

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Regular Council Meeting  
April 9, 1992

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

ABSENT: Theodore Lone Fight, III., in at 11:25.

OTHERS: Delores Sand, Enrolled Member; Kate Gill, Viola Grinnell, Kathy Samuels on behalf of Native American Film Festival; Willard Yellow Bird on behalf of the Indian School Board Association; Edith McNamara, Enrollment Clerk; ElMarie Conklin, Legal Attorney; John Danks, Enrolled Member; Holly Windy Boy, Thomasina Mandan on behalf of FBCC Student Senate; Marie Wells, Enrolled Member; Tillie Walker, Enrolled Member; Dr. Verlee Saylor, Enrolled Member; Pliga Young Bird Bordeaux, Enrolled Member; Virgil F. Chase, Sr. Enrolled Member; Felicia Felix Fox, M, R, & I Coordinator; Mark Swanberg, Scheer Construction; Magdaline Young Bear, M, R & I Assistant Coordinator; Kyle Baker, Environmental Specialist; Charles Moran, Growth & Development Specialist; Darice Clark, Mental Health Coordinator and Perry Brady, Sergeant at Arms.

ITEM 01: CALL TO ORDER:  
Meeting called to order at 10:59 AM.

ITEM 02: ROLL CALL:  
Roll called by Secretary Rabbithead.  
Quorum established. Prayer by Perry Brady.  
Moment of silence for tribal member involved in a serious car accident.

ITEM 03: RESOLUTION/ENROLLMENT: Resolution #92-029-JJR.  
Resolution read by Secretary Rabbithead pertains to all eligible applicants for enrollment with the tribe. Names of applicants read and attached.

Chairman Wilkinson entertains motion to approve.

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

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 04: TRIBAL MEMBER REQUEST ON ENROLLMENT STATUS FOR GRANDDAUGHTER:

Delores Sand was asked to come up to the table.

She stated I'm here because on the rejection of my granddaughter, Katheryn L. Sand. According to my birth certificate, my granddaughter would be eligible. Today, I'm here to ask the Tribal Business Council to decide.

Mrs. McNamara was asked to advise the Tribal Council as to what particulars to this issue are. Response was the child does not meet the requirement by using Delores's blood and all the additional blood that I've obtained. I've searched as far as I could and the child was still short.

Mr. Terry Walters, BIA Superintendent recommended to Mrs. Sand that she appeal the decision to the BIA and to bring any other information that she may have as he did not want to discuss the issue here.

Chairman Wilkinson asked Mr. Walters if he would assist Mrs. Sand in this appeal. Response was yes.

ITEM 05: ADMENDMENT TO AGENDA:

Under item #4, delete Tribal Business Council in this section to be dealt with on item #17.

ITEM 06: RESOLUTION/INHERITANCE:

Secretary Rabbithead stated this resolution was presented at a previous Council meeting and Tillie Walker is here today to explain.

Ms. Walker stated in 1986, the Tribal Business Council passed a resolution on inheritance and it allowed non-member or non-Indian to inherit here and this was to assist our own tribal members pertaining to our land. A lot of our land is going out of trust. Other tribes have done this and we passed this resolution and we ran into a snag in 1989, the Solicitor's office wrote, you have to change your constitution. We had used the Indian Land Consolidation Act to pass this resolution as we thought this gave the Tribe's authority to make this change but the Solicitor's office has said there's one word in article 6, section 5H, we want this changed to regulate the inheritance of real and personal property including allotted lands within the territory

INHERITANCE RESOLUTION (CON'T):  
of their jurisdiction so there is one word change of the amending the constitution I'm sure all of you know there's a lot of land that goes out of our hands. The laws that the Tribe uses now are of the State of ND. We don't have any inheritance code and the State says that 50% of the land goes to the spouse and if you have children, the children get 50% But if you don't have children and what you have to inherit is less than \$50,000, then the wife or husband gets all of it. In the end, this will help in the inheritance problem we have and I hope you will pass it.

Chairman Wilkinson stated relative to this resolution, we've asked Mr. Morgan of our Natural Resources Department to review it, we've asked our legal Counsel, Mr. Bear Don't Walk to submit their findings to the Council. This hasn't been done. This resolution also would have to be approved by the BIA. I believe that without specific legislation authorizing this provision into our constitution, it would not be a valid resolution but until we get the reports the issue of dealing with inheritance of allotted lands is controversial.

Mr. Walters was questioned if he had any comments to make. Councilman Lone Fight in at 11:25 AM.

Ms. Walker given the floor and she stated, the Tribe in 1985 did amend the constitution and they do have power over all resolutions.

Mr. Walters was questioned if he had an opportunity to review the documents relative this resolution. Response was from personal view.

Mr. Bear Don't Walk was questioned if he had any comments he wanted to share with the Council. He stated I've talked to Tillie Walker in regards to the resolution and it was my understanding that the Constitution needs to be amended so the Tribe can deal with that at a legal standpoint and in order to maintain this landbase. He had questioned where does the fee vest after the life estate ends and what is the life estate worth? I feel it's a decision of such importance that it needs to go to the people. I haven't reviewed the ordinance but I've looked at the Constitution, the provisions, in regards to the mechanism that needs to be followed.

INHERITANCE RESOLUTION (CON'T):

Felicia Felix was questioned if she was here on behalf of Mr. Morgan. Response was no.

Chairman Wilkinson stated there was a similar issue on another reservation that required specific congressional language to authorize them to do this but I urge the Superintendent and our Legal Department to review this because it is a very big step.

Discussion on rights of the people in general. It was suggested that upon review by Superintendent and Legal Department, this resolution to be dealt with at the next regular meeting.

Discussion on Constitutional Admendment.

Chairman Wilkinson stated for the purposes of this issue, the Legal Department and the Superintendent review this and submit their recommendations to the Council.

Secretary Rabbithead made a motion to table the Inheritance Resolution, seconded by Vice Chairman Hall.

Discussion: Resolution to be tabled and review same

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

ITEM 07: RESOLUTION/CIRCLE OF LIFE: Reso. #92-030-JJR.  
Secretary Rabbithead read resolution and stated the resolution would enable the reservation to set up shelter for the homeless and people that are coming out of alcohol treatment center. This would enable them to make the transition back into the normal environment of life. A leasing program through HUD is one of the options that could be done. There's a pilot project started in the Parshall area.

Chairman Wilkinson had two comments on this request Questions on authorization and budget. It was explained that it was an authorization to submit a proposal.

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CIRCLE OF LIFE RESOLUTION (CON'T):  
Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 08: RESOLUTION/WELLNESS WEEK: Reso. #92-031-JJR.  
Secretary Rabbithead gave floor to Susan Paulson.

Human Resources Administrator, Maxine Harrison took  
the floor and stated on behalf of Human Resources  
Department. I've asked what people that are here  
to discuss wellness week and we need to discuss a  
budget also and a proposal needs to be presented.

Susan Paulson, first of the presentors stated  
discussed agenda of wellness week which will be  
held on week of April 23 to 27 to promote wellness.  
There was two big meetings developing committees  
to do this. We have some big name speakers coming  
and we have before you a budget. Our unmet need is  
\$10,000.00 with a total budget of \$17,000.00. We  
would surely appreciate whatever you could give us  
because we feel that the tribe is making big stride  
here and because we tend to look at sickness after  
everybody's already sick and what we're trying to  
do here is teach our people to prevent illness by  
walking so we're asking our leadership for support.

