

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Regular Council Meeting  
October 14, 1993

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

ABSENT: None

OTHERS: Enrolled Members: Mavis Brady, Kenneth Fredericks, Jr., Dale Little Soldier, Evan Burr, Jr., Dave Christensen, Joe Black Hawk, Doreen Yellow Bird, Dennis Burr, Joe Chase, Beverly Wilkinson, Kathy Young Bird, Gertrude Sillitti and Rosella Little Soldier.

Employees: Theresa Price, Dialysis Project Director; Thomas Bird Bear, Contracts Manager; Alesia Fox, Enrollment Clerk; Kyle Baker, Air Quality Coordinator; Nina Fox, Communications Director; Claryca Mandan, Acting Finance Officer; Elgin Crows Breast, Cultural Preservation Officer; Abigail Country, Vice Chairman's Assistant; Carol Good Bear, Tribal Liaison; Paula Danks, Comprehensive Management Office Secretary and Perry Brady, Sargeant at Arms.

OTHERS: Gary Wahl and Carl Meyer, Representatives of Amoco Pipeline Company and Gary Bloomberg, Consultant.

ITEM 01: CALL TO ORDER:  
Meeting called to order at 11:50AM.

ITEM 02: ROLL CALL:  
Roll called by Secretary Rabbithead.  
Quorum established. Opening Prayer by Perry Brady.

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ITEM 03: RESOLUTION: DIALYSIS PROJECT - 93-131-JJR.  
Resolution read by Secretary Rabbithead.  
Resolution pertains to the Three Affiliated Tribes  
Dialysis Unit be a stand alone Health Care Facility  
operating under the guidelines, rules & regulations  
set by the joint commission for accreditation.

Theresa Price, Project Director was present, She  
was questioned if she had anything to add and she  
stated that in 30 days, they will be having their  
first survey to set up licensure.

Mr. Russell Mason, Human Resources Administrator  
was questioned if he had anything to add.

It was suggested that the Human Resources Chairman  
be informed of any purchase orders any changes in  
the policies in the regulations to be enforced.

It was questioned if this was reviewed by the  
Human Resources Administrator and Committee. It was  
mentioned this had not come before the Committee  
but the Human Resources Committee Chairman realizes  
the relevance of the Dialysis Program but all  
efforts and communications to go through the Human  
Resources Committee and the Chairman.

Chairman Wilkinson entertained motion to approve.

Secretary Rabbithead made motion to approve, seconded  
by Vice Chairman Johnson.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 05: RESOLUTION/COMMODITY PROGRAM PILOT PROJECT: 93-132.  
Letter and resolution read by Secretary Rabbithead.  
This resolution pertains for lean ground beef to be  
distributed to eligible families on Fort Berthold.

Chairman Wilkinson entertained motion to approve.

Councilman Mossett made motion to approve, seconded  
by Vice Chairman Johnson.

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COMMODITY PROGRAM RESOLUTION (CON'T):

It was suggested that the commitment of \$3,000.00 be made from the Human Resource allocation of casino revenue.

Discussion on funds.

Vote: 6 for, 1 Opposed. Motion Carried.

ITEM 06: RESOLUTION/CULTURAL PRESERVATION OFFICER: 93-133. Resolution read by Secretary Rabbithead. This pertains to Three Affiliated Tribes designating Elgin Crows Breast as Cultural Preservation Officer to act as authority and point of contact for implementing provisions of the Native American Graves Protection & Repatriation Act.

It was mentioned that the Vice Chairman be the signatory on the agreement and serves under him.

Mr. Crows Breast was present and question if he had anything to add. He stated when the act is in effect, there will be vast amounts of tribal properties from Museums and Institutions.

Discussion on interment committee and explanation about the office by Elgin. On the last be it further resolved, discussion on whatever action and rightful ownership.

Suggestion was to put in authorized to take necessary action and as authorized by the Tribal Business Council.

Chairman Wilkinson entertained motion to approve.

Vice Chairman Johnson made motion to approve, seconded by Councilman Mossett.

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

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ITEM 07: RESOLUTION/FORT BERTHOLD COMMUNICATIONS ENTERPRISE TO BE INCLUDED IN THE GAMING REVENUE PLAN: 93-134. It was questioned if this document been reviewed by Business Council Treasurer or has it been approved by the Communications board. Response was no to the reviewal of the Treasurer but yes to the communication board in that there is an official record for staff to request funding from the casino revenues.

Secretary Rabbithead read resolution which pertains for the Tribal Business Council to establish a percentage for FBCE from the casino revenue.

Claryca Mandan, Acting Finance Officer explained the proposal submitted for Business Council reviewal. Nina spoke also on behalf of the request.

There was a question on the status of the IRS trying to collect from the board members. Response was the deadline is December 31, 1993.

