



THREE AFFILIATED TRIBES • FORT BERTHOLD RESERVATION

*Mandan, Hidatsa, and Arikara Tribes*

TRIBAL BUSINESS COUNCIL

P.O. Box 220 • New Town, North Dakota 58763 • (701) 627-4781

### Agenda

Wilbur D. Wilkinson  
*Tribal Chairman*

Special Council Meeting  
October 2, 1991

Titus Hall  
*Vice Chairman*  
*Little Shell Segment*

1. Call to Order

John "Jack" Rabbithead Jr.  
*Secretary*  
*Parshall/*  
*Lucky Mound Segment*

2. Roll Call

3. Tax Commission

Roger Bird Bear  
*Treasurer*  
*Four Bears Segment*

4. Resolutions:  
\*Tribal Chairmen's Health Board  
\*Tribal Attorney's Contract  
\*Fort Berthold Community College

Austin Gillette  
*White Shield Segment*

5. Fredericks Family

6. Little Soldier Payment Fees

Ted Lone Fight III  
*Mandaree Segment*

7. Line of Authority

Jim Mossett  
*Twin Buttes Segment*

8. Update by Chairman Wilkinson

9. Hiring & Firing

10. Resolution:  
\*North Segment  
\*EDA/Title 9  
\*HUD/CDBG

11. Adjournment

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Special Meeting  
October 2, 1991

PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice  
Chairman; John J. Rabbithead, Jr., Secretary,  
Austin Gillette, Councilmember; Jim Mossett,  
Councilmember and LaVerne Brady, Recording Secretar

ABSENT: Theodore Lone Fight III., Councilmember and  
Roger Bird Bear, Treasurer

OTHERS: Tom Needham, Tax Commissioner; Joe Walker, Tax Co-  
mmissioner; Ervin Lee, Legal Respresentative; Joan  
Hillaran, Commission member; Danile Henry, Legal  
Secretary; Ervin Bear Don't Walk, In-House Attorney  
Marion Spotted Bear, Assistant to Chief Executive  
Officer; Calvin Grinnell, Editor of MHA Times;  
Leslie Hammerburg, Dakota Travel Respresentative;  
Theodore Bolman, Jr., and Rose Crow Flies High.

Before the Council Meeting was called to order,  
Leslie Hammerburg, Dakota Travel Representative was  
introduced and she spoke on behalf of her company.  
and what they offer to tribes.

ITEM 01: CALL TO ORDER:  
Meeting called to order at 2:44 PM.

ITEM 02: ROLL CALL:  
Roll called by Secretary Rabbithead. Quorum  
established. Prayer by Rose Crow Flies High.

ITEM 03: TAX COMMISSION:  
Joe Walker and Tom Needham, Commissioners presented  
the changes of the Possessory Interest Tax.

Before Mr. Walker was given the floor, our new  
Tribal Attorney, Mr. Ervin Bear Don't Walk was  
introduced to the Tribal Business Council members.

Mr. Walker given the floor. He stated the Tax Com-  
mission requested this Special Meeting today in  
order to present the recommendations and findings  
on the Possessory Interest Tax. The Tax Commission  
through analysis and facts relating to the oil &  
gas industry, railroad industry and rural electric  
and telephone cooperatives has arrived at the  
following recommendations: changes in rates and  
evaluations. There are three different changes to

TAX COMMISSION (CON'T):

those original rates and evaluations established by Dr. Ahmed Karoos. The first is land valuation for mining and extractive activities change: \$2,800 per acre land valuation to the BIA rental fees which is anywhere between 2.50 to 5.00 per acre.

#2 is utilities and railroads to remain at \$2,800. per acre, specifically referring to railroad right of ways. Electric and telephone system right of ways and easements. The BIA rental fees will only apply to well spacing. In addition, changing the valuation for assessment which is the assessment for Possessory Interest Tax from 100% to 45%.

#3 relates to the tax rate of 3.5% to 1%. Justification for these changes are as follows: The Tax Commission recommends two exemptions--Service Lines and News Wells. There was a question on when an enrolled member wants a highline to their house, who pays? Is it installed by the REC? Mr. Walker stated they have a set rate where they will install to a certain point and the consumer has to pay for the rest. Treasurer Bird Bear in at 3:46 PM.