Next presentor, Jarret Baker, Cancer Prevention  
Program spoke of Rob Sweetgall, World RenownSpeaker  
and Dr. McDonough of the State Health Department.

Charles Moran, Growth & Development Specialist  
stated he will be helping with the program.

Secretary Rabbithead read the resolution.

Darice Clark stated this was approved and was to  
have a proposal developed.

Chairman Wilkinson entertains motion to approve.

Secretary Rabbithead made motion to approve,  
seconded by Councilman Gillette.

Vote: 6 for, 0 opposed. Motion Carried.

WELLNESS WEEK RESOLUTION AND REQUEST (CON'T):  
Chairman Wilkinson stated second portion of the request is for \$10,000 assistance.

Treasurer Bird Bear was questioned if any funds were available. Response was we have funds and it's up to Tribal Business Council if they want

Chairman Wilkinson entertains motion to approve

Secretary Rabbithead made a motion to approve for \$10,000.00 request contingent upon the availability of funds, seconded Vice Chairman Hall.

Discussion: It was stated since this is a one time expenditure, program Directors should scrutinize their budgets. It was mentioned that the Treasurer was capable of dealing with the issue of monies and that it was a standard procedure for him to look at program dollars before utilization of any tribal monies. Susan was questioned if she had approached any of the other programs? She responded by saying they did what they could do.

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

ITEM 09: RESOLUTION/EXERCISE-NUTRITION: Resolution #92-032.  
Resolution read by Secretary Rabbithead.

Susan Paulson stated we are trying to train some people in the communities (volunteers) doing aerobic classes or walking.

Chairman entertains motion to approve.

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

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 10: RESOLUTION/TWIN BUTTES PARKS & RECREATION: #92-033.  
Secretary Rabbithead read resolution.

Discussion: This is a standard resolution for a Right of Way. The intent is for the Tribe having the Twin Buttes Parks & Recreation administer it.

TWIN BUTTES PARKS & RECREATION (CON'T):

Mr. Morgan was questioned if he had any comments or reviewed the resolution. Mr. Walters was also asked.

Chairman Wilkinson entertains motion to approve.

Councilman Mossett made motion, seconded by Treasurer Bird Bear.

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

ITEM 11: RESOLUTION/CHILD RESTRAINT:

Letter and Resolution read by Secretary Rabbithead. Marie Wells was questioned if she had any additions to this. She stated this had nothing to do with the State but only for the Reservation. The Tribe does not have any seatbelt law. I'd like your support and see that it's passed.

Chairman Wilkinson stated to Elmarie Conklin, Legal Counsel, this resolution is purporting to add or amend to the Tribal Code, have you reviewed this document? Response was no.

Chairman Wilkinson questioned what is the Child Restraint System? Response was seat belt.

Chairman Wilkinson stated my point is anytime you have a legal issue arising out of our tribal ordinance, the ordinance must be very clear on the intent of it.

Discussion: Adoption of ND Century Code on Motor Vehicles.

Chairman Wilkinson entertains motion to approve.

Councilman Lone Fight made motion to direct the Legal Department to prepare a resolution to amend code, seconded by Vice Chairman Hall.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 12: RESOLUTION/LITTLE SOLDIER LAND TRANSACTION:  
Resolution #92-034-JJR.  
Resolution read by Secretary Rabbithead.

Chairman Wilkinson explained the following land identified were purchased after the foreclosure of Little Soldier Farm & Ranch.

Mr. Morgan was questioned if he had any comments. He stated in my meeting with BIA Realty, this is the only thing they need now to complete the transaction of converting this land back to trust status

Chairman Wilkinson entertained motion.

Councilman Mossett made motion, seconded by Secretary Rabbithead.

Discussion regarding 3rd whereas to be changed to Tribal Business Council with the concurrence of the second deleting Natural Resource Committee.

Resolution to reflect as the Tribal Business Council approved and did purchase the land. Mr. Morgan to amend language to reflect.

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

ITEM 13: JAIL FACILITIES:

Mr. Terry Walters reported that there was a tele-fax come in from the National Indian Law Enforcement Memorial in Miranda AZ on May 7 in honor of all Indian Law Enforcement and we have a tribal member by the name of Nathan Bear who lost his life in the line of duty and he was Myrna (Bear) Jacobs father. I had tried to find if BIA could provide any monies for these families to attend this memorial and no they wouldn't. Myrna asked me to see if the Business Council could offer any financial assistance for them to attend this memorial.

Most of you are aware of the New Town Jail facility It has been declared unsafe, unsanitary and has space for 5 prisoners but has housed as many as 23 prisoners at one time. We were threatened with a lawsuit and rightfully so. As a short range solution, I have received a request of \$100,000.00 from the BIA Central Office to enter into a contract on



JAIL FACILITY (CON'T):

on a short term basis with surrounding jail facilities. Captain Fox, Chief Judge Hale, myself and Mr. Baker of IHS. The jail facilities are Williams County in Williston, Mckenzie County in Watford City for long term prisoners until we can take some other action of a feasible jail facility. This is only for Council's information. They both charge \$35.00 a day. Williams County offers meals, AA Program, GED Program and the only cost is \$65.00 for test when they meet they can graduate. Also a work release program.

These are all depending upon our tribal Court, If the Court directs this. I brought this to your attention because you will be having tribal members and as it is now, we have situations where we have 30, 60 days and even longer commitments and not one of those individuals fulfill their term, mainly because we don't have enough room and we have situations where it puts the judge in a very awkward situation where they let them out after five days. We let people out on weekends, to come back and report back to jail so we could make room during the weekend. As a result, there is not much respect for Law Enforcement's Tribal Court System because individuals know that they will be released

Hopefully this will be a safe, sanitary environment for our prisoners as well as fulfilling the length of their term and gain a little more respect for our Law Enforcement. Long term-I have a recommendation for the Council to look at. There are 15 applications throughout the Country for new jails. Our application is not even considered until those 15 are complete. On the EDA venture, you might want to consider in the near future, looking at possibility of the Tribe if we can find funding of the BIA Guaranteed Loan or any other Tribal monies that might come down for building your own jail or maybe a courtroom and renting that to us then it becomes the Tribes and we won't have to follow the stringent regulations.

It's in the contract when we take a prisoner from here and put them into Williams County, at the term of his completion, he is released to our jurisdiction and if there are other jurisdictions that have warrants, they can go through the standard extradition through Tribal Court.

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ITEM 14: FINANCIAL REQUEST/FBCC STUDENT SENATE:  
Holly Windy Boy, as President of FBCC Student Senate Pow-Wow explained that in May, there was going to be a Founder's Day Pow-Wow. She stated I'm approaching the Tribal Business Council as our gambling license was taken away in January so we had no fundraising. I'm asking for \$3,435.00 from the Tribe. We are in conjunction with the Ribbon Cutting Ceremony.

Discussion on gaming license and pow-wow.

Chairman Wilkinson entertains motion to approve for \$3,435.00.

Councilman Lone Fight made motion to approve on the condition of availability of funds, seconded by Secretary Rabbithead.