Chairman Wilkinson entertained motion to approve.

It was mentioned that we have provided assistance to every entity and therefore the Radio Station is entitled to it also.

Discussion on income generated, the turning over the operation to Community College, Bruce Lien company offer and the management of each chartered entity.

Councilman Fast Dog was asked to intervene as TERO Commission Chairman on the issue of printing because we have a bonafide Indian operated tribal business, if a meeting could be set up with the Lien company to work out an arrangement.

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FORT BERTHOLD COMMUNICATIONS ENTERPRISE RESOLUTION  
(CON'T):

Councilman Gillette made motion to approve Communi-  
cations Enterprise financial request, the amount  
to come under the economic development line item  
seconded by Councilman Mossett.

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

ITEM 08: RESOLUTION/DUAL ENROLLMENT: Resolution #93-135-JJR.  
Resolution read by Secretary Rabbithead.  
This pertains to officially approving the enroll-  
ment of 68 applicants. (list attached to minutes).

Treasurer Bird Bear made motion to approve, secon-  
ded by Councilman Mossett.

Chairman Wilkinson acknowledged motion and second.

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

Discussion: Question on Dual Enrollment.

ITEM 09: RESOLUTION/RECYCLING, REUSE & REDUCTION PROGRAM  
FOR NATURAL RESOURCES/EDUCATION DEPARTMENTS:  
Resolution #93-136-JJR.  
Resolution read by Secretary Rabbithead.  
Kyle Baker, Air Quality Coordinator was present  
and was questioned if he discussed this with  
Bernadine Young Bird, Education Administrator.  
Response was yes and that there will be a teacher  
hired for this. We competed for this grant and we  
were funded out of eight selected.

Discussion: A copy of the proposal will be presen-  
ted to the Council.

Treasurer Bird Bear made motion to approve, secon-  
ded by Councilman Mossett.

Vote: 6 for, 0 opposed. Motion Carried.

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ITEM 10: RESOLUTION/FEED GRAIN PROGRAM: Reso #93-137-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to providing some relief to reservation ranchers by providing free feed grain.

Chairman Wilkinson entertained motion to approve.

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

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 11: RESOLUTION/PROPANE COMPANY BY LAWS: #93-138-JJR.  
Chairman Wilkinson explained the intent to purchase Vision Energy to be named Mandan, Hidatsa & Arikara Nation Propane Company, Incorporated.

Information was passed out earlier and several of the councilmembers made trips on this issue.

Chairman Wilkinson entertained motion to approve.

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

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

ITEM 12: INDIRECT COST UPDATE:  
Mr. Gary Bloomberg, Finance Consultant stated to the Tribal Business Councilmembers "we're reaching the point in needing to submit a proposal for the next FY period for indirect, specifically on rate limitations, positions and salaries." He explained rate limitations and Council involvement was needed by both Mr. Bloomberg and Treasurer Bird Bear on the issue.

It was questioned if discussion was made with both Treasurer Bird Bear and Comptroller Wells and it was suggested that a recommended document be prepared for the Councilmen to analyze and then recommendations be submitted on this document.

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INDIRECT COST UPDATE (CON'T):

The Councilmen each gave their input for consideration.

Mr. Bloomberg further stated "what we're trying to do is, the handout that was provided for you was a preliminary starting point".

The next step will be a draft for council review.

ITEM 13: AMOCO PIPELINE ISSUE:

Carl Meyer, representing Amoco Oil Pipeline Company was present to discuss the renewal of a twenty year term easement that has been in process for the past forty years within the reservation.

Mr. Meyer explained a brief history of the pipeline starting back in 1953.

On October 26, 1992, it was known that this term easement was coming up for renewal in 1993 so a meeting was held with Harley T. Lone Bear, Donald Morgan and Adeline Brunsell.

Administrative Costs for the notification of allottees were paid to the Natural Resources Department at their request. Administrative Costs were paid to the BIA Appraiser also for this findings and conclusions.

Discussion of where the line runs. All parties agreed and we negotiated at \$10.00 per rod and a check for payment was already on May 13, 1993.

It was stipulated at that time by the Natural Resources Department that they would recommend approval to the Tribal Business Council without a resolution and this was our understanding until last month when we should come before you to request this.

Discussion and explanation of 1982 Resolution.

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AMOCO OIL PIPELINE COMPANY (CON'T):

It was further explained that the BIA is holding this money until they receive a resolution from the Tribal Business Council.

Mr. Morgan was questioned about his comments.  
Mr. Morgan explained what actions were done.

Discussion on the dollar amount per rod. It was mentioned that Mr. Gary Wahl of Amoco Oil assisted the Natural Resources Department also. Other discussions included TERO Certification and relocation of pipeline.

Mr. Behman Dockery, an independent oilman was present and asked if he had any input in the discussion.

