

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Special Council Meeting
November 19, 1991

PRESENT: Titus Hall, Acting Chairman; John J. Rabbithead, Jr Secretary; Roger Bird Bear, Treasurer; Jim Mossett, Councilmember; Theodore Lone Fight, III., Councilmember and LaVerne Brady, Recording Secretary.

ABSENT: Wilbur D. Wilkinson, Chairman on travel and Austin Gillette, Councilmember.

OTHERS: Ronald S. Little Owl, Tribal Member; Felicia Fox, M,R&I Director/Acting Natural Resources Administrator; Edward S. Danks, Tribal Member; John H. Danks, Tribal Member; Nina Crows Breast, JOM Director; Bernadine Young Bird; Education Administrator; Celeste Witham, Headstart Director; Ella James; Parent Coordinator; Hazel Blake, Tribal Health Director; Renetta Smith, Roads Secretary; Dale McGrady, Tribal Member; Calvin Grinnell, Editor of MHA Times and Perry Brady, Sargeant at Arms.

ITEM 01: CALL TO ORDER:
Acting Chairman Hall called the meeting to order at 1:45 PM. Prayer by Perry Brady.

ITEM 02: ROLL CALL:
Roll called by Secretary Rabbithead.
Quorum established.

Business Council felt we should take care of the guests first.

ITEM 03: STATEMENTS AND REQUESTS OF RONALD S. LITTLE OWL:
Mr. Little Owl stated during Ed Lone Fight's Chairmanship, I was asked to represent the Three Affiliated Tribes on the reburial issues and there was to be a resolution to that effect and since that time, I've been sitting on a committee that's been titled reinternment committee. This committee consists of four tribes: Fort Berthold, Standing Rock, Rock, Fort Totten and Turtle Mountain. I have never come before the Council for any type of payment but this particular issue was brought up at a October meeting between the reinternment committee and Army Corps of Engineers. It was concerning the law written up in regards to human remains that have been stocked up at the Heritage Center in Bismarck. When we met with the Corps, they agreed on everything.

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RONALD S. LITTLE OWL REQUEST (CON'T):

We got an understanding from them that anything pertaining to reinternment of human remains, there wouldn't be any arguments. At that particular meeting, the Committee asked of a return of 16 boxes that are still on the shelves. The Corp of Engineers believed to have been the owners of these boxes and agreed to return them. No date has been set. When these meetings come about, they are un-scheduled but telephone calls are made notifying us when the meetings are to be held either at UTTC or Heritage Center.

At the October 16 meeting, Standing Rock, Turtle Mountain and Fort Totten and their Council there. Fort Berthold was represented by Pemina Yellow Bird Calvin Grinnell and myself. Since the other reservation Council were there, they all discussed the issue of paying or giving some type of stipend, per diem or travel to their representatives. As for Fort Berthold, we couldn't say anything because no Tribal Council Representative was there but it would be feasible. There were other issues discussed also. One was the human remains that were stored at the historical center. They were taken to Fort Totten and their representatives, Paul Little and Elmer White have been handling most of the remains for reburial and they have been asking the other Tribes' for monies to help out on certain expenses but we couldn't say anything. The expenses consist of Fort Totten wanting to put up a fence around this particular area where the reburial will be and they talked mostly about a concrete type structure.

Pemina Yellow Bird was suppose to write up a report in regards to what I'm telling. Calvin Grinnell was at the meeting also.

For my part, I'm requesting you as a Council to set up something for me as far as per diem, if you feel it's feasible. All these times, I've been doing it on my own. The other Committees coming there, they get help from their Tribe. Pemina Yellow Bird comes all the way from Madison WI but from what I understand, she is not asking for any money because there is some kind of foundation that helps her. I don't have any job at present, no type of income.

RONALD S. LITTLE OWL REQUEST (CON'T):

The representatives from Standing Rock are Tom Bull Head, George IronShield and Councilman Tom Metz Fort Totten also has a new Councilman Cavanaugh on there too. Turtle Mountain has Francis Cree and Tribal Chairwoman, Twila Martin Kekahbah and other Councilmembers. I feel that we from Fort Berthold were not getting any support.

When divers recover any skulls or remains, they are suppose to notify Tom Bullhead, Paul Little or myself right away according to the Law. There isn't suppose to be any kind of analysis done. I gave all paperwork to Dennis Burr. These people call me at a moment's notice and last year, I was working with FBCC part time so that helped.

