purchase Maybelle Lone Fight's land, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-252-TL

Hugh Baker moved to approve that the Tribe purchase land from Theodore Lone Fight II, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-253-TL

Hugh Baker moved to approve that the Tribe purchase June Francia Lockwood's lot in New Town, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-254-TL

Hugh Baker moved to approve that the Tribe purchase Billy Joe Jacobs land, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-255-TL

ITEM 24 LAND SALES CONT.

Hugh Baker moved to approve that the Tribe purchase Aline Lone Bear's land, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-256-TL

Hugh Baker moved to approve that the Tribe purchase Hazie Star's land, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-257-TL

Hugh Baker moved to approve that the Tribe purchase Lynia F. McKinney's land, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-258-TL

Hugh Baker moved to approve that the Tribe purchase land from Elgin Crows Breast Jr., seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-259-TL

Hugh Baker moved to approve that the Tribe purchase Romona Foolish Bear's land, seconded by Titus Hall.

VOTE: Unanimous-motion carried. Resolution No. 88-260-TL

ITEM 25 LAND EXCHANGING POLICY

Hugh Baker moved that the Tribal Council adopt the following land exchange policy, seconded by Jim Mossett. (see attached resolution)

VOTE: Six in favor, one opposed, motion carried.
Resolution No. 88-261-TL

ITEM 26 MANDAREE PROJECT REPORT

Delvin Driver moved that the Tribal Business Council concurs with the concepts set forth in the Mandaree Project Report and that such concurrence is made with the understanding that the Bureau of Reclamation will modify the Report to reflect the substantive comments provided by the Three Affiliated Tribe and their consulting engineers, HKM Associates, seconded by Hugh Baker.

VOTE: Unanimous-motion carried. Resolution No. 88-262-TL

ITEM 27 OIL AND GAS LEASES

Hugh Baker moved that the Tribal Business Council approves and accepts the bids offered by Exxon, Duncan and Columbia, seconded by Delvin Driver. (see attachment)

VOTE: Unanimous-motion carried. Resolution No. 88-263-TL

ITEM 28 MEMORANDUM OF AGREEMENT

Hugh Baker moved that the Tribal Business Council approves the Memorandum of Agreement between the Tribes and the State regarding Operating Procedures for Proclamations and Licensing and Cross Deputization and Enforcement Procedures, seconded by Titus Hall.

VOTE: Six in favor, one opposed, motion carried.
Resolution No. 88-264-TL

ITEM 39 CONTRACT U.S. ARMY CORP OF ENGINEERS

Hugh Baker moved that the Tribal Business Council contract with the U.S. Army Corps of Engineers to build the necessary fences (because of the need to build new fences to maintain Range Unit and pasture boundaries and neither the range unit permittee nor the Three Affiliated Tribes have the funds available to construct such fences), seconded by Ted Lone Fight.

VOTE: Unanimous-motion carried. Resolution No. 88-265-TL

ITEM 30 PROMOTING IMPROVED RANGE MANAGEMENT

Jim Mossett moved that the Tribal Business Council request ASCS to reinstate fencing as a conservation practice eligible for federal cost sharing, also requests the Fort Berthold Agency to implement a fencing program to promote improved range management, seconded by Hugh Baker.

VOTE: Unanimous-motion carried. Resolution No. 88-266-TL

ITEM 31 CFR JUDGES

Ted Lone Fight III moved that the Tribal Business Council confirm the Bureau of Indian Affairs appointments of Thomas M. Beyer, Anthony Hale and Luther Grinnell as the CFR Judges, seconded by Hugh Baker.

Discussion: Hugh Baker said the resolution came from Dr. Spang because there is a question on whether or not we have jurisdiction over Non-Member Indian. Ed Lone Fight said we have to designate our CFR Judges so they can try other Non-members Indian under the CFR regulations.

VOTE: Unanimous-motion carried. Resolution No. 88-267-TL

ITEM 32 GENERAL ASSISTANCE CHECK ISSUANCE

Discussion: Hugh Baker said why do the General Assistance checks come from San Francisco? Ed Lone Fight said this was creating some problems on timely delivery. Steve Francis said this was the Bureau's check writing system, since we do not have all the funds on the contract. Steve Francis said when they have to do a direct check the Bureau has to go through San Francisco. Austin Gillette said he would like to see the checks made here. Steve Francis said he would check into this with Dr. Spang, and would be willing to do the check writing.

ITEM 33 ADVANCE PAY AND PAYROLL

Hugh Baker moved that all council members follow the Tribal Finance Policies and Procedures regarding payroll, also amending the Tribal Personnel Policies and Procedures manual, Section IV (D) (7) to read as follows: a. All individuals working for the Tribe, Councilman and Employees shall be paid a salary utilizing the Tribal Payroll System; b. Salary payments will be made every two (2) weeks; c. Advances of salary will be given only when an employee or councilman has a death in the immediate family or hospitalization of a member of his/her immediate family; d. Salary advances shall be limited to 80% of the total wages earned for the current pay period; seconded by Austin Gillette.

Discussion: Ted Lone Fight III said he was going to oppose the resolution, because he said there are other emergencies other than death in the family. Ted said some employees go to Bismarck for treatment. Delvin Driver and Titus Hall also said they were going to oppose the resolution on the same grounds as Ted Lone Fight III.

VOTE: Four in favor, three opposed, motion carried.
Resolution No. 88-268-TL

ITEM 34 POLICIES AND PROCEDURES/SMALL LOANS PROGRAM

Jim Mossett moved that the Tribal Business Council approve and adopt the "Declaration of Policies and Plan of Operation of the Tribal Small Loans Program", seconded by Delvin Driver.

