

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Special Council Meeting  
September 27, 1993

- PRESENT:** Wilbur D. Wilkinson, Chairman; Ivan Johnson, Vice Chairman; John J. Rabbithead, Jr., Secretary; Austin Gillette, Councilmember; George Fast Dog, Councilmember; Jim Mossett, Councilmember and LaVerne Brady, Recording Secretary.
- ABSENT:** Roger Bird Bear, Treasurer
- OTHERS:** Enrolled Members: Pliga Bordeaux, John Danks, Dennis Burr, John & Judy Fredericks, Wendell White, Lyda Foote, Sharon Fitzsimmons and Adeline Brunsell  
Employees: Kyle Baker, Air Quality Coordinator; Abigail Country, Vice Chairman's Assistant; Laura Eagle, Data Coordinator; Gordon Blake, Tax Commissioner; Ron Rabbithead, Veterans Officer; Jim Bear, Assistant Veterans Officer; Donald Morgan, Natural Resources Administrator; Harley Lone Bear, Realty Officer; Harry Sitting Bear, Treasurer's Assistant; Tom Bird Bear; Contracts Manager and Perry Brady, Sargeant at Arms.  
Others: John Helgeson and Joe Varpness, VA Loan Administrators.
- ITEM 01:** CALL TO ORDER:  
Meeting called to order at 1:48PM.
- ITEM 02:** ROLL CALL:  
Roll called by Secretary Rabbithead. Opening Prayer given by Perry Brady, Sargeant at Arms.
- ITEM 03:** DUNCAN ENERGY OIL ISSUE:  
This issue was explained by Chairman Wilkinson. He explained a copy of the decision was received this morning from the Tero Director and Councilman Fast Dog. Judge Commy made a ruling that "Plaintiffs are entitled to judgement declaring that the purported employment and taxation enactments are invalid as applied to fee lands and private contracts."

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DUNCAN OIL (CON'T):

It was further explained that Duncan Oil had submitted a motion for summary judgement and this is what Judge Commy has ruled on so what it means is our Tero and our Possesory Interest Tax do not apply in the northeast quandrant.

We've called Charlie Hobbs in Washington DC and these are the two actions we are going to take -

1. is to file a motion for stay on Judge Commy's orders. That would go to him first - if he accepts that and grants the stay, our TERO and PIT tax would be applied to the NE Quandrant, but if he denies the motion for stay, then we have to file an action in the eighth circuit Court of Appeals on the motion to stay. That action will prevent the summary judgement from being in force.
2. is filing an appeal to the eighth circuit. There's 30 days involved in that but we're trying to get an expedited hearing. The attorney's are faxing us some information this afternoon as far as the motion to stay, the summary judgement and are preparing to file the appeal in the eighth circuit.

For Councilmen's information: Chairman stated he has asked Charlie Hobbs and staff to come and meet with the Tribal Business Council and he has agreed to do that. A time will be firmed up later this afternoon.

There was question on what grounds are we asking for this stay. Response was our Attorneys have to show that we a chance of winning the lawsuit and the merits of the law. It was asked what the merits were? The merits are our TERO ordinance and our tax and that we truly are providing service which benefits the people in general. Mr. Hobbs will give a more thorough report to the Council.

Chairman Wilkinson entertains motion authorizing both actions.

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DUNCAN OIL (CON'T):

Councilman Gillette made motion to authorize motion to stay and if that fails, then do the appeals process, seconded by Councilman Fast Dog.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 04: RESOLUTION/EASEMENT FOR AMOCO PIPELINE:  
Resolution read by Secretary Rabbithead.  
Donald Morgan, Natural Resources Administrator who was present explained regarding the easements, the BIA has requested that there be a resolution following when the tribes signs them. therefore, we drafted this resolution to cover the pipeline.

Discussion regarding tracts, price of rods and a prior 1982 resolution which pertains to this issue.

Councilman Gillette made motion to table resolution till October 14 Regular Council Meeting.

There was a question how many individuals would be affected by this.

Motion seconded by Councilman Fast Dog.

It was suggested that we could approve it subject to negotiations.

Councilman Gillette made motion to withdraw his motion and to proceed with this issue later on in the meeting.

ITEM 05: RESOLUTION/EASEMENT FOR WATER TREATMENT PLANTS:  
Resolution #93-127-JJR. Read by Secretary Rabbithead. This resolution pertains to continuing the construction of the water treatment plants in the communities approving the right of way for the Bureau of Reclamation waiving the payment.

Chairman Wilkinson entertains motion to approve.

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WATER TREATMENT PLANTS RESOLUTION (CON'T):  
Councilman Mossett made motion to approve, seconded by Secretary Rabbithead.