Councilman Mossett stated in 1986, all this came to a head. People were selling skulls, artifacts from graves so the Tribes took on the State Historical Society, archeologists and the Corp of Engineers. We gained National support and won. We got back our remains and buried them on respective reservations and Ron was the person who reentered all our remains here. At that time, we had a Cultural Committee and Ron was our contact person so he has been doing this service for the Tribe since.

Acting Chairman Hall questioned Treasurer Bird Bear if there could be something set aside in the budget

Treasurer Bird Bear stated yes, we can but do we know if there was any appropriations made for the law?

Councilman Mossett stated there is none but the Corp of Engineer agreed to pay themselves if they go to exhume a grave but when we go, that's our expense.

Treasurer Bird Bear stated we can pay Ron or whom ever is involved but we can try to make this effort to recover those costs to reimburse ourselves because for every law, there's appropriations. These Federal Agencies may incorporate this added workload to justify increasing their budgets and if they should be doing that, we need to check on this

Councilman Mossett further stated during the time we took on the State, we sat in Bismarck for three

RON LITTLE OWL REQUEST (CON'T):
days, (8 hrs) and Ron was with us through the whole thing.

Ron was questioned if he had an dollar amount to his request.

No, but he wanted the Council to know that he did not have a job presently and that per diem/mileage costs would help a lot.

Councilman Mossett made a motion to give Ronald Little Owl \$500.00 for services from 1986 until now to cover expenses incurred, seconded by Council man Lone Fight.

Discussion: Was there any type of paperwork on expenses incurred since 1986? Ron stated Kip was loaned on a free basis so he used to reimburse me on mileage and that was all. If you look in his files, there should be things that I bought in but where he got the money, I don't know. The Committee at that time stated that they would reimburse me to that effect. It was questioned if the plan was to reimburse Ron without looking at any type of paperwork. The response was he has done all the re-burials with ceremonies, lobbied and argued with the Tribe and he has never been justly compensated.

Vote: 5 for, 0 opposed. Motion Carried.

Ron stated another issue he wanted to put before the Council was about the human remains buried at the Buffalo Pasture. He stated I want to request the Tribe that these archeologists not be taken out there for any reason to see where they've been reburied. They should be left alone. It was stated that this be brought to the attention of Natural Resources Department.

The last issue as Ron wanted the Council to know was of his intention to take the Twin Buttes School to Court. Bernadine Young Bird and Dennis Burr are aware of this because you Council are the main contractors, that school should be looked into.

ITEM 04: RESOLUTION/INDIRECT COST POLICY STATEMENT: #160-JJR
This resolution was presented and explained by Treasurer Bird Bear. Tribes wish to expand their opportunity for collecting indirect cost and it's

INDIRECT COST RESOLUTION:

a policy statement to provide direction for the auditors.

Councilman Mossett made a motion to approve the resolution, seconded by Treasurer Bird Bear.

Discussion: This resolution will expand our current base, presently we have been collecting about \$675,000.00 from Indirect but it will increase for FY'91 to 1.4 million. In FY'92, we expect to collect 1.8 million. There was a question on does this prohibit the Tribe from supplementing programs Response was no, this establishes our opportunity to collect, merely a policy statement. Our former policy was only to collect personal and fringe.

Vote: 5 for, 0 opposed. Motion Carried.

- ITEM 05: RESOLUTION/FORT BERTHOLD COMMUNICATIONS ENTERPRISE BOARD OF DIRECTORS: Resolution #161-JJR
This resolution read by Secretary Rabbithead.
Discussion was on who's on the Board and if there was one established already. Will we be enlarging or replacing anyone?

Treasurer Bird Bear made a motion to approve the resolution, seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed. Motion Carried.

- ITEM 06: RESOLUTION/APPOINTMENT OF TAX COMMISSIONERS:
Resolution read by Secretary Rabbithead.
Discussion on don't we have a commission already? We should use one member that's not on the Council besides Ervin Lee. It was stated in our tax code, we are suppose to have two councilmembers on.

Treasurer Bird Bear made a motion to table this resolution, seconded by Councilman Lone Fight.

Vote: 3 for, 2 opposed. Motion Carried.

- ITEM 07: RESOLUTIONS/M,R & I LAND EXCHANGES: Res. #162/163.
Felicia Fox explained the 2 resolutions were on Almit Bruer and Ken Fredericks. These needed clarifications and corrections so my urgency now is I'm advertising for the water treatment plants right now and the Bureau of Reclamation will not approve a contract for the water treatment plants until all

M, R, & I RESOLUTION (CON'T):
the right of ways have been taken care of.

