

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Regular Council Meeting

July 22, 1993

PRESENT: Wilbur D. Wilkinson, Chairman; Ivan Johnson, Vice Chairman; John J. Rabbithead, Jr., Secretary; Jim Mossett, Council Member; Austin Gillette, Council Member; George Fast Dog, Council Member, and Leigh Foote Wolf, Recording Secretary.

ABSENT: Roger Bird Bear, Treasurer

OTHERS: Claryca Mandan, FBCE; Elgin Crows Breast, Cultural Preservation Officer; Don Ruffledt, Bureau of Land and Management, Dickinson; Hazel Blake, Tribal Health Administrator; Alesia J. Fox, Tribal Enrollment; Delphine Baker, WIC Director; Mark N. Fox, Legal Assistant; Janet Gunderson, Social Services Director; Maxine Harrison, Human Resources Administrator; Catherine Fox Harmon, Head Start Administrator; Ella James, Head Start; Phoebe Dixon, Aging Services Director; Ty Hall and Perry Brady, Security; Kyle Baker, Air Quality Coordinator; Carol Good Bear, Administrative Assistant; Abigail Country, Administrative Assistant; Urban Bear Don't Walk, Tribal Attorney; Delores White and Calvin Grinnell, Public Relations; Marie Wells and John Danks, Enrolled Members.

ITEM 01: CALL TO ORDER
Meeting was called to order at 1:08 PM.

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

ITEM 03: RESOLUTION/ENVIRONMENTAL DIVISION LEGAL COUNSEL COMMITMENTS
Resolution read by Secretary Rabbithead.
This resolution pertains to the reimbursement for the legal representation by the law firm Stoel Rives Boley Jones & Grey in the amount of \$25,000

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ENVIRONMENTAL-LEGAL (CON'T)
which remains to fulfill fiscal year 1993 financial responsibilities by the Environmental Division for environmental legal counsel commitments.

Kyle Baker explained we are set up to protect our natural resources with these lawyers. We are one of the first tribes who have all these laws in place for environmental protection. They put pressure on Gevings and got rid of them, now they are working on taxing Carlson. The lawyers are also working on contracting BLM. Mr. Baker stated these lawyers have been paid solely by EPA grants, so far, but with the added work on various projects, they are in need of an extra estimated \$25,000. Just by contracting BLM alone should bring in about \$100,000.

Chairman Wilkinson suggested Mr. Baker prepare a report to accompany this request showing what all has been done by these lawyers.

Mr. Baker explained EPA teams were brought in to investigate Geving. They did put enough pressure on him to completely put him out of business on the reservation. They filed something against him on damaging our natural resources. This is what brought in the EPA.

Mr. Baker agreed to submit a report for the next council meeting.

ITEM 04: LETTER TO BRUCE BABBITT/ENVIRONMENTAL DIVISION
Mr. Baker explained the Fish & Wildlife Service did a draft to Mr. Babbitt on administrative policy. Mr. Baker is requesting the council's support of his letter stating the draft is negative and detrimental to all tribes.

Mr. Baker read the letter to the council.

Chairman Wilkinson suggested Mr. Baker make copies for all councilmen to review for the next meeting.

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ITEM 05: RESOLUTION/CENTRAL NORTH AMERICAN TRADE CORRIDOR ASSOCIATION: #93-87-JJR

Resolution read by Secretary Rabbithead.

This resolution pertains to the endorsement of the Central North American Trade Corridor Association by the Three Affiliated Tribes in order to promote trade, transportation, and economic development along U.S. Highway 83 from Canada to Mexico.

Chairman Wilkinson entertained a motion to approve.

Councilman Mossett motioned to approve, seconded by Vice Chairman Johnson.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 06: RESOLUTION/TRANSPORTATION COMMITTEE LEASE/PURCHASE AGREEMENT WITH MIDWEST INDUSTRIAL MACHINERY FOR THE LEASE/PURCHASE OF ROADS CONSTRUCTION EQUIPMENT: #93-88-JJR

Resolution read by Secretary Rabbithead.

This resolution pertains to the authorization for the Chairman of the Transportation Committee, Jim Mossett, to enter into a lease/purchase agreement with Midwest Industrial Machinery for Roads Construction heavy equipment to be financed by Ag. Capitol Company.

