

THREE AFFILITATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Regular Council Meeting
December 12, 1991

PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice
Chairman; John J. Rabbithead, Jr., Secretary;
Roger Bird Bear, Treasurer; Austin Gillette,
Councilmember; Theodore Lone Fight, III., Council-
member; Jim Mossett, Councilmember and LaVerne
Brady, Recording Secretary.

ABSENT: None

OTHERS: Homer White Buffalo, BIA Police; Eloise Ogden,
Minot Daily News; Peter and Iva Deane; Edith
McNamara, Enrollment Clerk; Merval Hall, Phoebe
Dixon, Aging Service Coordinator; Joe Henry,
Commodity Director; Ron Rabbithead, Veterans
Service Officer; John Fox, Jr., Fort Berthold
Communications Enterprise; Calvin Grinnell, Fort
Berthold Communications Enterprise, Petition
Carriers and Supporters; LCM Protestors and
Supporters, Mryna Jacobs, Realty Specialist;
Donald Morgan, Natural Resources Administrator;
Verlee White Calf Saylor, Myra Snow, Ivan and
Louella Young Bear, Edwin Hall, Avis Mayer and
Perry Brady, Sargeant at Arms.

ITEM 01: CALL TO ORDER:
Meeting called to order at 10:28 PM.

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

ITEM 03: RESOLUTION/DUAL ENROLLMENT: Resolution #91-180-JJR.
Enrollment list read by Secretary Rabbithead.
They include:

Hope Baker	Collin Anderson
Deann Birds Bill	Starr Big Back
Alex Blake	Ciara Black Hawk
Mercedez Brady	DeCee Blake
Kyle V. Brim	Christina Brim
Jade Bruce	Tyler Brown
Jessica Burley	Wyatt Bruce
Arthur Cabral	Terra Burley
Forrest Cross	Marleen Cabral
Rodney Davis	Helena Cross
Preston Demaray	Emma Deane
Eli Drags Wolf	Shylah Demaray
	James Dubois, Jr.

ENROLLMENT RESOLUTION (CON'T):

Michona Edge	Jermiah Edner
Tara Kay Edner	Hilary Elk
Matthew Esquibel	Joseph Everett, Jr.
Kylene Fitzsimmons	Vincent Fox
Christopher Gillette	Angelina Gonzalez
Amanda Grassrope	Jeana Grassrope
Jeremy Grinnell	Justin Grinnell
Megan Hale	Courtney Halvorson
Justine High Horse	Shashawna Hosie
William Jacobs	Cory Johnson
Kassandra Keyes	Amanda Lesmann
Martin Levings	Morgan Levings
Temple Levings	Michael Lieberman
Ashley Linseth	Sheila Lockwood
Crickett Lone Bear	Kimberly Matthews
Preston McDonald	Raymond McKing
Melinda Meyers	Sheyenne Parshall
Jared Price	Cedar Richardson
Cory Richardson	Tashina Richardson
Jay Roberts	Josiah Roberts
Terry Roberts	Garry Salois
Cedar Seaboy	Danielle Stracener
Juliana Stracener	Muriel Stracener
Sarda Tapleshay	Caleb Turcotte
Alyssa Wells	Wade Wm White Body
Francia White Body	Whitley Young Bear
Garrett Young Bird	Leslie Young Bird

Secretary Rabbithead stated these enrollees all meet the requirements. Edith Marsette, Enrollment Clerk was asked if she had any comments.

Chairman Wilkinson entertained a motion.

Councilman Lone Fight made a motion to approve seconded by Vice Chairman Hall.

Discussion: There was a question on the name McKing if it was spelled correctly. It was questioned of Edith if there was any that wasn't enrolled because they did not meet the requirements. Response by Mrs. McNamara was yes and she would compile that list and bring it over in resolution form. It was stated there was some that are of Indian descent and that they may need legal assistance to be enrolled.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 04: RESOLUTION/LAND EXCHANGE FOR ANGUS FOX AND OTHERS:
Resolution read by Secretary Rabbithead. It was questioned of the other resolutions attached, are they combined or are they all separate actions? It was explained these are all one family consolidating their land. It was decided that we do them one at a time.

Chairman Wilkinson entertained motion.