Councilman Mossett made a motion to approve,
seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed. Motion Carried.

On behalf of being Natural Resources Department,
Acting Administrator, Felicia questioned about
the additional resolutions of land exchanges that
were to be on the agenda. Response was these were
moved till further time.

Councilman Mossett stated there is a Water Services
Contract Meeting in Rapid City. Felicia stated she
would like Texx to attend as he is helping Felicia
on water issues. Question on who's coordinating
our water resources? Felicia stated I'm handling
some of the things but I think the Council needs to
be able to take a position on how we are going to
handle the water rights as it is becoming a very
big issue for all the reservation. There should be
a delegate. Currently, we have the State in a court
battle with the Corp and they're wanting to take a
big position in wanting to negotiating with the
Tribes and we need to find out where we're at right
now. If we don't decide, the State will dictate to
us what they think we want.

One more issue is someone came into our office this
morning in regards to Arlie Knight on a mineral
sale and the Natural Resources people hadn't seen
it and asked me to bring it back to you in regards
to a September 16 meeting. BIA didn't know anything
about it either. This bill is due now. It was
supposedly passed through committee meeting.
Response was a letter of intent has to be drawn up.

ITEM 08: RESOLUTION/ND RANCHERS:
Resolution read by Secretary Rabbithead.
Question was asked on which constitutional rights
were violated. the US or the Tribe?

Explanation was given by John Danks. He stated
we're talking about tribal law. It was mentioned
that the Three Affiliated Tribes Constitution does
not have a bill of rights protecting it and if
there's any rights violated, that's what I'm asking

ND RANCHERS RESOLUTION (CON'T):

Mr. Danks stated this part could be striked out. The point we're making with this organization is it is taking our proposal and taking it away from us and then it turned and cancelled. It made big loans to everybody. The small group of us paid and paid annually. It just took the organization away from us. It never functions as our lender since and when we tried to negotiate a debt settlement, it don't want to deal with us. We went to Court and got the proper decision from Tribal Court and they went to Appellate Court and then they went to Tribal Court with us, they waived their right to use other laws. It's interfering with our ranching because we can't secure other loans, so we are seeking the Tribes' support in supporting Judge Beyer's decision.

Treasurer Bird Bear questioned are you asking us to declare that Appellate decision invalid? It was mentioned this is one side and the Indian Credit Corporation has a side too.

Mr. Danks stated we asked the Tribe to help us in a friend of the Court decision before the end of the last election, has the Tribe ever looked into that? They never responded and we need to resolve this situation. We come to the Tribal Business Council seeking help to protect us in this. We would appreciate it if you would find a friendly solution for us.

Secretary Rabbithead stated we did not have an Attorney before but I would recommend out Attorney look at this resolution and look at the issue for the Tribal Business Council.

Secretary Rabbithead made a motion for our Attorney Bear Don't Walk to review this resolution and issue his opinion to the Tribal Business Council.

Question on if we wanted to suspend action to these folks until that's resolved. Motion to include seconded by Treasurer Bird Bear.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 09: RESOLUTION/EDUCATION INTENT TO RECONTRACT: #164-JJR
Bernadine Young Bird, Education Administrator
explained the resolution pertaining to recontract

EDUCATION RESOLUTION (CON'T):
Johnson O' Malley and Higher Education. Also
request for Mature Contracts.

Councilman Lone Fight made a motion to approve,
seconded by Treasurer Bird Bear.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 10: RESOLUTION/JOHNSON O'MALLEY PROGRAM: Res. #165-JJR
Nina Crows Breast presented resolution which is a
proposal for FY'92.

Councilman Mossett made a motion to approve JOM
proposal for calendar year FY'92, seconded by
Councilman Lone Fight.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 11: RESOLUTION/ELEMENT 10: Res. #166-JJR.
Bernadine explained we are on the third year of
the education contract. The original contract was
for 1990 to 1992. This will end December of '92.

I am presenting this early because of the following
reasons (stated on the resolution).

Question on the status of element 10 funding for
FY'92. Response was we negotiated laspe funding
of FY'91 funds for FY'92. We are also suppose to
get a portion of what was allocated to the agency
because we initially contracted those element 10
funds. All the BIA schools and agencies operate
under element 10.