Chairman Wilkinson entertained a motion to approve.

Councilman Mossett motioned to approve, seconded by Secretary Rabbithead.

Discussion on the term of the lease. It is for a four (4) year term.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 07: BUREAU OF LAND MANAGEMENT-DON RUFLEDT

Mr. Ruffledt works for the Bureau of Land Management District Office in Dickinson. He is here in regards to a memorandum of agreement drawn up in

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BLM (CON'T)

regard to a coal lease modification request from the Coteau Properties Company. They operate the Freedom mine north of Beulah. This 80 acre parcel was a tract of federal coal. The company came to BLM, which is the leasing agency for federal minerals, interested in this 80 acre tract, which is private surface owned by the company and federal coal minerals. In response to their request, BLM must prepare an environmental assessment. In this case, there was a significant archaeological site on the north part of this 80 acre tract. Because of this, their district archaeologist, Mary McCarthy prepared this memorandum of agreement.

The memorandum of agreement has three main parts which include the data recovery stipulations, a protection plan and a discovery plan. Mr. Ruffledt presented a map showing the areas mentioned.

Mr. Ruffledt would like the Tribe to be a party to the agreement which would enable the Tribe to participate in any meetings and the receiving of information in data recovery, and also in receiving artifacts that are found. There is a confirmed burial on the site. There is a high value on this site.

Chairman Wilkinson mentioned an earlier meeting where issues were raised by Pemina, Texx Lone Bear, and Elgin. Chairman Wilkinson asked if these issues were resolved.

Elgin Crows Breast stated the reason they did not sign the memorandum of agreement was they felt there will more mining in the future, more people will be coming in to do this same thing. The money is coming out of our own pockets for the reburial of our ancestors. They need to look into federal funding for the reburials. The Tribe is not digging these up, but they are the ones doing the reburials. The Tribe needs to decide how far they will allow the mining and the digging of the remains to go. If this agreement is signed, we

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BLM (CON'T)
should have some type of compensation.

Mr. Crows Breast stated this needs to be looked into further before the agreement is signed. The area in question is in the analysis portion of the agreement. Also, the compensation is needed before the agreement is signed. Mr. Ruffledt mentioned this could be negotiated upon.

The memorandum of agreement applies to land owned by Coteau, and the sub-surface is owned by BLM. Mr. Ruffledt explained the memorandum of agreement does give us some of the control and protects some of the site and lays out guidelines for procedure for areas that are disturbed. If the Tribe does not sign the memorandum of agreement, they would go forward as planned anyway. The memorandum of agreement just allows for the Tribe to participate more in any meetings or discoveries.

Mr. Crows Breast stated he does not agree with this memorandum of agreement because it is not in the best interest of the Tribe.

Mr. Ruffledt mentioned showing cooperation does give the Tribe the opportunity to work more closely with the company in any future mining or discoveries.

Chairman Wilkinson entertained a motion to approve and sign the memorandum of agreement.

Councilman Mossett motioned to approve, seconded by Councilman Fast Dog.

Vote: 3 for, 1 opposed, 1 not voting.
Motion carried.

ITEM 08: RESOLUTIONS PRESENTED BY COUNCILMAN FAST DOG
There were three resolutions brought into the meeting by Councilman Fast Dog regarding the termination of Maxine Harrison, the lay-off of Theodora Star, and the placement of Georgia Fox as

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RESOLUTIONS (CON'T)
as the Program Director of the Circle of Life
Program.

No action was taken on these resolutions today.

ITEM 09: RESOLUTION/DOMESTIC VIOLENCE GRANT APPLICATION:
#93-89-JJR

Resolution read by Secretary Rabbithead.
This resolution pertains to the application of a
Family Violence Prevention and Services grant in
the amount of \$40,200.00 by the Social Services
Program of the Human Resources Department.

Chairman Wilkinson entertained a motion to approve.

Secretary Rabbithead motioned to approve, seconded
by Councilman Fast Dog.

Vote: 5 for, 0 opposed. Motion carried.