Councilman Lone Fight made a motion to approve on Angus B. Fox land exchange seconded by Councilman Mossett.

Discussion: It was questioned if the tribe was giving up 353 acres. Mr. Morgan was asked to explain the acreage involved. He requested Myrna, Realty Specialist for information on this so she explained the whole Fox family have interest in all the pieces of land. They want to consolidate their interests and exchange for these two tribal tracts. It was questioned again if this totaled up to 350 acres. Question on master list and land description. Myrna explained the total is on the end of each sheet. It's the way they inherited the undivided interest. This land is located in the Mandaree area. Does the tribe have single ownership in 613A? Response was yes. Who's range unit was this in? Information was not available.

Vote: 3 for, 3 opposed. Motion Failed.

ITEM 05: RESOLUTION/ANTHONY R. FOX LAND EXCHANGE:
Resolution read by Secretary Rabbithead.

Chairman Wilkinson questioned Mr. Morgan if these were the accurate figures on the resolution.

Chairman Wilkinson entertained motion.

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

Discussion: Range unit and acreage. It was question if there was a policy on land trades where you can't trade into someone's range unit. Myrna explained there is nothing stating against range unit The only things are location, tribes will not trade land within 1/2 mile of the taking area, roads and tribe will not trade parcels within 10 acres adja-

ANTHONY R. FOX LAND EXCHANGE (CON'T):
cent to the major public access. If a rancher has a range unit and if someone else wants to trade his land into that range unit, that rancher, at least, should be notified. Response was the Bureau usually notifies them.

Discussion on permit holder and landowner.

Chairman Wilkinson stated the range unit issue should be considered. The responsibility should be our Natural Resources Office to notify the permit holder. The Bureau sits on the sideline and when the issues arise between the permit holder, they do not go to the Bureau-they come over here.

Vote: 2 for, 2 opposed, 3 not voting. Motion Fail

ITEM 06: RESOLUTION/ARLENE MUZZY LAND EXCHANGE:

Mr. Morgan advised Myrna to explain this land exchange. Myrna stated Arlene is proposing to exchange her undivided interest into allotment 733A owned by Three Affiliated Tribes.

Chairman Wilkinson entertains motion to approve land exchange.

Councilman Lone Fight made a motion that we refer these land exchanges back to the Natural Resources Committee, get the family in here and see exactly what their intentions are, seconded by Vice Chairman Hall.

Vote: 7 for, 0 opposed. Motion Carried.

Myrna stated these went through committee before.

Chairman Wilkinson directed Myrna to set up a meeting with the people exchanging land and the permit holder to attend the next meeting.

ITEM 07: RESOLUTION/HELMUTH KRUEGER LAND SALE: Res. #91-181.
Resolution read by Secretary Rabbithead.

Councilman Gillette made a motion for approval, seconded by Councilman Lone Fight.

Chairman Wilkinson acknowledged motion and second.

Vote: 7 for, 0 opposed. Motion Carried.

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ITEM 08: RESOLUTION/MADELINE WOUNDED FACE LAND SALE:#91-182.
Resolution read by Secretary Rabbithead.

Chairman Wilkinson entertained motion.

Vice Chairman Hall made a motion to approve land sale, seconded by Treasurer Bird Bear.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 09: RESOLUTION/ARDENE HOSIE LAND SALE: #91-183-JJR.
Resolution read by Secretary Rabbithead.

Councilman Gillette made a motion for approval, seconded by Treasurer Bird Bear.

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 10: RESOLUTION/WAYNE LABATTE LAND SALE: Res. #91-184.
Resolution read by Secretary Rabbithead.

Treasurer Bird Bear made a motion for approval, seconded by Councilman Mossett.

Chairman Wilkinson acknowledged motion and second.

Vote: 5 for, 0 opposed, 2 not voting.
Motion Carried.

ITEM 11: RESOLUTION/VERLEE SAYLER LAND EXCHANGE: #91-185-JJR
Resolution read by Secretary Rabbithead.

Verlee was questioned if she done what was required of her. She stated the person in question wants to consolidate all his shares so he's in the process of putting together a land trade with you.

Councilman Gillette made a motion to approve land exchange seconded by Vice Chairman Hall.

Discussion: Mr. Morgan stated on the trade of this particular land, Tribe will not trade land within 1/2 mile of the taking area. This was discussed with Verlee but it already went thro committee.