Discussion regarding the waiver of payment.  
Mr. Morgan directed to add right of way easements through tribal lands, tracts or ownership or percentage of ownership.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 06: RESOLUTION/MINERALS ASSESSMENT: Res #93-128-JJR.  
Resolution read by Secretary Rabbithead which pertains to authorizing the Tribal Chairman to advise the Division of Mineral Resources, to authorize the proposal of Mineral Assessment Request to the Division for funding and conduct program by inhouse professional staff of the Tribal Environmental Division.

Chairman Wilkinson entertains motion to approve.

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

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 07: RESOLUTION/OIL & GAS RESOLUTION: Resolution #93-129  
Resolution read by Secretary Rabbithead which pertains to authorizing the Tribal Chairman to advise the Bureau of Land Management and to regulate oil production within the exterior boundaries of the reservation and to conduct said oil and gas inspection and regulation program by inhouse professional staff of the Tribal Environmental Division.

Chairman Wilkinson entertains motion to approve.

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

Vote: 6 for 0 opposed. Motion Carried.

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ITEM 08: OIL COMPANY, IRRIGATION & SOLID WASTE UPDATE:  
Kyle Baker, Quality Air Coordinator reported that several Oil companies from Canada who are interested in coming into Fort Berthold. There's 65 wells on the reservation and not one belongs to the tribe We need your OK to get some tribal wells.

It was mentioned a presentation to the Natural Resources Committee would be appropriate.

Regarding irrigation, there is a lease on this right now but when we get this going, the tribe should get more out of it than what we are presently getting. The Bakers, Little Shell Livestock, and the tribe. A bid needs to be put out for fixing the irrigation system. Something has to be worked out to take care of it. Other discussion regarding lease. Mr. Morgan was directed to meet with the people who will be affected and then report back to the Tribal Business Council. Discussing regarding bid letting. It was decided that the program do their own bid letting.

Regarding Solid Waste, There was discussion on Heavy Equipment, (HUD grant). It was explained that the Council made their decision already at the last meeting. Discussion regarding Heavy Equipment.

ITEM 09: RESOLUTION/AMOCO PIPELINE ISSUE:  
The issue here was \$10.00 per rod VS \$50.00 a rod. Why the difference in price. It was explained that the BIA had an appraised value at \$10.00 but the tribe can negotiate for whatever they want. It was questioned what negotiations had taken place between Natural Resources Department and Amoco.

Recommendations were asked both of Mr. Lone Bear and Mr. Morgan since they are the negotiators. Discussion regarding negotiations. It was directed to both that they negotiate with Amoco and present it back to full Council. Discussion regarding landowner negotiations. This was explained by Adeline Brunsell, BIA Realty Officer.

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AMOCO PIPELINE (CON'T):  
Mr. Morgan directed to get in contact with Ahmed Karoos of CERT and do a cost analysis.

ITEM 10: RESOLUTION/M, R & I WATER TREATMENT PLANT:  
Resolution read by Secretary Rabbithead.

Chairman Wilkinson entertains motion to approve.

Secretary Rabbithead made motion to approve with the last section, Now therefore be it resolved, be stricken from the resolution.

Motion failed due to no second.

ITEM 11: RESOLUTION/MANDAREE COMMUNITY WATER SYSTEM:  
Resolution read by Secretary Rabbithead.

Chairman Wilkinson entertains motion to approve.

It was explained by Chairman Wilkinson that the community of Mandaree was without water for 3 days and Mandaree Incorporated was not able to take care of it, the Tribe stepped and repaired it for them, now they are asking for an additional dollar amount to adequately repair the line. Discussion was on the cost of repairing.

Vice Chairman Johnson made motion to table this resolution till a later date.

ITEM 12: RESOLUTION/GEOLINEAR COMPANY LEASING:  
Resolution read by Secretary Rabbithead which pertains to the Three Affiliated Tribes accepting offers on tracts and to authorize the Tribal Chairman and the Tribal Secretary and the Agency Superintendent to negotiate to enter into an approved lease with Geolinear Company.

Chairman Wilkinson entertained motion to approve.

Councilman Gillette made motion to approve, seconded by Councilman Fast Dog.

Vote: 6 for, 0 opposed. Motion Carried.

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ITEM 13: DISCUSSION:

Higher Education Financial Requests to be until October 14. Personnel Selections to be until October 14. Councilman Mossett was directed to get with Martha and have a presentation on the next meeting.

ITEM 14: V A PROGRAM:

It was explained that this VA Program helps buy, build or renovate homes for veterans. John Helgason, Assistant Loan Guarantee Officer for the Dept of Veterans Affairs and Joe Varpness, Senior Loan Specialist were present and introduced themselves.

