

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

Regular Council Meeting  
May 19, 1994

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

ABSENT: None

OTHERS: Enrolled members: Edmund white Bear, Sr; Leslie  
Baker; Gail Baker, Sr.; Dale Little Soldier; Ivan  
Young Bear; Demetrius Mandan; Paul Fredericks;  
Elgin Crows Breast; Dan Howling Wolf; John Danks;  
Edwin Hall; Casey Hall; Robert Brugh, Jr; Carol  
Young Bear; Titus Hall; Wade White Body; Shane  
Johnson; Clarence O'Berry and John Fox, Jr.  
Tribal Employees: Mark N. Fox, Staff Attorney;  
Carol Good Bear, Tribal Liaison; Phoebe Dixon,  
Aging Services Director; Catherine Harmon, Head-  
start Director; Bernadine Young Bird, Education  
Administrator; Marcus Wells, Jr., TERO Director;  
Harley Lone Bear, Realty Officer; Perry Brady,  
Sargeant at Arms and Ty Hall, Security.  
OTHERS: Leland Mann and Tom Dishon, Koch Oil  
Representatives.

ITEM 01: CALL TO ORDER:  
Meeting called to order at 1:24PM.

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

ITEM 03: KOCH OIL COMPANY ISSUES:  
Koch Oil representatives were present stating that  
in 1988-89, Koch came before the Council and the  
BIA. We were granted an easement for a pipeline to  
transport natural gas from the Plaza-Wabek field  
across the reservation to our processing facilities  
in western Mckenzie county. A very important part  
of that resolution to allow that pipeline was that

Regular Council Meeting  
May 19, 1994  
Page two

KOCH OIL COMPANY (CON'T):

Koch maintain two tribal members as fulltime employees of the company. In the meantime, at one point, we had three enrolled members but business has dropped off so the system only one fulltime employee so we've eliminated a position held by Mr. Kermit Heart. Today, we would like for the council to help us make a decision whether we should continue to operate this system with one or whether to stick to the resolution and maintain two employees but not knowing how long the system could stay viable.

Discussion on agreement.

The representatives were questioned what the plan of action would be if the tribe wanted the company to keep two fulltime employees on.

Response was to keep the system in business with one employee for (say) one year, the company will stay in constant communication with the TERO Office & the Natural Resources Department and let them know how the business is going and keep it constantly re-evaluated and if the business picks up, at that time, go back to the two fulltime employees then.

Chairman Wilkinson entertains motion for the record

Councilman Fast Dog made motion to keep two fulltime employees on, seconded by Councilman Gillette.

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

ITEM 04: TWIN BUTTES COMMUNITY/PAUL FREDERICKS:  
Mr. Fredericks was present to speak on behalf of his community. (Four items)

Regular Council Meeting  
May 19, 1994  
Page three

HIGHWAY SAFETY PROGRAM GRANT: Resolution 94-38-JJR.  
This resolution pertains to granting approval to  
the Twin Buttes Community and Elementary school to  
engage in a proposed traffic safety team.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 05: SUPPORT OF FMHA COMMUNITY FACILITIES LOAN FOR TWIN  
BUTTES COMMUNITY:

Mr. Fredericks explained the community is seeking  
an FMHA facilities loan to add on to the building.  
It would consist of two locker rooms, an exercise  
room and bathroom. The tribe's support is needed.

It is to be understood that the tribe is not a  
co-signor.

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

Vote: 5 for, 0 opposed. Motion Carried.

COMMUNITY DOCKET FUNDS:

The community is still waiting for these funds  
since March.

Treasurer Bird Bear stated he will try to get  
to those as soon as possible.

HUD YOUTH SPORTS PROGRAM:

Discussion on the monies and projects.

Vote: 6 for, 0 opposed. Motion Carried.

TWIN BUTTES CELEBRATION COMMITTEE REQUEST:

Mr. Fredericks speaking on behalf of the celebra-  
tion committee as Vice President is requesting  
financial support and a buffalo.

Regular Council Meeting  
May 19, 1994  
Page four

CELEBRATION REQUEST (CON'T):

Upon talking with several councilmembers, it was mentioned that there may be an X amount of dollars given to the pow-wows from the gaming revenue or some other proceeds.

Chairman Wilkinson entertains motion.

Councilman Gillette made motion to approve \$15,000.00 for the four summer dances in existence today - Twin Buttes, White Shield, Mandaree and Little Shell and the amount for next year, to be figured out then and if possible, a buffalo seconded by Councilman Fast Dog.

Vote: 5 for, 1 opposed, 1 not voting.  
Motion Carried.

ITEM 06: TRANSPORTATION PLANNING ISSUES:  
Theodore Danks, Transportation Director present.  
Several issues to be presented.