Discussion: Assistance to be reduced by \$1,200.00 due to pledges that were committed.

Motion amended to \$2,235.00 with concurrence of second.

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

ITEM 15: FINANCIAL REQUEST/NATIVE AMERICAN FILM FESTIVAL:  
Kathy Samuels presented request and introduced Kate Gill who was in charge of the festival along with Viola Grinnell. She stated this is a film festival-a cultural awareness-something that's needed in Beulah-been needed for a long time because of stereotype.

We're requesting for \$1,000.00 or any amount.

Chairman Wilkinson questioned if this was a cooperative effort with Mercer County? Response was yes The biggest share is from ND Humanities Council. She further stated there's also a pow-wow. The \$1,000.00 will pay for pow-wow prizes, gas money for special entertainment and drummers. We're trying to get all Tribes in ND involved in this.

It was questioned if any thing was going to be contributed from Turtle Mountain's for this effort. financial wise. Response was no due to most of all speakers and entertainment were from Fort Berthold.

FILM FESTIVAL FINANCIAL REQUEST (CON'T):  
Councilman Mossett made motion to approve \$1,000.00  
subject to the availability of funds, seconded by  
Councilman Lone Fight.

Discussion on contribution amount and agenda.

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

ITEM 16: FINANCIAL REQUEST/MINOT STATE UNIVERSITY:  
Letter read by Secretary Rabbithead.

Chairman Wilkinson entertains motion to approve

Vice Chairman Hall made motion to approve for  
\$100.00, seconded by Secretary Rabbithead.

Vote: 4 for, 0 opposed, 3 not voting.  
Motion Carried.

ITEM 17: FINANCIAL ASSISTANCE REQUEST/FORT BERTHOLD BOXING  
CLUB:

Request explained by Virgil Chase, Sr. He stated  
I too, am requesting for funds in the amount of  
\$2,000.00 as my bingo license was revoked. I have  
11 boxers and 5 new ones coming on who have to be  
insured. He mentioned all the matches to be held.

Councilman Mossett as Gaming Commission Chairman  
was questioned on why the license was revoked. Mr.  
Mossett stated the club didn't pass the audit.

Discussion on issue, audit, gaming board and con-  
tributions of the club.

It was questioned of Mr. Chase what efforts he  
would make to correct the situation to get his  
license back and how was this money going to be  
used?

Mr. Chase will work with the gaming commission to  
get his license back and this money will be used  
for transportation costs plus spending money for  
the club and etc.

Chairman Wilkinson entertains motion.

BOXING CLUB FINANCIAL ASSISTANCE (CON'T):  
Vice Chairman hall made motion to approve subject  
to availability of funds, seconded by Secretary  
Rabbithead. Cheryl Kulas in 1:15PM.

Vote: 4 for, 1 opposed, 2 not voting.  
Motion Carried.

ITEM 18: FINANCIAL ASSISTANCE/THERESA DELORME:  
Secretary Rabbithead explained this was a request  
for UND TimeOut but to wait until she arrived.

ITEM 19: DEPARTMENT OF PUBLIC INSTRUCTION:  
This will be explained by Cheryl Kulas.

Bernadine Young Bird, Education Administrator  
stated to wait until Ms. Kulas arrived.

It was stated she will be placed under items after  
Bernadine's presentation.

ITEM 20: EDMUND WHITE BEAR:  
Not present.

ITEM 21: JOHN DANKS:  
Mr. Danks explained he had two issues he wanted  
to address. He stated 1). the Tribe has organized  
one appellate Court and they have located it in the  
Aberdeen Area Office. When tribal members have  
issues they are dealing with in Tribal Court and  
they are appealed, they are forced to travel to  
Aberdeen and pay their own costs. This renders the  
Tribal Appellate Court inaccessible to many tribal  
members due to the costs. I would like to see the  
tribe address this issue and consider requiring  
that all appellate court issues concerning tribal  
members be held on Fort Berthold Reservation. I  
don't want you to take action today. Maybe you  
want to review it first. The other issue 2). is  
I'm concerned about the Tribe's progress and deve-  
loping a constitutional admendment for the sepa-  
ration of powers.

Discussion on appellate court.

Chairman Wilkinson stated on both these issues,  
we will have a report at the next Regular Council  
Meeting.

ITEM 22: LAND TRANSACTION/VERLEE SAYLER:

Mrs. Sayler stated I'm coming before the Council to finish up the land transaction that I had a resolution on in December. We're missing some signatures on some documents on a partial release on a mortgage to FHA and signatures on two deeds for two pieces that I'm trading for. I'm here to find out what the hold-up is or what else I have to do?

Mr. Morgan stated Verlee has a land trade with the Tribe. Where we're at today is Verlee is still in the process of purchasing that tract of land to trade with the Tribe and in order for her to continue with procedures on trading with the Tribe, FMHA has asked the Tribe to sign a release of assignment of Income the Tribe owns.

Mrs. Sayler was asked if she wanted a closed session. It was alright for Verlee not to have a closed session.

Mr. Morgan continued with Verlee is in the process of obtaining a loan with FMHA to purchase lands and one of them being the tract she's trading with the Tribe is farm land and the Tribal tract is grazing land. Verlee's tract is appraised higher. At the last meeting in December, the Tribe agreed to make this trade and pay Verlee the difference. Today, FMHA will not proceed with a loan to Verlee unless she gets the assignment of income release signed by the Tribe. What this does is the tribe is releasing the income off of this tract, however after the trade is gone through, the Tribe will pick up income off of the farm land. It's a trade off. We have followed through with the Bureau and I've met with Adeline on this whole tract to make sure we're in compliance with the whole transaction. We will not proceed with signing deeds or the land trade itself until the loan and her purchasing of the land are satisfied and after we find out, there is no cloud on the title, then Natural Resources Department will proceed with drafting up the deeds.

Adeline Brunsell, present, stated FNHA will not process any of Verlee's transactions until we receive the Partial Release but none of the deeds will be approved or the mortgage unless it's all in one package at the same time.

SAYLER LAND TRANSACTION (CON'T):

Mr. Morgan was directed to get with FMHA Director Hilleran to get this resolved.

Councilman Gillette made a motion to authorize Partial Release on this land transaction so we could get it finished, seconded by Councilman Lone Fight.

Discussion: Transaction itself and dollar amount. This is for release only.

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

ITEM 23: FORT BERTHOLD INDIAN SCHOOL BOARD:

Willard Yellow Bird, as Vice Chairman of Board, explained the board was established two years ago. He stated the board would like to have their Charter approved for the future of our children and would like to get it filled with the recommendation of one Councilmember to be on the board.

Bernadine Young Bird, Education Administrator was questioned if she reviewed this document or if there was anything she wanted to add to this. Council membership was questioned and other schools was questioned by Bernadine.

Chairman Wilkinson further stated any organization that's approved by the Tribal Business Council, the organization will be under, it will not be a stand-alone independent entity. It was suggested our Legal Department to review-any changes made with a proposal be presented to Council and Indian School Board at the next Regular Meeting.

Discussion: New Town and Parshall schools.

Vice Chairman Hall made a motion to table request and have Bernadine Young Bird, Education Administrator and our Legal Department meet with the Association and present the document for next Council Meeting, seconded by Secretary Rabbithead.