VERLEE SAYLER LAND EXCHANGE (CON'T):

It was also stated on this particular piece of land the family of Verlee Sayler already owns around it, the tribe has to go over the land to get to it and it's owners use.

It was questioned if we need a waiver on the policy
Motion to reflect waiver on the policy.

Chairman Wilkinson acknowledged motion and second.

Discussion: on \$1,200.00 loss when it's negotiated.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 12: RESOLUTION/DONA M. KRUEGER LAND SALE: #91-186-JJR.
Resolution read by Secretary Rabbithead.

Councilman Gillette made a motion to approve land sale, seconded by Councilman Lone Fight.

Discussion: Acreage purchasing by tribe will be approximately 80 acres.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 13: RESOLUTION/NATURAL RESOURCES DEPARTMENT REQUEST TO APPROVE ALL NEGOTIATIONS:

Mr. Morgan stated we were wanting to present to the Tribal Business Council the possibility of the department approving leases after they have gone through the committee which expedites the process.

Response was the constitution does not delegate the Natural Resources Administrator approval authority.

ITEM 14: RESOLUTION/ACUTE DISTRESS PROGRAM: Res. #91-187-JJR
Resolution read by Secretary Rabbithead.

Mr. Morgan was questioned if he initiated this reso
He stated we were talking about the resolution because of the feeds that become available through the Department of Agriculture and when there are, they will request a resolution and we want to be ready to start submitting our request for all feed that's donated and in this, we want to include the extra buffalo feed.

Chairman Wilkinson entertained motion.

ACUTE DISTRESS PROGRAM RESOLUTION (CON'T):
Councilman Lone Fight made a motion to approve,
seconded by Treasurer Bird Bear.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 15: RESOLUTION/UTTC-ANA FINANCIAL ASSISTANCE: #91-188
Resolution read by Secretary Rabbithead.
This will authorize the execution and filing of
a consortium grant application in conjunction with
United Tribes Technical College for financial
assistance from the Administration for Native
Americans.

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

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 16: RESOLUTION/CO-LOCATION OF DIALYSIS PROJECT:#91-189.
Resolution read by Secretary Rabbithead.

Chairman Wilkinson entertains motion.

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

Question on adjacent facilities clarified that
Dialysis Program would be on top and the Diabetes
Project would be in the basement.

Vote: 5 for, 0 opposed, 2 not voting.
Motion Carried.

ITEM 17: RESOLUTION/AGING SERVICES: Resolution #91-190-JJR.
This resolution would affirm and approve a 9% match
for Title III nutritious services.

Phoebe Dixon, Aging Director was asked about any
additional comments. Question if Mandaree was
getting Title 3. Response was Title 6. It was
questioned if arrangements were made with Joe Henry
for Desert Storm food to go to mealsites. Response
was we've talked about it.

Chairman Wilkinson entertained motion.

AGING SERVICE RESOLUTION (CON'T):
Councilman Mossett made a motion to approve
seconded by Secretary Rabbithead.

Vote: 6 for, 1 opposed. Motion Carried.

ITEM 18: ARTIFACTS LETTER FROM MIKE CROSS:
Letter read by Secretary Rabbithead. This letter
pertain to repatriation of tribal properties.

Chairman Wilkinson proposed that Secretary Rabbit
head be authorized to work with Mr. Cross on the
possibility of repatriation of the artifacts.

Motion entertained.

Vice Chairman Hall made a motion on this issue
seconded by Councilman Gillette.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 19: FINANCIAL ASSISTANCE REQUESTS:
These are requests from College students.

Treasurer Bird Bear made a motion to table their
financial requests until investigation of contracts
An answer to be given to these people by Wednesday,
seconded by Councilman Mossett.

Requests are for the following: RaeAnn Thomas,
Lissa Yellow Bird, Monica Mayer, Thomas Walker,
Todd Hall and B.J. Brady.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 20: DEPARTMENT OF PUBLIC INSTRUCTION:
Theresa Delorme had not arrived at this time.

ITEM 21: FORT BERTHOLD COMMUNICATIONS ENTERPRISE:
This is a financial request/report submitted by
the Enterprise. The request is for \$20,638.18.
It was suggested we table this till next Wednesday.