RESOLUTION/PARSHALL COMMUNITY STREETS

Reso #94-39-JJR.

He is requesting concurrence from the tribe for \$250,000.00 committment for Parshall Indian community streets.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

STAGE CONSTRUCTION PROJECTS:

Mr. Danks explained that two or three projects can be planned. It was requested that we go on record to plan projects for each segment and have them ready to go and to build part of them each year and this will not be cost effective. Through the stage construction process, we will have projects going continously and we can build them over a period of time. It will allow us to do more than one project

Regular Council Meeting  
May 19, 1994  
Page five

CONSTRUCTION PROJECT (CON'T):  
at one time. We can obligate our entire budget  
each year and use it and have the cash flow into  
our communities each year.

Discussion on recurring dollars, traffic concern  
projects, traffic counts and access roads.

Treasurer Bird Bear stated he may be attending  
a meeting regarding access roads. He will be  
setting it up with Mr. Danks.

Discussion regarding snow removal system.

Mr. Danks stated he would like to enter into  
a memorandum of agreement with the state on the  
snow removal system.

It was mentioned that if there was a councilman  
designated as Roads Committee Chairman then  
he can have the authority to negotiate with him.

Mr. Mossett was informed he was designated.

ITEM 07: LCM REQUEST:  
John Fox, Jr., Board of Directors Chairman of LCM  
present.

Mr. Fox requested funds on behalf of LCM. He ex-  
plained monies which came in already. The request  
needed today is \$52,000.00 to complete Housing  
project 522.

Comments were made on the LCM situation. LCM  
was requested to do a plan on how to liquidate  
the debts and the closing of project 522.

Discussion on how much the tribe owes LCM.  
The deadline for this payment is June 1, 1994.

Chairman Wilkinson entertain motion to assist LCM  
with a plan in hand.

Regular Council Meeting  
May 19, 1994  
Page six

LCM REQUEST (CON'T):

- 1). approve \$52,000.00 for LCM to complete project 522.
- 2). for the housing authority to cooperate fully with LCM in all regard.
- 3). require a plan for any additional monies input into LCM.

Councilman Mossett made motion to approve and on agreement #2, to include for Chairman Wilkinson to talk with the Board of Directors Chairman and then for both to talk with Housing Director, seconded by Secretary Rabbithead.

Discussion on monies from housing.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 08: RESOLUTION/ESCROW ACCOUNT: Reso #94-40-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to establishing an account in order to reimburse the state gaming division for legal fees and other costs and in order to comply with the tribal/state gaming compact.

Chairman Wilkinson entertains motion to approve.

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

Discussion on the wording "tribes".

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

ITEM 09: RESOLUTION/SUPPORT SERVICES FOR MANDAREE COMMUNITY:  
Resolution read by Secretary Rabbithead. This resolution pertains to hiring a community worker for the Aging Services.

Chairman Wilkinson entertains motion to approve.

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

Regular Council Meeting  
May 19, 1994  
Page seven

MANDAREE COMMUNITY REQUEST (CON'T):  
Discussion on wording "other requirements".

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

ITEM 10: RESOLUTION/RANGE READINESS: Reso #94-42-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to the Three Affiliated Tribes making a year to year determination regarding the start up date of each grazing season on the Fort Berthold Reservation, based on range readiness.

Chairman Wilkinson entertains motion to approve.

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

Discussion on the wording "exceptions". Also on the dates.

Motion and second to amend to read May 1st for Indian owned cattle and May 21st for Non-Indian owned cattle.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 11: RESOLUTION/NOXIOUS WEED PROGRAM: Reso #94-43-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to BIA entering into a PL 93-638 contract with the Three Affiliated Tribes to administer this program.

Chairman Wilkinson entertains motion to approve.

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

Discussion on who runs this program?

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 12: RESOLUTION/FAMILY VIOLENCE PREVENTION: Reso #94-44  
Resolution read by Secretary Rabbithead. This resolution pertains to authorization and directing

Regular Council Meeting  
May 19, 1994  
Page eight

FAMILY VIOLENCE PREVENTION RESOLUTION (CON'T);  
the Social Services Program/Human Resources Dept  
to execute and file application for Family Violence  
Prevention and Services.

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

Vice Chairman Johnson acknowledges motion and  
second in the absence of Chairman Wilkinson.

Vote: 4 for, 1 opposed. Motion Carried.

ITEM 13: RESOLUTION/FBCC SEEKING LAND GRANT STATUS: #94-45  
Resolution read by Secretary Rabbithead. This  
resolution pertains to the Three Affiliated Tribes  
urges the immediate enactment of S.1345, "The  
Equity in Educational Land-Grant Status Act of 1993

Chairman Wilkinson entertains motion to approve.