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

ITEM 24: EDUCATION ISSUES:

Cheryl Kulas, now present stated she would like a development of an application to the US Department of Education for the ND Tribal Curriculum.

She stated every school district uses curriculum guides in instruction for all kids in ND. This project would be a collaborative effort proposing to do this in three phases. I met with a group of educators from the reservation schools who will be assisting in developing the curriculum. The committee is also going to be comprised of elders Resource people, Parents, Individuals who do have a good knowledge of each culture on your reservation and the other four reservations in ND.

It was questioned the dollar amount tied to the proposal. She stated that has not been developed yet. It was questioned on what part of this proposal, Fort Berthold would be involved in. Response was developing performance standards for Mandan, Arikara and Hidatsa Tribes' Curriculum will be two parts. The State has a guide which would be in a loose leaf type document and the second half will be reinforced guides that would specify Historical and Contemporary information for each of the Tribes' continually added as developed. It was questioned how much work our schools and our Education Department would do? Where would we fit in the administration scheme? Response was the funding would come to our State office. We will conduct a series of workshops and a two week workshop this summer and the monies will be used for travel, consultants and whomever will be helping to develop.

Bernadine was asked for her comments. She stated as a delegate of the ND White House Conference and the ND Indian Education Association Board Member, you have representation from all the Tribes' and it was a group of us that requested Cheryl for more involvement with the Tribal School level because we have a need beyond what Cheryl is talking about.

Chairman Wilkinson entertains motion.

EDUCATION ISSUES (CON'T):

Vice Chairman Hall made motion to approve the resolution of support, subject to drafting of for the Department of Public Instruction, seconded by Secretary Rabbithead. Resolution #92-037-JJR.

Vote: 6 for, 0 opposed. Motion Carried.

Cheryl asked if the Tribal Business Council would like for her cover issue to be presented by Theresa Delorme. Response was that Bernadine can present.

Bernadine reported on Education Issues: Philosophy Statement and Three Tribes' Mission Statement. She stated this was submitted to the Tribe and if you have any changes to this, I would appreciate getting that before we take it out to the communities for input. The second notice is for your notice of these meetings. Statements read by Bernadine. She further stated she would like Business Council input, community and then the endorsement. She also reported on the informational planning meeting to be held April 10 and who will all be in attendance, further stating she would like for a Council representative to be in attendance.

Mr. John Danks had comments on Mission Statement.

Other reports included position descriptions, implementation of 638 contract, awareness area of Personnel requests, grant school reports and White House Conference Update.

ITEM 25: M, R & I PROGRAM:  
This was presented by Felicia Fox, Administrator.

Personnel from Scheer Construction, who was present was asked to leave.

Mrs. Fox stated she requested for his to be present in case she could not answer any questions pertaining to the specific construction. She further stated I provided you of the documentation that had been corresponding since January, February, March and April giving status report, Tribal Business Council Representative review, Department Recommendation and I believe it's up to the Council now to decide the future of water plants and facilities, we will pursue soon as we have the finalized work on the bid for the water lines.



M, R & I PROGRAM (CON'T):

Felicia gave a rundown of the list of events happened. Her recommendation was to go along with the negotiated contract this year with the "holding Clause". To this date, I have provided a budget summary of where the funding looks at.

Chairman Wilkinson questioned if there was any feedback on the testimony given for additional monies for M, R & I. Felicia stated from Washington, there isn't any comment or from the State, it's in full support. It was questioned what dollar amount is being proposed? Response was indexing which is the inflation increase.

Chairman Wilkinson stated there was an estimate prepared by HKM. The document was put out for bid and it came in at 4 million 4 hundred and 75 thousand. The amount available was approximately 8 hundred thousand over the estimate. From that, there is three options on how the Tribe can deal with this issue:

- 1). To do the work ourselves.
- 2). To rebid the entire project.
- 3). Negotiate with Scheer Construction.

Mr. Morgan was questioned if he wanted to add some comments. Mr. Morgan stated our Construction season is coming down and we have only three months at the most to do this work on this area so we want to make the most of it. I'm asking the Council to consider this today.

Mr. Willard Yellow Bird had comments on this water treatment plant.

Mr. Walters was questioned if he had any comments. He had none.

More discussion on plants.

Chairman Wilkinson entertains motion.

Councilman Lone Fight made a motion to proceed with all projects, seconded by Councilman Gillette.

M, R & I PROGRAM (CON'T):

To be added for the record by Councilman Gillette that our decision is based on 5.3 million vs the 5.2 million that has been given to us on April 7.

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

ITEM 26: MANDAREE ELECTRONICS:

These requests presented by Shawn Fredericks. He stated I have a couple of requests: one is I need some computers and some bids are from \$8,000.00 to \$10,000.00.

Chairman Wilkinson stated Mr. Silverstein from Northrop stated he had some PC's that would be made available after the Protege Agreement. You will get those as soon as your business plan is done and get the documents prepared.

Mr. Fredericks stated the tentative date is next week. Chairman Wilkinson requesting to meet with Councilman Lone Fight.

The second request is I've been invited by the National Center in Seattle to give a presentation on Mentor Protege and I would like some assistance in travel. Report given on last travel on trade show. Discussion on work situation.

Treasurer Bird Bear made a motion to approve travel contingent upon negotiations, seconded by Councilman Lone Fight.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 27: HIGHWAY SAFETY PLAN:

This was explained by Councilman Gillette stating I was informed the State of ND sponsors a Highway Safety Plan and they fund a half-time Coordinator. I went to Bismarck, got a copy of their contract, scope of work and their budget. We have time to submit for the remainder of 1992.

Chairman Wilkinson entertains motion.

Councilman Gillette made motion to authorize the submittal of a proposal, seconded by Councilman Mossett.

Vote: 6 for, 0 opposed. Motion Carried.

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ITEM 28: RESOLUTION/BUDGET MODIFICATION: Reso #92-035-JJR.  
This was explained by Treasurer Bird Bear stating  
the modification relates to Councilmen's compen-  
sation and election. We didn't include that when  
we approve this so I want to modify that.

Resolution read by Secretary Rabbithead.

Discussion: March tentative budget shortfall and  
line items.

Chairman Wilkinson entertains motion.

Secretary Rabbithead made motion to approve reso-  
lution seconded by Treasurer Bird Bear.

Vote: 5 for, 2 opposed. Motion Carried.

ITEM 29: CRIMINAL JUSTICE CRIME ASSISTANCE: Reso #036-JJR.  
Chairman Wilkinson explained this needs a reso-  
lution authorizing the submittal of a proposal.

Chairman Wilkinson entertains motion.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 30: CIRCLE OF LIFE-POLICIES & PROCEDURES:  
Chairman Wilkinson entertains motion.

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

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 31: ADJOURNMENT:  
Meeting adjourned at 2:38 PM.