Councilman Mossett made a motion to approve a por-
tion of the request, not for the full amount. Por-
tion is only for the telephone and electricity bill
seconded by Vice Chairman Hall. Motion to reflect
subject to the availability of funds.

Vote: 6 for, 0 opposed, 1 not voting. Motion Carried

ITEM 22: PETITIONS:

Mr. Hugh Baker stated I have a petition. It's calling for a new election of the Tribal Chairman, (article 8 of the constitution which is a referendum article).

He asked the Councilmembers if they required copies of the resolution, the letter and the petitions. Response was yes. He further stated we have one petition that is not certified and that's the White Shield petition, reason being the petition carrier has death in her family. We'd like to submit them today.

Secretary Rabbithead stated I will not accept any petitions until they are validated and certified.

Resolution read by Hugh Baker requesting Special Election. Letter read by Hugh Baker stating allegations against Chairman Wilkinson.

Secretary Rabbithead requests to see the petitions. Discussion of certification.

Councilman Gillette stated I'm game for a Special Meeting on Monday.

Chairman Wilkinson stated the Tribal Council Secretary will not accept the petitions.

Councilman Gillette stated I would move that we have a Special Meeting on Tuesday, seconded by Councilman Lone Fight to address the referendum petition when the other party who had death in her family can certify the petition. It's only proper that we allow our members to abide with our constitution and rules which we are elected to uphold and that's why I request this meeting for 10:00.

Chairman Wilkinson acknowledged motion and second.

Chairman Wilkinson stated as I stated last January there's no provision in the Tribal Constitution to recall any elected official. I don't think the election is necessary until the provisions do exist the petitions are meaningless.

Councilman Lone Fight stated I'd like for some of the concerned citizens to state why they are here.

PETITIONS (CON'T):
No action-Vote called.

Councilman Mossett stated I've talked with my people and for the most part, they don't support the petition and I would have to go with their wishes but I still would be willing to go with a Special Meeting.

Vote: 3 for, 3 opposed. Motion failed.

ITEM 23: WHITE SHIELD COMMUNITY CONCERNS:
Concerns presented by Councilman Gillette that need to be considered.

- 1). Social Service Aide
- 2). \$2,500.00 Reburial Sponsor
- 3). Power Plant Possibility

Treasurer Bird Bear stated in response to the Reburial request, we are presently looking for federal appropriations and for the other requests about the feasibility of a power plant in White Shield. He further stated I'll base them at our meeting on Wednesday.

Councilman Gillette stated we should reconsider the power plant that was proposed in 1972. I would like to be authorized by the Council to pursue it. For the Social Service Aide, we need \$2,500.00 to match jobs. The reburial is for three people to go to Pierre.

Mr. Burr was questioned if it was possible to get the money out of a contract for the Social Service Aide. Mr. Burr stated he would look into it.

Councilman Gillette made a motion for approval on \$2,500.00 for a Social Service Aide wherever funds are available, seconded by Councilman Lone Fight.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

#2-Reburial Request

Councilman Gillette made a motion to send delegatio down to Pierre SD and to approve amount of \$1,000 for travel expenses, seconded by Secretary Rabbit head.

WHITE SHIELD COMMUNITY CONCERNS (CON'T):
Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

#3-Power Plant
Councilman Gillette requested for authorization for himself to go ahead and process a proposal to present to the Tribal Business Council to work with Natural Resources, CERT or whomever.

Chairman Wilkinson asked is there an \$ amount you are requesting. Response by Councilman Gillette was no, I'm working with CERT because they do it for free.

Chairman Wilkinson entertained motion.

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

Councilman Mossett stated he did research on power plant and he had a lot of information.

Vote: 5 for, 0 opposed, 2 not voting.
Motion Carried.

ITEM 24: DESERT SHARE/MRE'S:

This is on surplus food provided by the government. Councilman Gillette stated all Mr. Henry is requesting is some funds to pay part-time help to distribute cause he's having a tough time distributing in the communities.

Councilman Gillette made a motion to authorize \$5,000.00 from whatever funds Treasurer Bird Bear can find to hire part-time help and let Joe Henry select them from the communities cause it's a short term thing, seconded by Councilman Lone Fight.