It was questioned, when you were considering this exemption on this proposal for the Tribal Business Council, did you look at the financial statements of the REC? Response was yes. Were they cooperative in this effort and did it show a hardship on the REC? Response was there's various things that you could take into consideration. On Capitol Credits, they pay back Capitol Credits to various members on a yearly basis. (11 to 15 year rotation). It's set up on a tear system.

Discussion regarding balance sheets, profits and Basin Electric. The Board of Directors' sets the rates.

It was questioned if the people of Fort Berthold benefit from the 2% gross rate? Response was yes, the school districts get it. Any costs beyond the service which they provide is allocated back to the people they provide services to. The Federal Government has recognized this and they have exempted their cooperatives from Federal taxation. Also the State of ND and exempted them from the business income and property taxation in lieu of gross receipts tax.

TAX COMMISSION (CON'T):

It was questioned if they are not exempted, if there is another way they are capturing their 2% money. Response was they levy their gross receipt taxes in lieu of these other taxes. Tom mentioned the coops are non-profit organizations. They don't pay the principal of their business. They don't pay any state and federal income tax.

It was questioned if the state would also consider waiving their 2%. Response by Tom was that 2% is just a way of the state receiving some kind of revenue from the cooperatives. Joe stated I've addressed that with Heidi Heitkam on one occasion. She stated It's up to whether the Tribe wants to go ahead and finance that portion of the revenue that is coming back. The gross receipts that come back to the school districts. If the Tribe wants to exempt the enrolled members on the reservation from paying that added tax in their phone/electric bills then if the Tribe is willing to go ahead and finance that money that will be lost on the reservation due to them not paying that tax.

Regarding the 2% tax you are talking about, how does that come back. Response was it comes back to the counties and they do what they want with it.

Chairman Wilkinson stated one of the things the Commissioners was to do was determine the hardships. If it exists then, let's get an exemption if we can prove it.

Mr. Walker stated the Tax Commission also recommend a 15 month new well exemption.

Councilman Mossett had a question on service lines. you say utilities, does that include water lines/gas lines. Water lines are operated by municipalities and one government can't tax another government. Response was regarding natural gas lines, if a gas line runs across the reservation, the part that is not providing a service will be taxed. That goes for railroads also. Utility as defined in our tax code takes in account-railroad and oil & gas as well.

Councilman Mossett stated I wonder if we showed just keep the exemption just for electrical and

TAX COMMISSION (CON'T):

telephone. Response from Mr. Walker was after we have found the theory on how the cooperatives operate, we thought about just exempting them just straight out. We don't believe you can do that and absent any legal representation-you cannot exempt the electric coops and not exempt the private companies or organizations that are providing the same service because it's run through the fair protection law type situation and you would go to court on a situation like that so we came up with the Service Lines exemption. The Shoshone Bannock Tribe solved their situation through the Service Line exemption. We're going to exempt everyone that provides service to the reservation.

Danile Henry stated she had a question regarding telephone billing on the subscriber tax. She stated Parshall alone gets a large amount from serving the reservation.

The Tax Commissioners stated this is just a line item but every bit of the money gets back to the school districts.

Theodore Bolman, Jr., stated as he understood Cooperatives is that every consumer receiving these services has a voice at their annual meeting. If we feel that we have a misrepresentation, I believe it is every consumer's obligation to go and attend these meetings and voice our opinions and get a representative that will represent the reservation as far as services are concerned and we haven't done that throughout the years and furthermore any accelerated tax/costs goes back to the consumer, if we are provided services.

Chairman Wilkinson stated the issue that is in discussion now is the 2% tax that is in no way going back to the individuals.

Mr. Walker's response was that is no tax that we know of that goes back to any individual so the monies go back to the school districts. The ones that are hit the hardest are the reservation residents. Mr. Needham responded stating what we learned from our conversation with the cooperatives if we implemented this tax, it could come back segregated to the people of reservation to pay for the tax. There was a question if this can be done.

TAX COMMISSION (CON'T):

Theodore Bolman, Jr. further stated I don't believe our water quantifications have been settled. (The source of the generator until we get a quantification, then we could get a reduced/negotiated rate.)

Mr. Walker stated that the opinions of ND Rural Electric Cooperative National Legal Representatives and Heidi Heitkamp regarding segregation.