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

Disapproved  
4-22-92  
Date

ATTEST:  
Wilbur D. Wilkinson  
Chairman, Wilbur D. Wilkinson

4-22-92  
Date

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>DEGREE OF INDIAN BLOOD</u>	
Andrews, Elaine	5/07/55	15/32 Arikara 1/8 Yakima 1/8 Puyallup =	<u>23/32</u>
Bear, Christina Mae	12/22/91	1/4 Ft. Peck Sioux 1/8 Mandan 1/8 Hidatsa =	<u>1/2</u>
Bear, Sonya Louise	11/26/89	1/4 Ft. Peck Sioux 1/8 Mandan 1/8 Hidatsa =	<u>1/2</u>
Blacksmith, Megan Kay	1/06/89	1/16 Yankton Sioux 13/32 Arikara =	<u>15/32</u>
Blacksmith, Steven Ray	12/10/86	1/16 Yankton Sioux 13/32 Arikara =	<u>15/32</u>
Bruce, Jeremy Charles	3/31/91	1/16 Turtle Mt. Chippewa 45/64 Arikara 1/8 Mandan =	<u>57/64</u>
Charging, Aries Leigh	10/14/91	1/8 Turtle Mt. Chippewa 15/64 Hidatsa 11/32 Arikara 1/16 Mandan =	<u>49/64</u>
Charging, Dannyale	11/12/91	1/8 Santee Sioux 43/128 Arikara 1/8 Mandan 1/8 Hidatsa =	<u>91/128</u>
Chase, Logan	1/22/92	3/32 Arikara 7/32 Hidatsa =	<u>5/16</u>
Daleness, Miguel D.	6/17/91	1/8 St. Rock Sioux 1/8 Arikara =	<u>1/4</u>
Dragswolf, Kenneth III	6/02/90	1/8 Northern Arapahoe 1/4 Mandan 1/4 Hidatsa =	<u>5/8</u>
Dragswolf, Krystal Dawn	8/06/91	1/8 Northern Arapahoe 1/4 Mandan 1/4 Hidatsa =	<u>5/8</u>
Felix, Catherine V	8/24/90	3/32 White Earth Chippewa 1/32 Santee Sioux 21/32 Arikara =	<u>25/32</u>
Felix, Edward Charles	6/21/88	3/32 White Earth Chippewa 1/32 Santee Sioux 21/32 Arikara =	<u>25/32</u>
Fox, Maloni	12/07/91	3/32 St. Rock Sioux 5/16 Mandan 9/32 Hidatsa 7/64 Arikara =	<u>51/64</u>

Good Voice Elk, Sara Rose	3/03/91	15/32 Oglala Sioux 13/64 Shoshone 1/8 Hidatsa 3/32 Arikara =	<u>57/64</u>
Howling Wolf, Matthew T.	5/08/91	3/16 Oglala Sioux 1/16 Turtle Mt. Chippewa 39/64 Arikara =	<u>55/64</u>
Johnson, Crystal Ann	12/17/91	3/8 Hidatsa 1/16 Mandan =	<u>7/16</u>
Johnson, Kayla F.	7/29/91	1/8 Hidatsa 1/4 Arikara =	<u>3/8</u>
Lemke, Nichole Erica	12/15/91	3/32 Mandan 11/64 Hidatsa =	<u>17/64</u>
Lockwood, Heather	5/06/90	1/4 St. Rock Sioux 7/32 Arikara 1/4 Hidatsa =	<u>23/32</u>
Lockwood, Michelle Leigh	4/30/91	1/4 St. Rock Sioux 7/32 Arikara 1/4 Hidatsa =	<u>23/32</u>
Lonefight, Chrissy Mae	1/12/92	3/32 Arikara 7/16 Hidatsa 1/8 Mandan =	<u>21/32</u>
Lonefight, Philip Charles	5/23/90	3/32 Arikara 7/16 Hidatsa 1/8 Mandan =	<u>21/32</u>
Medicine Stone, Emmanuel Dirk	12/02/91	1/4 Turtle Mt. Chippewa 7/16 Mandan =	<u>11/16</u>
Mendez, Dana Jr.	3/15/75	1/4 Arikara =	<u>1/4</u>
Muscatell, Marc Lynn	1/20/66	1/2 Arikara =	<u>1/2</u>
Nagel, Johnathan	1/13/88	1/8 Turtle Mt. Chippewa 1/8 Arikara 1/16 Mandan 1/16 Hidatsa =	<u>3/8</u>
Newman, Bonnie	3/09/87	1/8 Hidatsa 1/8 Arikara =	<u>1/4</u>
Newman, Isaac	10/02/90	1/8 Hidatsa 1/8 Arikara =	<u>1/4</u>
Newman, Sandra	8/14/85	1/8 Hidatsa 1/8 Arikara =	<u>1/4</u>
Perry, Ian	7/9/90	1/8 Turtle Mt. Chippewa 1/4 Hidatsa =	<u>3/8</u>

PRICE, Shawn J.	5/17/83	1/4 Mandan 1/8 Hidatsa 1/2 Arikara =	<u>7/8</u>
Rabbithead, Stephanie	7/10/82	3/8 Hidatsa 1/16 Mandan =	<u>7/16</u>
Reynolds, Dallas A.	10/07/91	1/16 St. Rock Sioux 1/8 Sisseton/Wahpeton Sioux 5/16 Mandan 3/64 Hidatsa 15/64 Arikara =	<u>25/32</u>
Sears, Matthew	9/27/91	27/128 Belknap Assiniboine 1/64 Ft. Peck Sioux 1/8 Hidatsa =	<u>45/128</u>
Snell, Iman	10/12/88	7/32 Arikara 3/32 Hidatsa =	<u>5/16</u>
Sorenson, Caroline	12/20/91	1/4 Hidatsa =	<u>1/4</u>
Spotted Bear, Eden Emallie	6/02/90	1/4 Cherokee 15/64 Hidatsa =	<u>31/64</u>
Spraker, Morgan Lee	11/17/91	5/32 Arikara 7/32 Hidatsa =	<u>3/8</u>
Standish, Zachary	9/10/90	1/4 Mandan 1/4 Hidatsa =	<u>1/2</u>
Vigen, Miles L.	3/07/89	13/64 Oglala Sioux 13/128 Arikara 3/16 Mandan 3/32 Hidatsa =	<u>75/128</u>
Watchman, Mariah	7/12/91	1/8 Turtle Mt. Chippewa 1/8 Mandan =	<u>1/4</u>
Wells, Barclay C.	4/23/91	7/64 Arikara 13/32 Hidatsa 5/16 Mandan =	<u>53/64</u>
White Owl, Brent C.	6/30/91	7/16 St. Rock Sioux 1/2 Mandan =	<u>15/16</u>
White Tail, Macy	7/30/90	1/8 St. Rock Sioux 77/128 Arikara =	<u>93/128</u>
Whitman, Heather	3/06/86	1/4 Navajo 5/32 Hidatsa 1/8 Mandan 13/64 Arikara =	<u>47/64</u>

Whitman, Miranda	4/22/91	1/4 Navajo 5/32 Hidatsa 1/8 Mandan 13/64 Arikara =	<u>47/64</u>
Yellow Bird, Casey Jo	9/15/91	23/128 Arikara 1/8 Mandan 5/32 Hidatsa =	<u>59/128</u>
Yellow Lodge, Laurie	4/07/91	1/4 St. Rock Sioux 1/8 Hidatsa 1/8 Arikara =	<u>1/2</u>

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April 9, 1992  
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24. Education Issues
25. M, R & I Program
26. Mandaree Electronics
27. Highway Safety Plan
- Resolutions:
28. \*Budget Modification
29. \*Criminal Justice Crime Assistance
30. Circle of Life-Policies & Procedures
31. Adjournment



ADDENDUM TO APRIL 9, 1992, REGULAR MEETING AS REQUESTED BY  
CHAIRMAN WILKINSON TO CLARIFY DISCUSSION AND VOTE OF M,R&I  
PROGRAM. VERBATIM TRANSCRIPT.