Chairman Wilkinson stated the Tribe was successful
in getting a \$250,000 drug elimination grant, of
which \$170,174 of that will go to the six segments.
This is youth orientated for the building of six
basketball courts, six baseball fields, six ice-
skating rinks, purchase equipment, supplies, and
for contract services. There is also \$48,213 that
goes for a project director, contractual services,
and \$36,613 on drug prevention programs for six
segments.

ITEM 10: RESOLUTION/AGING SERVICES SUPPLEMENT REQUEST

Resolution read by Secretary Rabbithead.
This resolution pertains to the supplemental pay of
\$8,896.00 from the Tribal Business Council to be
utilized for the Aging Program's service needs.

Secretary Rabbithead stated the Human Resources
Department has combined their requests and will be
on the agenda for these combined requests.

Secretary Rabbithead read a letter regarding
financial needs of the Human Resources Aging

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AGING SERVICES (CON'T)
Services Program.

Secretary Rabbithead stated this financial request was brought before the Human Resources Committee and it was then determined it could not be done through the indirect cost monies. Councilman Gillette had then suggested the Human Resources Departments combine their financial needs and bring the total amount to the full council.

Discussion on the program requests. Chairman Wilkinson suggested a priority list be established for the revenues from the casino. The Tribe will be receiving money from the casino in about thirty days. Councilman Mossett requested Transportation receive some funding, also. It was then determined to schedule a separate meeting to prioritize a list for these revenues.

ITEM 11: HUMAN RESOURCES FINANCIAL NEEDS

Mrs. Maxine Harrison, Human Resources Administrator, explained there are four programs in need of supplemental funding to finish the fiscal year.

Delphine Baker, WIC Director is in need of an additional \$24,805.04 for food for July through September. Mrs. Baker explained the grants received for the WIC program. Eighty of the WIC participants were already dropped from the program, and another eighty might have to be dropped just to make it to October 1. These will be picked up by the North Dakota State Program by agreement. This would be only for August and September. Mrs. Baker would like to have some annual money for the WIC program because of the great number of participants.

Mrs. Dixon's request is also for food for the elderly. The purchase of food costs last year were over \$24,000, and they are short again this year.

Councilman Gillette stated this is a reasonable request. With the gaming revenues, we should be able to assist these programs.

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HUMAN RESOURCES (CON'T)
dation for her assistant, Darlene Young Bear to be a permanent employee.

Chairman Wilkinson entertained a motion to approve the request for Darlene Young Bear.

Councilman Mossett motioned to approve, seconded by Vice Chairman Johnson.

Vote: 4 for, 0 opposed, 2 not voting. Motion carried.

Chairman Wilkinson stated all the programs will be asked about their unmet needs. The council will work on a proposed distribution formula for approval.

ITEM 12: RESOLUTION/GROWTH & DEVELOPMENT APPLICATION FOR NORTH DAKOTA INDIAN AFFAIRS COMMISSION'S NATIVE AMERICAN YOUTH ALCOHOL AND DRUG ABUSE EDUCATION GRANT: #93-90-JJR

Resolution read by Secretary Rabbithead. This resolution pertains to the application for a North Dakota Indian Affairs Commission's Native American Youth Alcohol and Drug Abuse Education Grant by the Three Affiliated Tribes Growth and Development Services.

Chairman Wilkinson entertained a motion to approve.

Councilman Fast Dog motioned to approve, seconded by Secretary Rabbithead.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 13: RESOLUTION/WELLNESS TEAM GRANT APPLICATION: #93-91-JJR

Resolution read by Secretary Rabbithead. This resolution pertains to the authorization for the Three Affiliated Tribes Wellness Team's application for an IHS grant to be administered by the Tribal Health Program under the supervision of the Wellness Team Coordinator, Mariel Fox.

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HUMAN RESOURCES (CON'T)

Secretary Rabbithead stated he, too is in favor of supplementing these programs.

Chairman Wilkinson stated the purpose of this is for information gathering. The council will meet at a later time for development for distribution.

Discussion on Aging Services food service.

Mrs. Dixon's resolution is requesting the release of one half of the entitled money under indirect cost back to the program for direct costs. The Human Resources Committee decided this is not possible. This resolution will not be acted upon at this time.