Councilman Mossett stated they take that water and make electricity out of it and part of that is our water so there's an argument there.

Mr. Needham stated that would be an argument between the Tribes' Legal Department and Basin Electric.

Chairman Wilkinson stated any segregation of this cost back to just residents on the reservation is certainly going to be subject to a legal challenge.

Mr. Walker stated In addition to the service lines exemption, we also recommend a 15 month new well exemption. It takes two years to recover the cost of drilling an average well.

Councilman Mossett stated before January 1, 1991, they wouldn't be exempted.

Rose Crow Flies High was given the floor. She stated she was scared of these taxes but she was glad when she received monies back from the cooperatives. At her age, she don't want to be paying taxes.

Theodore Bolman stated regarding the oil situation, a mineral owner gets a mere fraction of what the actual production is, if you impose the taxes, that is going to negate any further explorations on the reservation so the oil rigs are forced to drill and I don't see where it's any betterment to the Tribe.

A handout was given to Mr. Bolman by Mr. Walker. Mr. Walker stated in response to that, people were afraid that possessory interest tax would affect their royalties. Examples were given through a flipchart by Mr. Walker. A well with an average daily production of 10 wells per day at \$19.50 a barrel, before we levy a tax on this barrel, we take out the royalties. (The state and the Tribal

TAX COMMISSION (CON'T):

gross production tax and the state extraction tax plus operating expenses.) All expenses are taken out prior to levying this tax from the gross income and come out with the net income. The net income is what this tax is levied on, plus the well spacing. The possessory interest tax does not affect royalties received. The royalties is a set figure established by the Bureau of Indian Affairs.

There was a question on if by establishing this tax if the commission was content with just a small amount of wells or would they increase.

Mr. Walker stated it would be better to increase but at the rates that were set by Mr. Karoos. Those were extremely high so we proposed a change.

It was mentioned if we're going to beat the system, why not form your own drilling company.

Mr. Bear Don't Walk stated as far as the exemption are concerned, how much is that in dollars and cent

Mr. Needham stated there was some figures we had done on the spreadsheets. We were not to exempt the telephone companies and we were to use rates established by Mr. Karoos but from just the telephone companies, we could generate \$369,000.00 but this tax would just go back to the so to me, are the dollars generated worth more and are they going to do more benefit in the hardship and anxiety that is going to be imposed on people like Rose To me that's a point of argument. That's something the Council will have to decide.

Mr. Bear Don't Walk stated when the tax comes in, it comes to the Tribe so the Tribe can decide what they want to do with this.

Mr. Needham stated but the people are going to be confronted up front with paying for the tax.

Mr. Walker stated the way other reservation handled this is they've portioned this money to the different segments/districts and let the community decide what they want to do with it. There is a lot of other ways they can use this money. A lot of old wells wouldn't be exempt-just the new ones.

TAX COMMISSION (CON'T):

Chairman Wilkinson questioned just on the data collected, how much is this money you say goes off to the schools, how much was collected. How much does each reservation day school receive. It was stated that back in 1990, New Town received \$4,526.00; Parshall received \$2,913.00; White Shiel received \$444.00 and Mandaree received \$490.00. It depends on the number of telephones in that district.

Question regarding tax rates. Response by Mr. Walker was every reservation we contacted, that has the possessory interest tax, there rates were different because each situation is different. Several reservations have large electric organizations instead of cooperatives. If they have a line going across their reservation, then it's taxed.

Chief Executive Burr stated on these other reservations, where that tax was imposed, do those electric companies raise individual prices, that reflect to those people on the reservation?

Mr. Walker responded by they were exempt due to service line exemption.

Chairman Wilkinson questioned is it the commissions position that the state tax that's imposed be left as is and the tribal possessory interest tax be waived, extended or not implemented till 1992. Have there been any discussions with the State Tax Department on that?

Mr. Walker stated we have approached them on it but they are set, reason being the Supreme Court gave them the right to tax those oil and gas productions on the reservations.

It was questioned if it was alright for the state to tax and not for the tribe.