Discussion: Hugh Baker said the only thing that is different is we are limiting the loans to \$500.00 so there will be more money to lend out.

VOTE: Five in favor, one opposed, one not voting, motion carried. Resolution No. 88-269-TL

ITEM 35 HIGHWAY 22 CONSTRUCTION

Discussion: Kip Quale shared information on the negotiated agreement between the State Highway Department and the Tribes and Border States who were awarded the prime contract on highway 22. Kip Quale said we got 50% skilled positions (Indian Preference) and 100% unskilled positions, also got the disadvantage business enterprise percentage raised from 10 to 25, but we were not satisfied with that, so this is the reason for the separate contract agreement between the Tribes and the States and the prime contractor Border States. Broader State will pay the 1% TERO fee, and if they have to subcontract they would go through TERO for Indian Preference. Hugh Baker moved to authorize Ed Lone Fight to sign the agreement between the State and the Tribes, seconded by Titus Hall.

VOTE: Unanimous-motion carried.

ITEM 36 FOUR BEARS COMMUNITY

Hugh Baker moved that Indian Health Services meet with Bently Heart regarding the Four Bears water system, seconded by Delvin Driver.

Discussion: Bently Heart said the Four Bears water was bad and not drinkable. Requested the Council or Utilities to look into the problem. Austin Gillette said you have to wait until next summer, because there will be a new water system put in. Ed Lone Fight said lets have I.H.S. look at the water and see if there are some real problems and if there is something should be done.

VOTE: Unanimous-motion carried.

ITEM 37 PHONE AT FOUR BEARS COMMUNITY BUILDING

Hugh Baker moved to install a phone at Four Bears Community Building, seconded by Ted Lone Fight III.

VOTE: Unanimous-motion carried.

ITEM 38 BONUS FOR EMPLOYEES

Hugh Baker moved to approve a \$50.00 bonus for employees who have been with the Tribe for ten (10) years or more, and the funds will come out of Council's travel, also Council will pay for the plates to be given those employees, seconded by Ted Lone Fight III.

VOTE: Unanimous-motion carried.

ITEM 39 PERSONNEL SELECTION

Ted Lone Fight III moved to hire LeRoy Young Bird as the Magistrate Judge, seconded by Hugh Baker.

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

ITEM 40 FORT BERTHOLD BOARD OF COMMISSIONERS

Ted Lone Fight moved to remove Texx Lone Bear from the Fort Berthold Board of Commissioners replacing him with Titus Hall, seconded by Austin Gillette.

VOTE: Four in favor, two opposed, one not voting, motion carried. Resolution No. 88-270-TL

ITEM 41 DIALYSIS WORKSHOP

Hugh Baker moved to approve travel for Titus Hall and Austin Gillette to attend the Dialysis workshop in Minot on December 16, 1988; also for Jim Mossett to attend the Basin Electric Staff meeting on 12/16/88 in Bealuh, ND; and for Ed Lone Fight, Delvin Driver and himself to attend the State Water Commission meeting in Bismarck on 12/16/88, seconded by Titus Hall.

VOTE: Unanimous-motion carried.

ITEM 42 CHAIRMAN'S TRIP REPORT

Discussion: Ed Lone Fight said he was one of the fifteen (15) chairmen that were invited to meet with the President of the United States. Ed Lone Fight said they talked about Indian Policy, Self-Determination, Indian Rights, and the freedom to chose where the Indians want to live on or off the reservation. They also had a press interview after the meeting. Chairman Lone Fight met with Credit and Finance on Project Manceram for funding for a guaranteed loan, also meet with them on our Oil rig proposal. Chairman Lone Fight also reactivated our efforts on JTAC, which was promising.

ITEM 43 IVAN YOUNG BEAR

Discussion: Ivan Young Bear said he was requesting someone from Washington, D.C. to look into his land situation, he was withdrawing his request from the local Agency. Roger Bird Bear said his office has contacted the Select Committee of Indian Affairs to look into Ivan's land situation and Mary Jo Vrem will call Roger Bird Bear back by Monday letting him know what they find out, and if in fact Ivan did sign the consent. Ed Lone Fight said he felt that Ivan was going through the proper procedure by going through the Select Committee of Indian Affairs.

ITEM 44 BERNICE MORNING STAR

Hugh Baker moved to refer Bernice Morning Star's request for a loan back to the Credit Committee, seconded by Titus Hall.

Discussion: Hugh Baker said Mrs. Morning Star wanted to make a loan, but she is all loaned out and she would need to get a co-signer before she can make a loan. Chairman Lone Fight said we cannot make any loans out of the T2 Account, and right now the only alternative is if your Community helps you out. Delvin Driver asked if Hugh Baker can write a letter to Bently Heart as Chairman of the Community to help Mrs. Morning Star. Mrs. Morning Star said everyone she asked to co-sign was co-signed out. Austin Gillette said the Four Bears Community loaned out about \$20,000.00 of community monies. Austin Gillette said there is a resolution that states that no loans can be made with Community funds, also they cannot sponsor Pow-wows.

VOTE: Unanimous-motion carried.

ITEM 45 ADJOURNMENT

Meeting adjourned at 4:14 p.m.

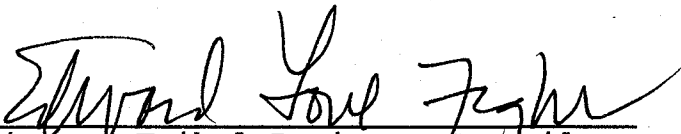
Approved

Disapproved

Secretary, Tribal Business Council

3-23-89
Date

ATTEST:



Chairman, Tribal Business Council

3-23-89
Date