Chairman Wilkinson suggested all the departments be given an opportunity before anything is decided upon.

Mrs. Janet Gunderson, Social Services, presented her program's needs. She needs a legal counsel to assist the caseworkers in various court cases and in the writing of documents. Social Services is also in dire need of more caseworkers.

Mrs. Gunderson explained she was allocated \$33,000 for an investigator, but this was cut. She would like assistance getting the full amount. Their office also works without computers, everything is done manually. Their office furniture and equipment is old and they need new things. They also need more vehicles.

Discussion on budgets.

Mrs. Harrison stated the Circle of Life is in need of a consultant license for an addiction counselor at the total sum of \$9,600. Right now they are in jeopardy of this license because they don't have the addiction counselor.

Mrs. Harrison also presented a letter of recommen-

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WELLNESS TEAM (CON'T)

Ms. Hazel Blake explained the proposal has already been submitted before the deadline. It is under the Adolescent Peer Leadership and Health Education Project. They are focusing on the prevention of diseases. The grant is for \$55,000. It was sent to headquarters, and they approved the grant and are waiting only on the resolution.

Chairman Wilkinson entertained a motion to approve.

Councilman Fast Dog motioned to approve, seconded by Vice Chairman Johnson.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 14: RESOLUTION/DAKOTA AREA CONSORTIUM FOR TRIBAL SCHOOLS (DACTS)

There was a brief discussion on DACTS. This resolution was rescheduled for the next meeting.

ITEM 15: RESOLUTION/HALL LAND EXCHANGE: #93-92-JJR-A, #93-92-JJR-B, AND #93-92-JJR-C

These resolutions are for the land exchanges for Janice M. Hall, Kathleen Hall, and Frances Mossett. Mr. H. Texx Lone Bear stated these have gone before the council already and approved in December of '92, but the actual appraisal values were not given at the time.

Chairman Wilkinson entertained a motion to approve.

Vice Chairman Johnson motioned to approve, seconded by Councilman Gillette.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 16: RESOLUTION/FBCE AD HOC TASK FORCE: #93-93-JJR

Resolution read by Secretary Rabbithead. This resolution pertains to the appoint of an AD HOC Task Force comprised of Urban J. Bear Don't Walk, Mark Fox, Marcus Wells, Pat Wilkinson, and Spencer Wilkinson to review, advise and assist mem-

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FBCE TASK FORCE (CON'T)
bers of the FBCE with the resolution of legal and financial issues that arise.

Chairman Wilkinson suggested they participate in the offers and compromise program on the IRS issue.

Claryca Mandan stated they are working on this right now. They have an auditor who is reauditing all the tax for those quarters and has already discovered \$19,000 in mistakes.

Chairman Wilkinson entertained a motion to approve.

Councilman Mossett motioned to approve, seconded by Secretary Rabbithead.

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

ITEM 17: RESOLUTION/FBCE TO OBTAIN LOAN WITH LAKESIDE STATE BANK: #93-94-JJR

Resolution read by Secretary Rabbithead.

This resolution pertains to the authorization for Calvin Grinnell, FBCE Chairman, to secure a loan in the amount of \$35,000 plus interest from the First International Bank of Watford City, secured by the FY 1994 Telecommunication 350 G Docket Funds.

Ms. Mandan mentioned there is another resolution that is exactly the same, except it is for Lakeside State Bank of New Town.

Chairman Wilkinson entertained a motion to approve.

Discussion on previous docket loans.

Judy Young Bear commented on the needs and the various usage of the radio station by the Tribe.

Discussion on grants. They have received \$26,350 in grants this year.

Discussion on the enterprises becoming "stand

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FBCE LOAN (CON'T)
alone" enterprises.

Chairman Wilkinson entertained a motion to approve.

Councilman Mossett motioned to approve, seconded by Secretary Rabbithead.

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

ITEM 18: RESOLUTION/COMMODITY SERVICES RECONTRACTING:
#93-95-JJR

Resolution was read by Secretary Rabbithead.

This resolution pertains to the recontracting of the Commodity Services Program with the State Department of Public Instructions, U.S. department of Agriculture for continued Commodity Services operation, and that the Three Affiliated Tribes requests that \$159,327 be granted for this purpose.