Councilman Lone Fight made a motion to approve this
resolution, seconded by Treasurer Bird Bear.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 12: RESOLUTION/WHITE HOUSE CONFERENCE ENDORSEMENT: #167
Bernadine explained we disseminated in our programs
to the schools in the reservation. This is a re-
quest to endorse this particular report by the
White House Conference proceedings. It's been sub-
mitted already by the Department of Public Instruc-
tion.

Councilman Lone Fight made a motion to approve,
seconded by Treasurer Bird Bear.

WHITE HOUSE CONFERENCE RESOLUTION (CON'T):
Discussion on who ended up as our representative?
There were 6 delegates from ND? Wilbur was our
delegate.

Vote: 5 for, 0 opposed. Motion Carried.

- ITEM 13: RESOLUTION/DELEGATION ON WHITE HOUSE CONFERENCE:168
Bernadine explained on this resolution, Marliene
was the Acting Education Administrator when this
was discussed at one time. It was asked if the
the delegates voted? Response was yes but only the
official delegates have a vote. We can send addi-
tional people but they'll be just there as obser-
vers and participants. It was asked if we could
say Wilbur or his designee. This is the actual
conference so this is the one Wilbur has to attend
as the official delegate. We will be there but we
won't have any voting power unless we are a delegat

Councilman Lone Fight made a motion to approve,
seconded by Secretary Rabbithead. Motion to
include Wilbur or his designee.

Vote: 5 for, 0 opposed. Motion Carried.

- ITEM 14: RESOLUTION/HEADSTART GRANT AWARD: Res. # 169-JJR.
Celeste Whitham, Headstart Director explained this
resolution needs to go along with the grant pro-
posal which is routine. It is with our application
for our funding for next year.

Councilman Lone Fight made a motion to approve,
seconded by Treasurer Bird Bear.

Vote: 5 for, 0 opposed. Motion Carried.

- ITEM 15: RESOLUTION/HEADSTART PURCHASE OF LUNDSTROM MOBILE
HOME: Res. #170-JJR & 170AJJR.
Celeste explained we have all the paperwork assem-
bled. This is our expansion effort.

Councilman Lone Fight made a motion to approve,
seconded by Secretary Rabbithead.

Discussion: Are these mobile homes doublewide?
Response was yes and they are set up with fenced
yards in two lots. It meets all our needs for the
centers. We can only use modulars in my statement
of grant awards. Funding of purchase discussed and

HEADSTART PURCHASE RESOLUTION (CON'T):
money has been available since 9/30/91.

Vote: 5 for, 0 opposed. Motion Carried.

Question on if these were going to be put
into trust? Response was yes, which is why
this is very urgent.

ITEM 16: HEADSTART/CITY LOTS: Resolution #171 & 172-JJR.
Celeste explained these lots would be used for
Headstart 2.

Councilman Lone Fight made a motion to approve,
seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 17: RESOLUTION/TRIBAL HEALTH BUDGET-MASTER CONTRACT:
Resolution #173-JJR.

Hazel Blake, Tribal Health Administrator explained
this is all base level funding for alcoholism, CHR,
PA, Janitorial and Tribal Health. All these posi-
tions are underpaid. In the month of December,
some of the Council should go with us when we go
for negotiations. We really need to negotiate for
more funding that will meet services to the people.

There is no PA at White Shield presently and it's
very hard to recruit because of the pay situation.

Secretary Rabbithead made a motion to approve,
seconded by Treasurer Bird Bear.

Discussion included Salaries of Medical Records
Clerks, Community Health Representatives, Training
Line, Certification updates, Twin Buttes PA and
Medical Records Clerk positions, Indirect Cost Rate
Modification and Coordinator Position.

Secretary Rabbithead made a motion to approve bud-
get with recommendation of modification, seconded
by Treasurer Bird Bear.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 18: ALCOHOLISM PROGRAM VEHICLE:
Hazel stated in August of last fall, I brought this
request over to the Council and they told us they
referred it to Dennis Burr saying he was going to

ALCOHOLISM VEHICLE (CON'T):

get a motor pool but the Alcoholism program already had that fund approved for that van. All we needed was three bids. They went and did test drives these vehicles and the one they want is from the Crysler Corporation. They really need this van because they will be transporting clients.

Treasurer Bird Bear made a motion to approve, seconded by Councilman Lone Fight.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 19: DISCUSSION:

Discussion of motor pool. also on Solly Danks land exchange.

ITEM 20: ROADS BUDGET:

Councilman Mossett stated he didn't approve of the Roads Budget Maintenance Line item but it was already sent off. Renetta Smith, Clerk explained the budget.