Felicia Fox: Mr. Chairman, Councilmembers. This afternoon  
I was just asking-I want to ask for your recommendation or  
approval on the future of M, R & I.

Chairman Wilkinson: Excuse me, Is that person there from  
Scheer Construction?

Felicia: I've brought him....

Chairman: Would you please leave the room. We're going to be  
discussing the tribes' position on....

Felicia: Yes, I've asked him to be along for technical ques-  
tions. If anybody had construction questions.

Chairman: Not of what we want to cover.

Felicia: Yes, I've asked him to be here in case there are  
questions that I was unable to answer on specific construc-  
tion questions. I had provided you on Tuesday of the docu-  
mentation that had been corresponding since January, February  
and March and April here. I think it's giving status reports  
giving Council representative view, Departments recommenda-  
tion. I believe it's up to the Council now to decide on the  
future of all the, first, the water treatment plant facili-  
ties, we will pursue soon as we have this finalized, we can  
work on the bid for the waterline. I think I can answer any  
questions about the documents, I've provided to the Council.  
I gave them to all of you, I hope.

Chairman: Just for the benefit of the Councilmen, why don't  
you just give us all an overview.

Felicia: In December, 1991, there was the bid opening for  
the water treatment plant facilities. At that time, the only  
bid was submitted and that was from Scheer Construction. The  
bid that was received was higher than the Engineer's estimate  
and I think it was needed to decide at that time, how we  
would proceed. I recommended to the Council that we nego-  
tiate with the Contractor. Negotiating meetings were held  
with Scheer Construction-a proposal draft contract was ar-  
rived at. It's attached to part of this stuff. As Exhibit A,  
which came down to the amount of \$3,364,301.00 with the dele-  
tion of Mandaree along with having a holding clause for Man-  
daree to be incorporated when additional monies became avai-  
lable. The Bureau of Reclamation have provided letters that  
said they would do anything they could to assist us to seek  
additional funds to cover any cost over-runs if the contract  
required change order in interviews in construction cost.  
There is also, they have relief money that's going to become

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available through the Bureau. There is possible other funding that's being looked at for the project. My recommendation was to be able to go along with the negotiated contract with Scheer with the holding clause of Mandaree. Mandaree has a working facility. The best on the reservation right now. White Shield needs a plant as a whole and a waterline as a whole to meet the needs of White Shield. It is unofficial but the Bureau of Reclamation would not be able to approve anything less on White Shield because that has to be complete to build a water treatment plant plus a line to reach the community. To this date right now, I have provided a budget summary of where the funding looks at. To date right now, we have \$5,352,291.00. That we still have a contract with Olander Construction for the intake down at White Shield. Remaining \$386,700.00, the negotiated contract are.....

Chairman: Excuse me, this White Shield intake \$386,000.00.

Felicia: That was the original 993.

Chairman: When are they going to proceed with the work now.

Felicia: They began mobilizing back down to the site. They cannot began excavation under the water or underwater excavation under the water until June due to environmental because of the spawning of the fish.

Chairman: But the intake issues are resolved.

Felicia: Yes, that's already in contract but we are still obligated of the remaining money we have left. We are obligated to pay his contract quarter that he worked, that he will do. The negotiated contract with the potential contractor at \$3.6M to add the 4 million when money becomes available to search for the money during this time. Bureau of Reclamation with their assistance and the cost to build all four. There was a proposal that came in under the Engineer's estimate of \$1.1M to build a waterline to White Shield but that could be put out for bid as soon as we straighten out the water treatment plant to construct all of this with Scheer Construction, the way we calculate, it would leave \$88,000.00 left for next two years for tribal oversight engineering costs.

Chairman: Has there been any feedback on the testimony given for additional money for our M, R & I?

Felicia: There, It's still in Washington. So far, there has not been any comments back on the testimony. The State is in full support of the Bureau of Reclamation asking for money to general investigation and drought relief and go back for in-

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dexing.

Chairman: What share is being proposed for Fort Berthold?

Felicia: Excuse me, what?

Chairman: What dollar amount is being proposed to Fort Berthold?

Felicia: On what part?

Chairman: This new request that went to Washington.

Felicia: Okay, there's indexing request and that's where the tribes' would.....

Chairman: No, for the waterline-is indexing, are you....

Felicia: Indexing is separate. Indexing on the 8M that has been spent or the \$20.5 for all three reservations.

Chairman: What does indexing mean?

Felicia: Okay, indexing is the inflation increase over the years cause there hasn't been-the money has not been indexed to reflect inflation.

Chairman: But you don't know the dollar amount.

Felicia: That number was \$3M. I don't know what the proposed or the current appropriation was done with each of the tribes' came in with a dollar amount of what they would need for phase II. If that was additional request....

Chairman: Okay, that last testimony that took place in Washington for additional money, the Three Affiliated Tribes request was \$3M.

Felicia: With \$1M of three.

Chairman: That's just for straight waterlines, right?

Felicia: Yep.

Chairman: Is there anything else?

Felicia: No, I just, I revised a letter of April 3 differing from the original letter from which just requested approval on a contract with Scheer for 4 of the treatment facilities. It would be the particular language would be worked out and reviewed in the actual contract document. I'm asking action

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to be taken now to give a chance for a potential contractor. Right now, it's the time when contractors look for work. There's a lot of contractors, if they finalize up their work, they won't rebid on another project, especially, something of this size.

Chairman: Okay, on the, let's talk about that. That's the issue that have to be resolved today. Okay, there was an estimate prepared by HKM.

Felicia: Yes.

Chairman: The document was part out for bid-just so it's clear to all the Councilmen. The bid came in at \$4M what?

Felicia: \$4.475M.

Chairman: \$4.475M. The amount available was what, approximately 8 rounding it off to \$800,000.00 over the estimate.

Felicia: Yes, \$775 thousand.

Chairman: Now, from that-as I see it-there's three options on how the tribe can deal with this issue. One is to the work ourselves-staffing or whatever, procurement of materials or parts. The second option is to rebid the entire project, maybe segregating them into four different advertisements all at the same time and three is to negotiate with Scheer. At any time, you overbid a project by \$800,000.00, that's a significant amount. Now the proposal I've asked, in a meeting in Bismarck, for Mr. Morgan and Ms. Fox here to look at these three options. They sent or forward it over to HKM. HKM submitted their thoughts on this new request on these three suggestions but if we negotiated with Scheer, we get into the issue of who's going to bite the bullet and who's going to absorb the cuts. The additional proposal was to delete Mandaree, subsequently, they said a portion of Mandaree could be done, but nonetheless, it would not be all the work would not be completed under this \$3M something. That's correct?

Felicia: Yes.

Chairman: So these are the options I see that as far as dealing with this M, R & I request. Felicia has made her recommendation. Mr. Morgan, you want to add something?