Mr. Walker stated for oil well spacing, we would like to utilize the BIA rental fees but the lines going across the reservation will remain at \$2800 an acre on gas pipe lines but in addition to that we recommend dropping the assessed valuation. If we were to levy the taxes set by Dr. Karoos, the companies would not survive after expenses and taxes, this, in effect would cause the company to prematurely cap the wells currently in operation



TAX COMMISSION (CON'T):

on Fort Berthold and cause them to seek exploration elsewhere. A list of various oil and railroad companies who will be for tax and rates in the report, if the possessory interest tax is levied utilizing those original rates and valuations. (You will notice that 70% of these companies will be subject to an average tax of 30% so the commission recommends reducing the preliminary rates.

Theodore Bolman further stated what I'm hearing you say is theoretically a drilling company can come in here and go throughout the reservation and explore or find oil, economically speaking, it is better to leave it (cap it) rather than to take it out as far as cost. Response was if the rates were too high. The estimated revenue expected through implementation of the possessory interest tax at the revised state is \$124,000.00.

The Tax Commission was asked to put on the table what actions they recommend be adopted.

Mr. Walker stated the following recommendations:

1. to change the land valuation which is originally set at \$2800.00 an acre to be changed to the BIA rental fees.
2. for utilities and railroads, the \$2800.00 land valuation remain the same.
3. the valuation for assessment was originally set for 100% and we recommend changing that to 45%. That's across the board for all mining, extractive activities, utilities and railroads.
4. The tax rate set at 3.5%-we recommend changing that to 1% across the board also, in addition, as far as the two exemptions service line and new well exemptions.

For the Record: the six recommendations are:

1. change land valuation
2. railroad valuation
3. utilities stay the same
4. assessment, tax rate
5. 2 assessments

Attorney Ervin Lee stated one of the requests we made of Mr. Walker and Mr. Needham was that any taxes implemented would not shut down employment.

TAX COMMISSIONER (CON'T):

Mr. Walker further stated you take into account, if you levy the tax at the original rate, this in effect would shut down all wells on the reservation causing those native american people to lose their jobs. It would have the same effects on royalties also.

Theodore Bolman stated are these companies sitting on hold right now awaiting the decision of taxation That is correct which is why we wanted to get in here to reach a decision so they can go ahead with their exploration. That may not be a fact but that is what each company is saying. If we wait too long there's only a certain time in the season when they can drill.

Councilman Mossett stated your first recommendation was implementation. On Twin Buttes, there's no figures.

Mr. Needham stated the school district was not organized whereby the utilities did not have a report

Mr. Walker stated if that company is not within that school district, then they don't have to pay that school district.

Councilman Mossett stated there's two cooperatives that serve Twin Buttes-West River and Consolidated.

There was a question on Rocky Mountain Drilling Company. Several letters were sent to the front office which we never received but upon contacting them, they stated that the Tribal Business Council wanted to meet with them, but they stated they really had nothing to meet with the Tribal Business Council or the Tax Commission at this point.

There was another exemption we were going to put into this report and it is in regard to if the oil price falls down to \$15.00 or below a barrel then this possessory interest tax would not be levied against that company.

It was stated the oil companies drill year around.

Councilman Gillette stated I have a hard time with the state taxing our minerals. We, as a Tribal Business Council should meet with the state taxing our

TAX COMMISSION (CON'T):

state and ask for a split tax on oil production on the reservation. In November, they are having a special session to discuss the legislative districting. We don't have no tax revenue. We have gone through Conrad, Dorgan and now Heitkamp. To get consideration, we should go ahead and tax that homestead area and exempt the other part South of Roseglen and Lucky Mound area. We know the needs of our people. We should have our Attorney's draft up a proposed legislative tax compact and let them administer it for us. Where do we come in as a government as the Supreme Court said the State can tax types of production. We should spell out before hand what we're going to do with these monies so they'll be no question and I'll go along with the recommendations.

Secretary Rabbithead felt the communities should approve of this first before we make an approval.

Councilman Hall felt the full tax should be implemented.

Secretary Rabbithead made a motion to take the tax issue back to their communities for discussion. Motion failed due to lack of a second.

Councilman Gillette made a motion to approve #1 and #2. Change land valuation and leaving the railroad valuation including a plan to develop for the use of monies in accordance with uses provided in the tax code, seconded by Councilman Mossett.