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

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 14: RESOLUTION/SUPPORT OF TELECOMMUNICATIONS EFFORT  
OF FORT BERTHOLD COMMUNITY COLLEGE: Reso #94-46  
Resolution read by Secretary Rabbithead. This  
resolution pertains to authorization of FBCC to  
seek funding for a non-broadcast telecommunication  
facility from the National level of Public Broad-  
casting Service Department.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 15: RESOLUTION/FY'95 APPROPRIATIONS REQUEST FOR INDIAN  
TRIBAL JUSTICE SYSTEMS: Reso #94-47  
Resolution read by Secretary Rabbithead. This



Regular Council Meeting  
May 19, 1994  
Page nine

INDIAN TRIBAL JUSTICE SYSTEM RESOLUTION (CON'T):  
resolution pertains to the Three Affiliated Tribes  
requesting the US Senate concurring with the US  
House of Representatives to provide funding for the  
newly passed Indian Tribal Justice Act for FY'95

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 16: RESOLUTION/EPA FUNDING FOR DATA COLLECTION OF LEAD  
POLLUTION: Reso #94-48-JJR  
Resolution read by Secretary Rabbithead. This  
resolution pertains to the Three Affiliated Tribes  
Natural Resources Department to submit a grant  
application to EPA for collection of data for  
possible lead pollution in homes and dwellings  
of Fort Berthold. Don Morgan, Director present.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 17: RESOLUTION/BEAVER BAY LEASE: Reso #94-49-JJR.  
Resolution read by Secretary Rabbithead. This  
resolution pertains to requesting to lease from  
the Corps of Engineers that property described.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 18: RESOLUTION/CONDUCTION OF RANGE NEEDS ASSESSMENT:  
Resolution #94-50-JJR.  
Resolution read by Secretary Rabbithead. This

Regular Council Meeting  
May 19, 1994  
Page ten

RANGE NEEDS ASSESSMENT RESOLUTION (CON'T):  
resolution pertains to authorizing the Natural Resources Department to do all things necessary to contract or to ensure the assessment to be conducted. Don Morgan, Director present.

Mr. Morgan explained the assessment as the BIA has done this over 5 years ago to bring this up to date.

Vice Chairman Johnson stated that he requested for the BIA to do this so he wishes to be on the group.

Chairman Wilkinson entertains motion to approve.

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

Discussion on contract or ensure.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 19: RESOLUTION/FIRE MANAGEMENT PROGRAM: Reso #94-51  
Resolution read by Secretary Rabbithead. This resolution pertains to authorizing the Natural Resources Department to do all things necessary to obtain the Fire Management contract.

Chairman Wilkinson entertains motion to approve.

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

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 20: RESOLUTION/COMPETING OF ALL GRANTS FROM ALL  
FEDERAL, STATE AND LOCAL SOURCES: Reso #94-52-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to authorizing the Natural Resources Department to apply for all grants that become available to said department exclusively from Environmental Protection Agency.

Regular Council Meeting  
May 19, 1994  
Page eleven

EPA GRANTS RESOLUTION (CON'T):  
Mr. Morgan explained this is for EPA Programs.  
Resolution to reflect this is exclusively for  
only the EPA Programs.

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

Discussion regarding Department of energy and the  
availability of \$250,000.00 grants to do feasibi-  
lity studies (energy grants). Deadline is on the  
21st.

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 21: RESOLUTION/M,R&I WATER CONTRACT:  
Mr. Morgan requested that this resolution be  
taken off today because there are negotiations  
being done yet with BOR and OIG.

All Councilmen were encouraged to be in attendance  
at the meeting set up for the 26th at Aberdeen SD.

ITEM 22: RESOLUTION/LANDEXCHANGE-CAROL BRUGH LONEFIGHT:  
Mr. Morgan stated he was not familiar with this  
one and would like Realty Officer, Harley Lone Bear  
to be in attendance on this one. Matter being  
referred back to Natural Resources Committee.

ITEM 23: RESOLUTION/M,R&I MAINTENANCE BUILDING:  
Resolution read by Secretary Rabbithead.

Discussion included construction and the section  
on termination.

It was suggested that Mr. Morgan get together with  
the Legal Department on this document. If it  
requires negotiation, then do so. Also to prepare  
numbers for the Tribal Business Council.

ITEM 24: RESOLUTION/BJORLAND LAWSUIT: Reso #94-53-JJR.  
Mr. Bear Don't Walk explained that the issue  
involves a \$7,000.00 payment for the purchase  
of 10 buffalo owned by the Tribe and the sub-

Regular Council Meeting  
May 19, 1994  
Page twelve

LAWSUIT RESOLUTION (CON'T):  
sequent cancellation of that check by Bjorland

The attempt to talk with him regarding recovery of the buffalo or the \$7,000.00 and his absolute refusal to rectify that or pay the tribe necessitating a lawsuit against him. This would be civil charges so I'm proposing a lawsuit be authorized against Mr. Bjorland.