Don Morgan: I guess what I have to add would be the fact that we're coming down to our season, our construction season and according to our fact or action plan to begin construction, we are well over that and my meeting with Ms. Felix here was to see what we could do to come up with some type

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of procedure to resolve these issues so we may proceed with construction as we only have approximately, three months at the most to do construction on this area here and we want to make the most of it. I'm asking the Council to consider this today-give us some type or what type of agreement they would like to proceed with so we can commence work in our office to get the treatment plants built.

Chairman: Okay.

Chairman: Mr. Yellow Bird.

Willard Yellow Bird: Yeah, I want to ask her a question on White Shield. It only benefits the school and the housing area.

Felicia: Yes it does.

Willard: It doesn't plan out like it's suppose to. It chips off to a mile from the pipeline. It's not like that anymore.

Felicia: No, it has decreased.

Willard: A lot of people were happy about it the first time, now they don't care about it, cause all it benefits is the housing and the school.

Felicia: White Shield originally had a larger cut on it cause of the time delays and the cost increase over the years though it did start in 1986.

Willard: So we have to use the one we got on the farms.

Felicia: And this is where there is in congress, a potential for Phase II but we need to make sure that Phase I gets to the communities in White Shield, finish Phase I and we can work on Phase II. Phase II will reach the rural areas in White Shield and rural areas in Four Bears, expansion of Mandaree and Twin Buttes, at that time, possibly Parshall and the remainder of the Reservation.

Willard: First time, it's suppose to be a mile from the line again. It's not like that.

Felicia: No, it's decreased down to 200 feet.

Willard: The people are not happy down there. They don't care if we get it or not. I don't either.

Chairman: It's decreased to 220 feet?

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Felicia: 200 feet off the main.

Chairman: 200 feet off the mainlines.

Chairman: Mr. Walters-Do you have anything you want to add on this issue?

Mr. Walters: No, Mr. Chairman. My familiarity is I was in a couple meetings. It's a tough decision put before the Council and I don't have any recommendations or solutions to provide you this time.

Chairman: Okay, Councilmen-The three options I've put on the table. One is if we do the work ourselves, we have an opportunity to do everything that the contract intended. That's the four treatment plants within the estimate prepared by HKM. Two, we can rebid it and the Third alternative which is going to cause issues is if the negotiations with Scheer proceeds, who's going to get cut. Is it going to be White Shield it is going to be Four Bears, is it going to be Mandaree or is it going to be Twin Buttes.

Chairman: Mr. Mossett, what do you think?

Councilman Mossett---I guess I would be in favor of option 1. If we go ahead and start construction provided I think Mandaree would be done by \$80,000.00 worth of work this year.

Felicia: The renovation could be \$200,000.00 in the contract possibly if we could find the other money the entire plant could be done.

Jim: Would that allow them to be eligible for the ONM?

Felicia: Yes.

Jim: Free water concept

Felicia: Yes.

Jim: and then, Mandaree would have to wait until Phase II to rehabilitate.

Felicia: That's if additional money is not found within the interest. The potential contract that we negotiated was that we would....

Chairman: Just a minute. We're not talking about contract negotiations. We're talking about option 1. We do it with our own forces, do all four with the existing dollar amount.

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The issue you're talking about is the Scheer. You're talking about option 3.

Felicia: He's looking at a document. A packet.

Chairman: I'm talking about the three, I've presented to the Council.

Jim: Okay, I would be in favor of Sheer going ahead with the construction with Mandaree, some rehab that would make them eligible for the ONM. We are asking for additional monies for Mandaree. That would be using Mandaree, I believe and if not, they would be Phase II.

Chairman: Is that it, Mr. Mossett?

Jim: Yes.

Chairman: Thank you, Mr. Gillette.

Councilman Gillette: Thank you, Mr. Chairman. Members of the Council. I'd go with the proposed recommendation-Felicia and Don Morgan to go with Scheer. My reasons are as follows: the bid is over \$763,000.00 but we must keep in mind that these are 1987 dollars that were used and this is 1992. This is a five year stand and the proposed, when you look at this one, the proposed thing was negotiated with Sheer, the difference is \$339,595.00, that's what would be short, to even include Mandaree completion with the fourth facility using this method. The other reason is that, our communities will get free water, our members sitting in White Shield, the school, well, the school might get a service charge of some sort. In our community, they would get free water. The utilities commission won't be hassled anymore and it would put people to work sooner. In our community in White Shield, we're the last community to get any type of water development. In 1980, we did Mandaree's, they had the best system It's already 10 years old now but it's still the best system and in this bid project, Mandaree is getting the \$200,000.00 for rehab and they are going to be taking care of in Phase II I don't see no problem. Just go ahead with what has been recommended. That's it.

Chairman: Okay, Thank you, Mr. Gillette. Mr. Rabbithead.

Councilman Rabbithead: Mr. Chairman, I don't have much but my concern is the segment that I represent, the Northeast segment. Coming from the rural areas that we're talking about, I own my own water and I live 7 miles out of Parshall. On this M, R & I project, I would recommend that to all the segments. That's all I have.

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Chairman: Okay, Thank you. When was the estimate done by HKM?

Felicia: Last fall.

Chairman: Last fall, so that's 1991--that was based on current prices. current everything.

Felicia: They have a, they used planning documents. They don't have actual, they have suppliers list and engineers and contractors they contact.

Chairman: Okay the estimate over at Mandaree is \$800 and some thousand, right?

Felicia: Well, it was reduced down because there was the negotiations.....

Chairman: No, I mean the estimate.

Felicia: \$853,000.00.

Chairman: Okay and you're suggesting that \$200,000.00 is there for them so there is a significant amount of work that's not going to get done. Mr. Hall.

Councilman Hall: I'd like to see that redesigned and include New Town and Parshall.

Felicia: Phase II.

Chairman: Okay, Mr. Bird Bear. Mr. Lone Fight.

Councilman Lone Fight: We're talking about the options.

Chairman: one, two and three. Option one is do the work ourselves, start work on all four treatment plants. Option two was rebidding the entire project, three is the negotiations where the cuts have to be identified and who's going to absorb these.

Ted: Okay, question on option #1-Do we have the capabilities to do this ourselves?

Felicia: If you know of a contractor that's capable of doing it-that's what the bidding did and we found the contractor.

Ted: Okay, if we decide to do this ourselves, who would we do we have to rebid? would we have LCM do it or...

Chairman: We would employ the staff. the experts that are



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needed to do this kind of work. We wouldn't expect Felicia or Don Morgan or anybody in this room that didn't have the expertise to try to undertake the project. We would use the existing money to employ the people, employ the necessary contractors to do the work.

Ted: Is there a plan for the Three Tribes doing it?

Chairman: That's one of the options I've had Natural Resources look at. Mr. Morgan, why don't you shed some light on this, you were asked to look at the three options.

Don: Yes, #1, Tribes be a bonding required.

Chairman: Excuse me, on a 638 contract? This money is a 638 contract.

Felicia: Yes, through the Bureau of Reclamation.

Chairman: It's in the 638 contract that the Three Affiliated Tribes has. Proceed.

Don: Option #1, I mentioned we have to get the bonding and 638 contract. #2, the rebidding project would be take a little more time and #3, the negotiating....