Discussion: It was questioned how does the state determine their valuations? (there land worth compared to ours). Response was there is just gross productions. Any scale? Response was no.

Attorney Lee had a point of clarification that a conclusion should be reached on each item before the Councilman takes it back to the people on the changes.

Upon further discussion, motion was to accept all the six recommendations made by the Tax Commission in addition to the further proviso that a plan be developed for the monies collected that they be spent in accordance with the uses described in the Tax Code. Councilman Mossett withdrew his second

TAX COMMISSION (CON'T):

because he felt we were not ready for implementation at this time or if we will be by Jan 1. Was there any other second?

Vice Chairman Hall seconded the motion.

Discussion: Is there a deadline in negotiating with the State in collecting. This isn't one of the recommendations so we need to make another motion. What was the projected income without these changes? Response was the total dollars generated by telephone, electric utilities, the oil and gas so all we did is use the figures presented.

For the Record: Vice Chairman Hall has withdrawn his second to Councilman Gillette's motion. Motion failed.

Councilman Mossett made a motion that we accept all the recommendations except the implementation date and determine that at a later time, seconded by Councilman Gillette.

Discussion: Recommendations 1 through 5 which would include identifying the revenues. (a plan be developed on the monies collected to be spent in accordance with the uses described in the tax code).

Question on the start up date. Councilman Mossett stated he would like to explore the possibility of putting the tax back on the members. We have an attorney now so it will help you out a little more.

Mr. Needham stated as a point here, the only way we are going to get any action on this is if we implement the tax and we say, here it is, what are you going to do with it. Are you going to take us to court, abide by it or pay it but we have to implement the tax first.

Councilman Mossett stated the Tribe has done that before and they welcomed that chance to take us to court.

Mr. Needham stated that's a good point. The Council should all consider this-if we go to court and the Tribe wins, everybody wins throughout the US and Canada and if the Tribe loses, we're going to set precedence to every other Reservation as far as

TAX COMMISSION (CON'T):

taxation is concerned. The Cotton Petroleum Company VS New Mexico has already hurt us. If we go to court with this Possessory Interest Tax, we could hurt everybody in the US. Hopefully with our recommendations, we won't go to court.

There was a question on how many oil companies doing business on Fort Berthold. There wasn't any exact figures. Of the oil companies that did not respond, are they the ones that have substantial operations on Fort Berthold? Yes, three oil companies and three pipelines responded.

Mr. Walker explained we can implement the tax at the full rates/evaluations and could assess the the tax on the cooperatives and go to court. You can go with our recommendations and we believe our recommendations are down to a point where they will keep us out of court.

Vote: 2 for, 3 opposed, Chairman not voting.  
Motion failed.

ITEM 04: RESOLUTION/TRIBAL CHAIRMAN'S HEALTH BOARD: #91-153.  
This resolution explained by Secretary Rabbithead was tabled at the last meeting.

There were questions on issues of Santee Sioux of being the Prime Contractor, of how they would be running the whole thing and being an autonomous organization.

There was a problem with the last be it further resolved. The organization needs to be accountable back to the Tribes and not the autonomous entity under 638 provisions. They are requesting each tribe to pass a resolution authorizing the Santee Sioux to administer the contract.

Secretary Rabbithead made a motion to approve the resolution with the deletion of the last be it further resolved, seconded by Councilman Gillette.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 05: RESOLUTION/TRIBAL ATTORNEY'S CONTRACT: #91-154-JJR.  
Chief Executive Burr explained the contract was completed and all we need is the resolution.  
Mr. Urban Bear Don't Walk would start on October 1.

RESOLUTION-ATTORNEY CONTRACT (CON'T):

Secretary Rabbithead made a motion to approve contract on Mr. Bear Don't Walk, seconded by Vice Chairman Hall.

Discussion: Who would be the In House Attorney or Lead Attorney? Response was that Mr. Bear Don't Walk would be the Inhouse and Hobbs, Strauss and Wilder are the Lead Attorneys. Assisting Mr. Bear Don't Walk is ElMarie Conklin.

Mr. Bear Don't Walk was given the floor to give a brief report on his college background.  
Discussion on standard allowance for moving.

Vote: 5 for, 0 opposed, 1 not voting.  
Motion Carried.