Chairman Wilkinson entertained a motion to approve.

Councilman Mossett motioned to approve, seconded by Secretary Rabbithead.

Vote: 6 for, 0 opposed. Motion carried.

ITEM 19: RESOLUTION/EMPLOYMENT OF MARK N. FOX: #93-96-JJR

Resolution was read by Secretary Rabbithead.

This resolution pertains to the employment of Mark N. Fox with the Legal Department by the Three Affiliated Tribes.

Mr. Urban Bear Don't Walk stated Mr. Fox has been working on a consultant basis since June 1. He has strengthened the legal department with his help in various endeavors, and the legal department is in need of another attorney.

Councilman Gillette mentioned Mr. Fox has not yet passed the BAR exam. Councilman Gillette also mentioned \$40,000 is a very high salary for Mr. Fox. Mr. Bear Don't Walk stated this amounts to

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MARK FOX (CON'T)
\$20.00 per hour. Mr. Fox will take the BAR exam in February.

Chairman Wilkinson mentioned Mr. Fox is under agreement with the Tribe until January of 1994. This proposed contract will take effect in February of 1994.

Mr. Fox stated the salary of the contract has been left open and also there is an option to help pay his school loans. The alternative is a consultant agreement.

Chairman Wilkinson stated Mr. Fox has done an exceptional job in assisting Mr. Bear Don't Walk. Chairman Wilkinson recommended Mr. Fox's employment with the Legal Department.

Councilman Mossett motioned to approve, seconded by Secretary Rabbithead.

Vote: 4 for, 2 opposed. Motion carried.

ITEM 20: RESOLUTION/ENROLLMENT: #93-97-JJR
The resolution was read by Secretary Rabbithead. This resolution pertains to the enrollment of eighty-seven (87) applicants to the Three Affiliated Tribes.

The list of names are attached to the resolution.

Chairman Wilkinson inquired if all the documents on the relinquishment of enrollment from Standing Rock for Jonas B. Fredericks are in place. Ms. Alesia Fox, Enrollment Clerk, replied they are in place.

Discussion on pay-back of entitlements to tribes.

Chairman Wilkinson entertained a motion to approve.

Councilman Gillette motioned to approve, seconded by Secretary Rabbithead.

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ENROLLMENT (CON'T)

Vote: 6 for, 0 opposed. Motion carried.

More discussion on paybacks.

ITEM 21: RESOLUTION/PERMANENT LOT FOR HEAD START: #93-98-JJR
Resolution was read by Secretary Rabbithead.
This resolution pertains to Lot 15, Block 2, 17-152-92, New Town, ND, Tribally owned land, remain reserved for continued use by the Three Affiliated Tribes' Head Start Program.

The purpose of this resolution is to have the existing building torn down, and to have the lot reserved for the Head Start Program.

Chairman Wilkinson entertained a motion to approve.

Councilman Fast Dog motioned to approve, seconded by Secretary Rabbithead.

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

Mrs. Catherine Fox Harmon stated she has two more items for discussion. One is concerning a garbage issue, where she is to go before the New Town City Council. When Head Start occupied this building the garbage services were inadequate. The Solid Waste Management brought dumpsters out and payments were stopped to the city. She will be going before the city council for a waiver on this.

The other issue is a request for a group photo of the tribal council as their governing body to hang in each of their centers. They will need nine of these pictures. Mrs. Leigh Wolf, Acting Recording Secretary, will follow up on this with Calvin Grinnell.

ITEM 22: TRIBAL HEALTH DOCKET

Ms. Blake explained some of the items on the report presented concerning consultant payments.

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TRIBAL HEALTH (CON'T)

Discussion on consultant services. The money was not budgeted last year for Mr. Atkinson's payment. Mrs. Star at the Circle of Life did not have this taken care of, but Ms. Blake did not comment any further on that issue.

Vice Chairman Johnson questioned some of the programs that were put on for the youth. Ms. Blake replied there was a sobriety run in conjunction with the Mandaree Pow Wow, and a youth camp last year was held, basketball camps, walk/run activities and other such things.