Mr. Morgan was asked of his recommendation today. His recommendation was to wait until CERT comes in to analyze.

Discussion on going rate on an assessment, USE tax, and explanation of the 1982 resolution.

Vice Chairman Johnson would like to be kept abreast of the activities on this easement.

It was stated that a higher return is suggested and that no one gets paid until the Tribal Business Council makes a decision.

Chairman Wilkinson entertains motion to approve, disapprove or table this action.

Councilman Gillette made motion to table until CERT analysis is complete, review both options and make a decision, either way, seconded by Vice Chairman Johnson.

Discussion: It was stated Natural Resources Department is requesting for a meeting next week.

Vote: 7 for, 0 opposed. Motion Carried.



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ITEM 14: LANDSALES UPDATE:

Mr. Morgan was questioned about the landsales which were approved at the estimated prices.

Mr. Morgan stated Natural Resources Department is waiting for signed landsale resolutions but being there was a problem of actual price VS estimated price. It was further stated that FMHA and BIA not allowing the purchases at estimated prices. If the tribe would like to purchase land which is over the estimated appraisal price, they would have to cover the difference.

Discussion on estimates. The Land Purchase transaction was explained. It was mentioned that BIA is partly responsible also on this issue as we should have an actual appraisal value to begin with

Regarding Phyllis Lone Fight Landsale, Mr. Morgan explained her landsale was complete and the check may be done by next week.

ITEM 15: LANDSALE/JOSEPH BLACK HAWK: Reso #93-139-JJR.  
It was explained Mr. Black Hawk has filed an application to sell 313 acres of land owning 100% in both tracts. He is requesting the Tribal Business Council to approve the purchase.

Chairman Wilkinson entertained motion to approve.

Vice Chairman Johnson made motion to approve, seconded by Secretary Rabbithead.

Discussion: This will be coming out of the FMHA Land Purchase. There was a comment about giving Mr. Black Hawk a partial payment to help him out while waiting for an actual appraisal on his land as it could be a lengthy process.

Vote: 6 for, 0 opposed. Motion Carried.

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LANDSALE (CON'T):

It was suggested to help Mr. Black Hawk out, the Treasurer or Secretary write a letter on his behalf to give his creditors stating the tribe is going to buy land from him.

It was further stated Mr. Black Hawk's next step is to appear before the Credit Committee.

ITEM 16: RESOLUTION/EVEN START PROGRAM: Reso #93-140-JJR.  
This resolution pertains to authorizing and granting a tribal day care license.

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

Chairman Wilkinson acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 17: ~~RESOLUTION/FOUR BEARS BY LAWS AMENDMENTS: 93-141:~~  
Resolution read by Secretary Rabbithead.  
This resolution pertains to amendments to the bylaws of the Four Bears Community Development Corporation.

The following changes have been proposed and explained by Marcus Wells, Jr. Chairman of Four Bears Community.

The changes are the annual meeting, quorum, election of Directors and bonding.

Chairman Wilkinson entertained motion to approve.

Treasurer Bird Bear made motion to approve, seconded by Councilman Fast Dog.

Vote: 6 for, 0 opposed. Motion Carried.

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ITEM 18: TRIBAL MEMBER REQUEST:

Mr. Joseph Chase, the son of Inez Chase presented his request stating he's asking for a loan from the tribe as he has a buy back offer from FMHA. This includes a house, barn and 160 acres of land.

He was questioned if he filed an application already. Response was no but he had 30 days to respond.

Discussion included leasing back to the tribe as it affects the buffalo project.

It was stated that the next step should be the filing of an application with the Treasurer's office as he is the Credit Committee Chairman.

Mr. Chase was directed to schedule a meeting with Treasurer Bird Bear and Credit Officer Hosie.

ITEM 19: TRIBAL LIAISON UPDATE:

Carol Good Bear presented her update by stating she thanks each of the Councilmembers as she sees a lot of good happening from the casino project.

She gave each councilmember a packet which contain the current amateurization scale on the debt owed, the category 1 expenditures, auditor's report, notes from the meeting with the Bruce Lien Company. Also enclosed are the new layout plans for the expansion, the new games-machines, the training and etc. which will all take place by December 25.

She explained the revenue (60-40%) on an easel.

There was a lengthy discussion regarding the C-store, renovations, the management and dealings with Mr. Friday, hiring and firing practices and the Indian preference issue.

It was stated that the management agreement authorizes the management but the tribe owns everything.

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UPDATE (CON'T):

It was mentioned that Carol Good Bear, Cheryl White and John Charging should be able to resolve any issues when they arise.

It was stated that any training should be set up right away and set up a meeting as soon as possible. Any Councilmember is welcome to sit in on this meeting.

Other discussion includes attitudes of non-Indian Management.