Chairman: Excuse me, Mr. Morgan, the question that was posed to you, did you do an analysis on option 1 and I'm going to ask the same question of Mrs. Fox.

Don: What I did was I request Ms. Fox to contact HKM or our professional engineers whom we have a contract with and who have the capabilities of finding all the costs.  
(Tape 2 ended.)

Felicia: On that cost also, the comment that was checked out with a construction company, LCM also, all superintendents that work on different projects on the reservation and ask them as contractors, what would you do if somebody gave you this type of contract? They said that they would need to be able to have some help in interpreting the plans and specs, they have the plans and specs, they said that they would want to be able to have some engineers along with to be able to as they didn't have the specific expertise on the treatment facilities. They would have, they contacted the bank for some possible problem with financing and if bonding, there would be a problem with bonding due to the fact bonding companies don't like to bond companies that aren't familiar with the type of work that they do. This was a comment from the Superintendents that actually do the construction. They felt like they also going to need the technical manpower when

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it goes to the mechanical, electrical work that's incorporated into the treatment facilities themselves.

Chairman: Mr. Lone Fight-Does that answer your question.

Ted: Yes, what kind of timelines if the Tribe decides to do it themselves. Would it go off the scheduled contract?

Felicia: Yes, the designs would have to be reviewed. They would have a construction management plan in place.

Ted: In terms of months, how many months are we looking at.

Felicia: Depending on who we decided on. If we decided on some contractors get suppliers, get prices, get a contract in place, I mean that's time alone right there before there was even construction. Construction's originally scheduled the way it was planned in specs was eighteen months. The actual construction the way it was designed at by the Construction Administration, it would need the Bureau of Reclamation approval. Even though it's a 638 contract, it needs the oversight final approval.

Ted: You talk about additional funding, how much is the guarantee that we will receive that additional funding or is that kind of up in the air?

Felicia: Well, the Bureau of Reclamation would like to see things go as smoothly as possible, when they were involved with the negotiations and with approve additional fundings the cost over-run with this type of approved contract. They also have drought relief money they have available.

Austin: Phase II.

Felicia: Phase II-Indexing. It's very positive.

Chairman: Mr. Lone Fight, there is a document where the previous Council asked that question, if they could do it themselves, do the whole thing, the intake, everything. That can't happen.

Ted: I realize that this project should go, you know. I know Mandaree does have the better system of the reservation communities and it is a tough decision for Mandaree to be left in that holding clause. It will come back on me, should that holding clause stay on hold even at Phase II but in my capacity as a Councilmember, I like to see it proceed to put some language in there to take out that holding clause and include Mandaree's portion in there and add some of the phase II monies to complete some

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of the different projects, if that's possible, say for instance, White Shield, Twin Buttes, somehow worth \$400,000.00 or subtract \$200,000.00 from the other projects, is that durable?

Felicia: Our treatment plants as a whole need to be completed as a whole for them to work the way they were intended to work and White Shield is in a position where they need to put the line to get to the community, they have to be made a whole.

Ted: Willard said the community of White Shield really doesn't care if they put that extension of 200 feet off the line, if you could delete that from the plan, would that save some costs?

Felicia: The waterline itself?

Ted: Extension of 200 feet off the line.

Felicia: If anything could be deleted from the line itself, there's was proposed that there was waterline to go to the community and there's a loop that goes around from the school right there, if anything, that loop could be deleted, that loop is about \$800,000.00.

Ted: Just what we need right? Any objections to that, Austin?

Austin: Mr. Chairman, I was going to refer to the letter of April 7 here that Felicia has given to the Councilmembers. It shows a total of available \$5.3M and it includes all the listing and it has Mandaree listed at \$797 and facilities to construct \$5.2M which leaves us with \$88,000.00.

Ted: You've got Mandaree at \$200,000.00, right?

Chairman: Excuse me, Mrs. Fox, I think the question is, correct me, if I'm wrong, there's \$5M some dollars available, the bid was \$4M something, why couldn't that all be used to pay for the whole project.

Felicia: There was some things that were taken out.

Chairman: No, the question that I'm asking is, Mr. Morgan, I wan't your input on this too, if there's \$5M what, \$5.3M available, that bid was \$4.4M, why can't the whole contract go forward?

Felicia: You need to build a line.

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Chairman: But the priority is determined by the Tribal Council. Okay, if the Tribal Council so wishes to go with the \$4.4M to do all four treatments, they can approve that right now. is that correct? Mr. Morgan, is that correct? Okay, do we have a motion to .....

Ted: I'll move, Mr. Chairman.

Chairman: Motion by Mr. Lone Fight.

Ted: To proceed with all projects.

Austin: I'll second it.

Chairman: seconded by Mr. Gillette.

Chairman: Discussion:

Austin: Mr. Chairman, I'd like it to be in the record that our decision is based on this \$5.3M VS the \$5.2 that has been given to us on April 7, it leaves us a balance of some dollar to do other things with.

Felicia: Oversight engineering.

Austin: Oversight.

Chairman: We've got a motion, oh, Mr. Mossett.

Jim: Does this include the \$300,000.00 or almost \$400,000.00

Felicia: No, it's minus backwards.

Jim: Do we actually have that much money on what we are talking about here to do this?

Felicia: It would hurt the line.

Chairman: Well, we've got \$2M requested. Titus just testified for.

Jim: That would work out.

Chairman: Okay, we've got a motion and a second on the floor to all four treatment plants.

Chairman: Further discussion.

Ted: Under discussion-of the money that was testified in DC, the \$1M that will be coming to fourteen, could we put that back to the loop or whatever.

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ADDENDUM

Felicia: In the indexing. the indexing was for this year.

Chairman: Okay, we've got a motion and a second on the floor. all in favor.

Vote: 6 for, none opposed, 1 not voting. Motion passed.

Felicia: Excuse me, Mr. Chairman, One more comment, This was the letter that you received last. This would say all four plants on there.

Chairman: Yes, do all the documents. Do whatever you have to do and I'll meet with you and Mr. Morgan later on.

End of Addendum.



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

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## TRIBAL BUSINESS COUNCIL

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Wilbur D. Wilkinson

VICE CHAIRMAN  
Titus Hall  
New Town/Little Shell  
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(701) 862-3841

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Ted Lone Fight III  
Mandaree  
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COUNCIL MEMBER  
Jim Mossett  
Twin Buttes  
(701) 938-4403

## AGENDA

Regular Council Meeting  
April 09, 1992

1. Call to Order
2. Roll Call
3. Resolutions:  
\*Dual Enrollment
4. Tribal Member request on enrollment for grandchild
5. Amendment to agenda
6. Resolutions:  
\*Inheritance
7. \*Circle of Life
8. \*Wellness Week
9. \*Exercise-Nutrition
10. \*Twin Buttes Parks & Recreation
11. \*Child Restraint
12. \*Little Soldier Land Transaction
13. Jail Facilities
14. Financial Requests:  
-FBCC Student Request
15. -Native American Film Festival ,
16. -Minot State University
17. -Fort Berthold Boxing Club
18. -Theresa Delorme/Education
19. Department of Public Instruction
20. Edmund White Bear
21. John Danks
22. Land Transaction/Verlee Saylor
23. Fort Berthold Indian School Board