Chairman Wilkinson stated under the \$250,000 drug elimination grant involves all six segments, Circle of Life, Housing, and the Tribal Health Office and it would behoove Ms. Blake's program to work with Housing and the six councilmen on something constructive for the youth.

Chairman Wilkinson entertained a motion to approve the budget.

Councilman Gillette motioned to approve, seconded by Secretary Rabbithead.

Vote: 5 for, 1 opposed. Motion carried.

ITEM 23: UNITED SIOUX TRIBES DEVELOPMENT CORPORATION OF PIERRE, SD REQUEST FOR SUPPORT LETTER FOR SIOUX NATION COUNCIL MEETING

Secretary Rabbithead read a letter submitted. This letter is concerning a letter of support from each tribe on setting up a Sioux Nation Council Meeting in Pierre, SD in August to settle various problems inflicting United Sioux Tribes.

Chairman Wilkinson entertained a motion to approve.

Councilman Fast Dog motioned to approve, seconded by Vice Chairman Johnson.

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

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ITEM 24: SHELLEY YELLOW BIRD REQUEST FOR LEAVE

Chairman Wilkinson stated this request has been authorized and forwarded to the Tribal Treasurer's office.

Councilman Gillette motioned for approval of payment pursuant to her request.

Motion died.

ITEM 25: FINANCIAL ASSISTANCE REQUEST/MARSHA AZURE

Mrs. Azure's daughter received a liver transplant early this morning in Minnesota. The family is in need of assistance for living expenses.

Councilman Mossett mentioned Marion Shields' house has burned in Wolf Point, Montana, and she too is in need of assistance.

These requests will be for \$500.00 each.

Councilman Mossett motioned to approve both requests, seconded by Secretary Rabbithead.

Chairman Wilkinson acknowledged motion and second.

Vote: 5 for, 1 opposed. Motion carried.

ITEM 26: FINANCIAL ASSISTANCE REQUEST/SIDNEY WHITE BODY

Councilman Fast Dog mentioned Mr. White Body is requesting a loan of \$250.00. He is the grandfather of the aforementioned girl and is also going to Minneapolis.

Chairman Wilkinson entertained a motion to approve.

Councilman Fast Dog motioned to approve, seconded by Councilman Gillette.

Vote: 5 for, 1 opposed. Motion carried.

ITEM 27: FINANCIAL ASSISTANCE/BELVA ROWE

Secretary Rabbithead mentioned Mrs. Rowe is requesting assistance for dental costs.

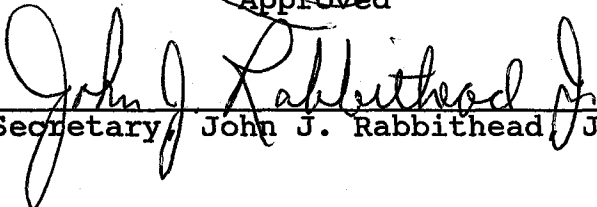
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FINANCIAL ASSISTANCE (CON'T)
Discussion on documents or a doctor bill.

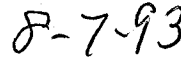
Chairman Wilkinson stated these requests should have documentation of the bills and something from Public Health to see if they will help.

ITEM 28: ADJOURNMENT
The meeting was adjourned at 4:00 PM.


Approved

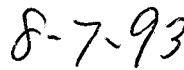

Secretary, John J. Rabbithead Jr.

Disapproved


Date

ATTEST:


Chairman, Wilbur D. Wilkinson


Date

- Resolution/Recontract for Commodity Services Operation
- Resolution/ To Hire Mark N. Fox as a Legal Intern for a 12 Month Term and for Other Purposes-M. Fox
- Resolution/ Enrollment-A. Fox
- Head Start Facilities/Catherine Fox Harmon
- Human Resources/Financial Needs-M. Harrison
- Tribal Health Docket Fund Approval-H. Blake
- Bureau of Land Management/Memorandum of Agreement
- United Sioux Tribes Development Corporation of Pierre South Dakota Request for Support Letter for Sioux Nation Council Meeting
- Shelley Yellow Bird Request for Leave Status Reimbursement
- Financial Assistance Requests
 - Belva Rowe-dental assistance
 - Catherine Real Bird-medical assistance