It was stated hopefully we could solve issues in the near future.

Carol was made known that at the next presentation to have Lien & Company present at the next council meeting.

ITEM 20: GAMING PROPOSALS:

It was questioned whether it was the wish of the council to have the three individuals present their proposals individually, excusing the other two prospective operators.

Mr. Ken Fredericks was the first to give his presentation.

Councilman Mossett made a motion that they give a brief presentation, submit their proposal, council get together with the Gaming commission, the Economic Development Team, the Liaison and whichever Councilmembers wish to be present to look over the proposals and select one from there, seconded by Councilman Fast Dog.

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

Mr. Fredericks explained his proposal.

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GAMING PROPOSALS (CON'T):  
Presentor #2 was Dale Little Soldier.

The motion and second that was made was explained to Mr. Little Soldier.

Mr. Little Soldier explained his proposal which he handed out.

Presentor #3 was Evan Burr, Jr.

The motion was explained also to Mr. Burr.

He explained his proposal which he handed out.

ITEM 21: RESOLUTION/GAMING: Resolution #93-142-JJR.  
Resolution read by Secretary Rabbithead.  
This pertains to approving the following changes:  
Rescind Reso #93-56, dated May 3, 1993 with  
change to 0.75% National Indian Gaming Commission  
and 99.25% Non-Profit/Charitable Gaming Celebration  
Committee.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 22: RESOLUTION/FY'94 CSBG PROGRAM: Reso #93-143-JJR.  
Resolution read by Secretary Rabbithead which pertains to submitting an application for FY'94 for funding.

Chairman Wilkinson entertains motion to approve.

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

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

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ITEM 23: COST OF LIVING ADJUSTMENT FOR HEADSTART PROGRAM:  
It was explained that Headstart is one of the oldest programs contracted and some of the employees who have worked for years are underpaid.

It was stated that the cost of living should come out of the education component of the Casino Revenue Sharing to supplement the salaries for the Headstart staff.

Councilman Gillette made a motion to allocate \$45,000.00 for supplement salary according to the proposed list, seconded by Secretary Rabbithead.

Discussion: The Twin Buttes Headstart was not on the list. It was mentioned that Twin Buttes be included.

Motion and second to include Twin Buttes Headstart with allocation changed to \$50,000.00 effective October 1, 1993.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 24: LOAN REQUESTS:  
It was mentioned the following loans will be acted on: Loans for Paula Danks, Cheryl Danks, Dusty Brugh, Rosalie White Body, Beverly Wilkinson and Kathy Young Bear.

Paula Danks presented her request.

It was suggested by Treasurer Bird Bear to defer all financial assistance requests until next week at the Council Meeting 10/21/93. Financial figures will be presented at that time and determination can be made.

Treasurer Bird Bear made a motion to defer all financial requests till October 21, 1993, seconded by Councilman Mossett.

Discussion: Line of Credit and status of cash position.

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LOAN REQUESTS (CON'T):

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

Next Thursdays agenda will include Personnel Selections and financial money requests.

Discussion: Only the money requests brought in today will be considered. Councilmen were advised to bring in their list by Monday.

ITEM 25: TWIN BUTTES COMMUNITY CENTER PAVING PROJECT:  
It was explained that under the two 93-638 paving contracts in White Shield, money generated from that will pay for that paving project.

Councilman Mossett made motion to set aside the revenue of \$70,000.00 for community building improvements in Twin Buttes, seconded by Treasurer Bird Bear.

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

ITEM 26: ADJOURNMENT:  
Meeting adjourned at 3:45PM.

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

Approved

Disapproved  
10/22/93  
Date

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

10/22/93  
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  
Fax (701) 627-3805

Regular Council Meeting  
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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. Prayer
- 04: Resolution: Dialysis Project
- 05: Resolution: Commodity Program Pilot Project
- 06: Resolution: Cultural Preservation Officer
- 07: Resolution: Fort Berthold Communications Enterprise to be included in the Gaming Revenue Plan
- 08: Resolution: Dual Enrollment
- 09: Resolution: Recycling, Reuse & Reduction Program for Natural Resources and Education
- 10: Resolution: Feed Grain Program
11. Resolution: Propane company ByLaws
12. Indirect Cost Update
13. Amoco Pipeline Issue
14. Landsales Update
15. Landsale/Joseph Black Hawk
16. Resolution: Even Start Program
17. Resolution: Four Bears ByLaws Amendments
18. Tribal Member Request
19. Tribal Liaison Update
20. Gaming Proposals
21. Resolution: Gaming
22. Resolution: Submitting of application for FY'94 Community Service Block Grant Program



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23. Cost of Living Adjustment for Headstart Program
24. Loan Requests
25. Twin Buttes Community Center Paving Project
26. Adjournment