Discussion on TWEP workers and loads of food coming in yet. It was stated Mr. Burr can make arrangements for 6 TWEP workers, would that be sufficient, if not, then we can always fall back on the \$5,000 just to get it done.

Motion to reflect this. If TWEP workers are unobtainable, that's the alternative.

DESERT SHARE (CON'T):
Discussion on sufficient funds and community action
pantry in Minot.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

ITEM 25: DISCUSSION:
Information on Indirect Cost Proposal Meeting.

ITEM 26: LCM:
Kim Baker, spokesperson for LCM Staff stated we
have been negotiating to get our staff back to
work at LCM with the Board of Directors and we
have not reached all negotiations yet. We have
agreed to come back temporarily to work until
next Friday. The board can let you know if you
need to know more. The issues that were part of
the negotiations that we were told by the board
had to be met on by the Tribal Business Council
are 2 issues: 1)to provide written guarantee
that Three Affiliated Tribes Administration will
assume all legal and financial liability for the
termination of Paul Bauer (We're not exactly clear
on however that was done). 2)that a resolution be
passed to entitle LCM employees to select by vote
2 board members of the Board of Directors without
changing the number of the Board. PLEASE NOTE:
the Board members are behind us. Mr. Bauer had
a contract and we are only requesting that you
assume that liability if he brings in legal people,
LCM cannot afford that financially.

It was stated we'll take your request and present
it to our In-House Attorney and give you a response

Kim was asked to give her name and address to the
Secretary of the Tribal Business Council being she
was the spokesperson. Kim further stated we did
talk to the Board about this yesterday and we told
them this that we all agreed, the Board and the em-
ployees that this was part of the negotiations, no
matter if it had to be brought out here first so we
need to get it settled before any agreements are
finalized.

It was questioned when the next meeting with the
board would be. Response was it would be on the
Friday, next week at 10:00.

LCM (CON'T):

It was stated we'll have a paper for you.

Councilman Mossett and Kim both stated for a motion on the LCM issue to meet on this next Friday.

Councilman Mossett made a motion on this issue seconded by Councilman Lone Fight.

Chairman Wilkinson acknowledged motion and second.

Discussion: on LCM Board members.

Vote: 5 for, 0 opposed, 2 members not voting.
Motion Carried.

ITEM 27: LICENSE REQUEST:

This request was presented by Councilman Mossett for Burton Bell who is asking for a Sunday opening.

Discussion: It was questioned about State Law allowing this.

Councilman Mossett made a motion for approval of Sunday opening subject to legal review, seconded by Councilman Gillette.

Chairman Wilkinson acknowledged motion and second.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 28: SENIORS REQUEST:

This request presented by Myra Snow in the form of a petition.

Chairman Wilkinson question Treasurer Bird Bear if we had the resources to increase the elderly payout from \$200.00 to \$500.00.

Treasurer Bird Bear suggested to table this request for financial review.

Myra stated through our docket funds, we have a certain percentage for our Senior Citizens. We never find out how much our money is so we figure it accumulated. There is a need out there.

Treasurer Bird Bear stated I'll include that in my financial review.

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SENIOR CITIZENS (CON'T):

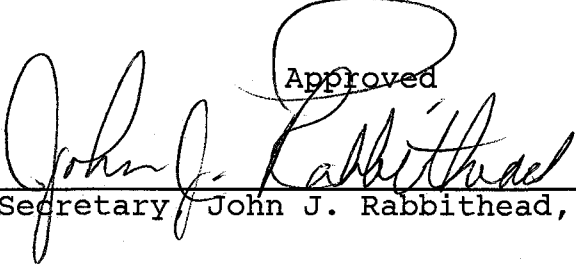
Treasurer Bird Bear made a motion to include request
in financial review, seconded by Vice Chairman Hall

Chairman Wilkinson acknowledged motion and second.

Vote: 7 for, 0 opposed. Motion Carried.

Councilman Gillette stated when you do your research
of the docket funds, read the last paragraph, it's
possible we can shift monies around.


ITEM 29: ADJOURNMENT:
Meeting adjourned at 12:32 PM.

Approved

Secretary John J. Rabbithead, Jr.

Disapproved

12/12/91
Date

ATTEST:


Chairman, Wilbur D. Wilkinson

12/12/91
Date