Ron Rabbithead, Veterans Service Officer reported that their office was dealing with NA Home loans and an agreement was signed between the tribe and VA and they are here to respond to that agreement. Right now, it an informational meeting with them.

They reported that they checked last week on the status of the Memorandum of Understanding which is currently in Washington being reviewed and some action is expected by next week. Once it is signed then, they will be in a position to begin taking applications so they wanted to come out here to meet with some of the people to find out more about the situation.

Some questions were asked of them.

ITEM 15: INDIAN CREDIT CONSORTIUM:

There was concern about some tribal members being foreclosed upon by ICC. The Fort Berthold portion was to be collected by ICC group and the share was to be paid into us. Up to date, there has been no payment received at Finance. Now they are coming again to enforce their judgements on some of the members but when are we going to get some payment from them as our share. They are using our court on our behalf and yet not paying us any.

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CONSORTIUM (CON'T):

It was reported in 1990 this was presented to Council and they did not take any action.

It was further explained that some individuals came to the Tribal Business Council seeking to overturn a tribal court decision and the answer was no.

Regarding the issue of collections, (Thomas Bird Bear, Contracts Manager, was asked to come up to the table) and directed to call Mr. Tom Fredericks and get a report on the collection efforts by Indian Credit, the status and the issues raised today. What have they done, what money has been recovered and where is it at? Mr. Bird Bear was further directed to have a report for the Tribal Business Council on October 14 Regular Meeting. Have all contacts included in the report.

ITEM 16: AUTHORIZATION FOR LOT PURCHASE:

Chairman Wilkinson entertained motion to approve purchase lots on east side of town.

Councilman Mossett made motion to approve purchase and to direct the Natural Resources Department to draw up a resolution for purchasing, seconded by Councilman Fast Dog.

Councilman Mossett made motion to approve, seconded by Councilman Fast Dog.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 17: TWIN BUTTES COMMUNITY VEHICLE PURCHASING FUND:

Councilman Mossett made motion to transfer the Twin Buttes vehicle purchasing fund into community account for community center rehabilitation, seconded by Councilman Gillette.

Chairman Wilkinson acknowledged motion and second.

Vote: 5 for, 0 opposed. Motion Carried.

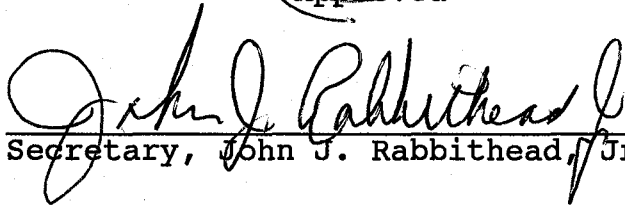


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ITEM 18: ADJOURNMENT:  
Meeting adjourned at 3:00PM.


Approved

Disapproved

  
Secretary, John J. Rabbithead, Jr.

10/4/93  
Date

ATTEST:

  
Chairman, Wilbur D. Wilkinson

10/4/93  
Date



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

HC3 Box 2 • New Town, North Dakota 58763-9402

## A G E N D A

TRIBAL BUSINESS COUNCIL  
(701) 627-4781  
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CHAIRMAN  
Wilbur D. Wilkinson

VICE CHAIRMAN  
Ivan Johnson  
Mandaree  
(701) 759-3377

SECRETARY  
John "Jack" Rabbithead, Jr.  
Parshall/Lucky Mound  
(701) 862-3841

TREASURER  
Roger Bird Bear  
Four Bears

COUNCIL MEMBER  
Austin Gillette  
White Shield  
(701) 743-4244

COUNCIL MEMBERS  
Jim Mossett  
Twin Buttes  
(701) 938-4403

COUNCIL MEMBER  
George Fast Dog  
New Town / Little Shell  
(701) 627-3484

01. Call to Order
02. Roll Call
03. Duncan Energy Oil Issue
04. Resolution: Easement for Amoco Pipeline
05. Resolution: Easement for Water Treatment Plants
06. Resolution: Minerals Assessment
07. Resolution: Oil & Gas
08. Oil Company, Irrigation & Solid Waste Update
09. Resolution: Amoco Pipeline Issue
10. Resolution: M,R&I Water Treatment Plant
11. Resolution: Mandaree Community Water System
12. Resolution: Geolinear Company Leasing
13. Discussion
14. V A Program
15. Indian Credit Consortium
16. Authorization for Lot Purchase
17. Twin Buttes Community Vehicle Purchasing Fund
18. Adjournment