Councilman Mossett made a motion to table Roads Budget, seconded by Secretary Rabbithead.

Discussion: According to Aberdeen, that's all we're going to get so Gene, Dixie, Dennis and Renetta prepared the budget. There are 2 budgets: one is from October through December and the other from January through December, calendar year. They wanted Roads to be like the other 638 contracts.

Motion to include budget approval with modifications.

Question raised by Renetta was on JTPA workers. She stated as we understand it, none of their salary is coming from the Road Maintenance. It's all coming from the Tribe and JTPA. We need a clear understanding on that.

Discussion on someone has to match it but it just can't come out of the Roads budget.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 21: BIA REORGANIZATION MEETING IN SAN DIEGO:

Discussion to send representative. Decision made

REORGANIZATION MEETING (CON'T):
not to send anyone due to short notice.

ITEM 22: DISCUSSION:

It was questioned who was the person that's suppose to be keeping up on meetings and advise us of these, on our trips and our mail.

Councilman Lone Fight made a motion for the Tribal Business Council to issue a memorandum to the CEO that we should be notified of all pertinent information regarding Council. Motion to include for Tribal Secretary to give directives to CEO, seconded by Secretary Rabbithead.

Discussion on Legislative Assistant, CEO, Public Relations and different titles. Who actually gets the mail, looks it over and decides what course the Tribe should take.

It was stated the Tribal Secretary is suppose to handle all our correspondence so he should devise a system.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 23: CLARIFICATION OF DUTIES AND RESPONSIBILITIES:

Treasurer Bird Bear made a motion to clarify Executive Administration duties and responsibility seconded by Secretary Rabbithead.

Discussion of CEO job description that was requested for.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 24: TRAVEL REQUEST/DANIELLE HENRY:

Letter from Danielle read by Secretary Rabbithead.

Treasurer Bird Bear made a motion to suspend travel for all administrative Personnel to include Personnel, Finance, Property, Maintenance and Legal. Exemption to this would be Tribal Attorney.

These people in these administrative positions operate for these programs. They process the workload and it is not necessary for them to be traveling. We are Administration and the exemption would be Tribal Business Council Members.

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TRAVEL (CON'T):

Discussion on travel request. There are people who don't understand direct and indirect cost and it needs further discussion.

Secretary Rabbithead made a motion for approval on travel request. Motion failed due to lack of a second.

Councilman Mossett made a motion for Treasurer Bird Bear's recommendation on travel suspension only to Finance, Maintenance, Personnel, Property, Legal and Tribal Business Office, reason being that these are all administrative offices. The exemptions are as follows: Tribal Business Council Members, Lead Attorney, Acting in power of official capacity. The other exemption is a waiver granted by the full Council, seconded by Treasurer Bird Bear. Motion to include Comptroller.

Provision would be only the Chairman and Treasurer sign travel for administration only. Travel policy would continue for all other programs.

Vote: 3 for, 0 opposed, 2 not voting.
Motion Carried.

ITEM 25: ANNA MCGRADY REQUEST:

Councilman Lone Fight stated about a month ago, Anna McGrady was terminated. She worked 17 years for the tribe and has 1200 hours of sick leave. I'm asking the Council for payment of the hours and a layoff status for her so she can draw unemployment.

Motion made by Councilman Lone Fight to give Anna McGrady her 1200 hours sick leave and give her lay-off status, seconded by Treasurer Bird Bear.

Discussion: The Council needs to discuss this further and questioned for it to come out of 1992 Tribal Health budget.

Vote: 4 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 26: FINANCIAL REQUEST BY JACKIE JACKSON TO REPRESENT FORT BERTHOLD AT NATIONAL FINALS RODEO/ALBUQUERQUE:
Letter read by Secretary Rabbithead.

FINANCIAL REQUEST (CON'T):

This is a emergency loan request of \$300.00 from donation line. Jackie will represent Fort Berthold at the National Finals Rodeo at Albuquerque NM.

Councilman Mossett made a motion to approve request seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 27: FUNERAL DONATION FOR ELDEST MEMBER OF TRIBE:
Councilman Lone Fight made a motion to give Ida Beston family a donation in the amount of \$500.00 in her honor and recognition, seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 28: ADJOURNMENT:
Meeting adjourned at 4:50 PM.

Approved

John J. Rabbithead, Jr.
Secretary, John J. Rabbithead, Jr.

Disapproved

11/21/91
Date

ATTEST:

Wilbur D. Wilkinson
Chairman, Wilbur D. Wilkinson

11/21/91
Date