- ITEM 06: RESOLUTION/FORT BERTHOLD COMMUNITY COLLEGE: #91-155  
This resolution read by Secretary Rabbithead. Chairman Wilkinson explained and stated that earlier today, we met with Lakeside State Bank and we agreed that the Tribal Resolution, the Assignment of Income that they would approve a loan in the amount of \$60,000.00 for FBCC. This resolution will authorize the consumation.

Vice Chairman Hall made a motion to approve, seconded by Secretary Rabbithead.

Discussion: Is this out of Higher Education? No, 350G are all the same under the dockets. It was suggested for it to be paid off in two years and the line item should say Community College, not Higher Education. Otherwise, it will cut into our scholarship.

Resolution to reflect changes of Higher Education to Community College.

Vote: 5 for, 0 opposed. Motion Carried.

- ITEM 07: FREDERICKS FAMILY:  
Councilman Mossett explained and stated last May, the family of Betty Fredericks came and their mother was dying of Stomach Cancer. They requested assistance from the Tribe, at that time, the Tribe agreed they would help her out with wake funds monies. I talked with Finance and they felt it would be better to take the money out of donations

Special Meeting  
October 2, 1991  
Page fourteen

FREDERICKS FAMILY (CON'T):  
then we won't set a precedence on helping non-enrolled members. Two of the Fredericks family members are incapacitated. In the last four months they've lost both parents.

Councilman Mossett requested financial assistance in the amount of \$1,600.00 to offset some of the funeral expenses for the Fredericks family in the name of Keith Jr. Bernadine Young Bird in at 4:56.

Councilman Mossett made a motion to approve this request. Motion failed due to lack of a second.

Secretary Rabbithead made a motion to authorize a \$1,000.00 donation to the Betty Fredericks family members, seconded by Councilman Mossett.

Mr. Keith Fredericks, Jr. has been designated as the person handling all the arrangements so the check would be made to him.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 08: LITTLE SOLDIER PAYMENT FEES:  
(Schneider & Smith)...Councilman Mossett explained on this issue, we retained Attorney Shawn Smith of Bismarck. Natural Resources paid some of the bills, but the total remaining is \$683.75. I would like to see that paid to Mr. Smith for services rendered in the Little Soldier Sheriff's sale.

Councilman Mossett made a motion authorizing the \$683.75 payment to Schneider & Smith, seconded by Vice Chairman Hall.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 09: LINE OF AUTHORITY:  
Discussion regarding the Chief Executive Officer. Floor open for discussion. Closed session at 5:09 considered and enrolled members excused. Mrs. Rose Crow Flies High made some statements before she left. Personnel Director was asked to come into the meeting at 5:26 PM.

LINE OF AUTHORITY (CON'T):

Councilman Mossett made a motion to bring back an issue of Higher Education Administrator back on the floor for interviews, seconded by Secretary Rabbithead.

Discussion was to have it back on the full Council Agenda.

Vote: 5 for, 0 opposed. Motion Carried.

Councilman Lone Fight in at 5:38 PM.

ITEM 10: UPDATE BY CHAIRMAN WILKINSON:

- a. Need to get indirect cost proposal approved.
- b. Meeting with Eide Heimke, Blumberg and a committee of Councilmembers to go down to get this resolved at the Inspector's General's cost.
- c. T-2 Account/Budget. Mr. Wells, Comptroller provided a budget as of October 2, 1991. This proposal affects that.
- d. We have received official word that our EDA proposal has been approved.
- e. We got the Tribal Managements Grant approved. This is evaluating the services being delivered by the Clinic and put together the justification for a hospital.

Yesterday at the Legislative Redistricting Meeting, Fort Berthold was put into one Legislative District. It includes Twin Buttes, running North almost to Minot and takes 13,000 people to justify a Senate seat. We also submitted a proposal for a sub-district for Fort Berthold for a Senate seat. We talked with some of the committee members from the Senate and House and the position is that the people now that can get them into court would be the Tribe because we are a minority. Their plan must accomodate our need.

It was suggested by Councilman Lone Fight to enact a resolution to support the redistricting.

Councilman Lone Fight made a motion to support the redistricting efforts of the Tribe, seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed, 1 not voting.  
Motion Carried.



UPDATE (CON'T):

Upon further consideration, 1 not voting changed to  
Vote: 6 for, 0 opposed. Motion Carried.

The Casey Family Program will have dirt moving on  
the first part of November for two facilities.  
(daycare and administration). The administration  
part will be identical to the Bismarck offices. The  
construction was pushed back a week for the adver-  
tisement.

The DURO issue where the Tribes didn't have juris-  
diction over non-member Indians. Senator Conrad  
voted no against a permanent authorization placing  
jurisdiction of non members of Tribal Court.

It was suggested by Councilman Lone Fight to  
authorize a resolution from this Tribe in favor of  
a permanent jurisdiction.

Councilman Lone Fight made a motion to approve a  
resolution supporting the DURO VS RENO in which  
Tribes support permanent jurisdiction over non-  
member Indians and forward it to Senator Conrad,  
seconded by Councilman Gillette.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 11: HIRING & FIRING:

Chairman appoints and if the Tribal Business Coun-  
cil would like to go on record placing the Per-  
sonnel Selection Committee with itself, then the  
meetings will be a duly called notice.

Councilman Gillette made a motion that full council  
be the hiring committee and that those hirings be  
at a Special Meeting called for that purpose and  
every Council person be notified, seconded by  
Councilman Lone Fight.

Discussion: What about firing? Response was firing  
will be according to policy in place.

Chairman will continue to make temporary appoint-  
ments. A memo will be sent to all Tribal Business  
Councilmembers on all temporaries. Five members  
will make up a quorum.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 12: RESOLUTION/NORTH SEGMENT: #91-156-JJR.

Vice Chairman Hall presented a resolution read by Secretary Rabbithead to make a loan from Lakeside State Bank for North Segment Community in the amount of \$2,500.00 payable through annual Tribal docket 350-C/D Community Development funds/1992.

Vice Chairman Hall made a motion to approve resolution, seconded by Councilman Mossett.

Discussion: What happened to the FY/91 monies and is there a budget? Response was we have the largest population and we go through ours much faster.

Councilman Lone Fight stated the Mandaree district got shortchanged. Community Chairman Charging wrote a letter to this effect but got no response.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 13: RESOLUTION/EDA (TITLE 9): #91-157-JJR.

Chairman Wilkinson explained this resolution is in reference to the Cattle Relending Program for the 500,000 enrolled members.

Councilman Mossett made a motion to approve the resolution, seconded by Councilman Lone Fight.

The criteria is tied to agriculture.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 14: RESOLUTION/HUD-CDBG:

Chairman Wilkinson explained this resolution to authorize HUD-CDBG to renovate the Four Bears Motor Lodge.

Councilman Lone Fight made a motion to have that prioritized as # 1, seconded by Vice Chairman Hall.

There was an opposition stating to have the Motor Lodge dozed down.

Discussion: Commodity Program with a ceiling at \$400,000.00. To build a decent building for North Segment. To fix roof for White Shield Complex.

Ken Deane has a list on the priorities.

Vote: 2 for, 3 opposed, 1 not voting.

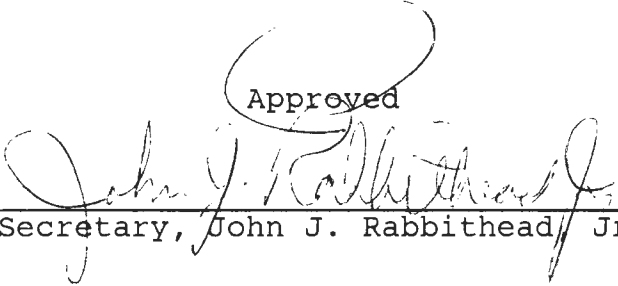
Special Meeting  
October 2, 1991  
Page eighteen

HUD-CDBG (CON'T):  
Motion failed.


Resolution to be on the next meeting agenda.

ITEM 15: ADJOURNMENT:  
Meeting adjourned at 6:27 PM.

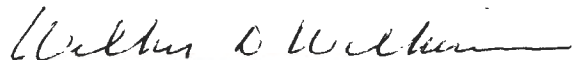
Approved

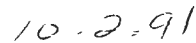
  
Secretary, John J. Rabbithead Jr.

Disapproved

  
Date

Attest:

  
Chairman, Wilbur D. Wilkinson

  
Date