Resolution read by Secretary Rabbithead.

Chairman Wilkinson entertains motion to approve.

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

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

Motion Carried.

ITEM 25: PERSONNEL GRIEVIANCES: Resolution #94-41-JJR.  
It was suggested a hearing be set up within the next 30 days for the four employees. A three member hearing panel consisting of Councilman Mossett, Vice Chairman Johnson and Councilman Fast Dog were designated to set up a meeting and work with Legal. Comments by Legal were to deal with these in a reasonable time. Discussion on TORT Claim.

Resolution will be written up by Legal for authorization by Council.

Councilman Mossett made motion for the 3 member hearing panel, seconded by Treasurer Bird Bear

Discussion: Any council to sit in on the meeting. The 3 man panel will retain the power to make the decision.

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

Regular Council Meeting  
May 19, 1994  
Page thirteen

ITEM 26: RESOLUTION/HEADSTART BUDGET: Reso #94-54-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to submission of Headstart FY'94 proposal based on refunding level. Catherine Harmon, Headstart Director, present.

Chairman Wilkinson entertains motion to approve.

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

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

ITEM 27: RESOLUTION/CAREER DEVELOPMENT LADDER: #94-55-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to the Three Affiliated Tribes Personnel Department to conduct a wage comparability study with intent to create and implement a Headstart Employee Career Development Ladder and Salary Step scale. Catherine Harmon, Headstart Director, Present.

Chairman Wilkinson entertains motion to approve.

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

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

ITEM 28: RESOLUTION/MANDAREE ELECTRONICS FINANCIAL REQUEST:  
Resolution #94-56-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to authorization and approval the financial request of MEC.

For the record, this will be a grant for that dollar amount to Mandaree Electronics.

Chairman Wilkinson entertains motion to approve.

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

Regular Council Meeting  
May 19, 1994  
Page fourteen

FINANCIAL REQUEST RESOLUTION (CON'T):  
Clarence O'Berry, Director explained what management has done as far as generating money.

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

ITEM 29: RESOLUTION/CAPITAL CREDITS-MANDAREE ELECTRONICS:  
Resolution #94-57-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to authorization and approval of request for capital credits from McKenzie Electric Company and Reservation Telephone Cooperative to be directly deposited to MEC bank account on an annual basis. Clarence O'berry CEO, present.

Discussion regarding capital credits. Legal Dept staff were asked to follow up on a pending lawsuit.

Chairman Wilkinson entertains motion to approve.

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

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

ITEM 30: LAND EXCHANGE ISSUE:  
This pertains to the land exchange between the Three Affiliated Tribes and Edwin Hall. Certain concerns raised by Robert Brugh.

Mr. Brugh explain he has his homesite there and does not wish to move out of the land that has been exchanged for. Mr. Brugh requested that the land exchange resolution be rescinded.

Mr. Hall explains he already owns land there and would like this land exchange to go through as he has started this process six years ago and it has finally passed.

Regular Council Meeting  
May 19, 1994  
Page fifteen

LAND EXCHANGE ISSUE (CON'T):

Mr. Lone Bear explained the Natural Resources Department based this land exchange on the land that Ed is exchanging for has a more higher value than the one the tribe is giving up and currently there is no one leasing this land according to BIA.

No one was aware of any issues that would arise between the two families. It was mentioned that since both families have land in the same area, they will have to get along as neighbors.

A lengthy discussion was had on this land exchange.

It was stated that the Tribal Business Council made a decision to approve this landtrade. It was presented and recommended by the Natural Resources Committee and that's the basis on which the Council made a decision. The only way this decision can be affected is for the Council to put a motion and a second on the floor. The decision made is final.

Chairman entertains motion and second to rescind the previously authorized land exchange resolution.

More discussion was had.

It was further stated that if we don't have a motion and second, then Natural Resources Committee will proceed to prepare the deeds and consumate the land transaction.

More discussion was held but there was no motion or second.

ITEM 31: RESOLUTION/NATIVE AMERICAN RESEARCH FOUNDATION  
TECHNICAL ASSISTANCE: Reso #94-58-JJR.  
Resolution read by Secretary Rabbithead. This resolution pertains to authorization for the Education Department to request technical assistance from the Native American Rights Fund for the final stages of development of the Education Code of the Three Affiliated Tribes.

Regular Council Meeting  
May 19, 1994  
Page sixteen

TECHNICAL ASSISTANCE RESOLUTION (CON'T):  
Question regarding payment for Ms. McCoy and input  
by local people. Bernadine Young Bird, Education  
Administrator present.

Chairman Wilkinson entertains motion to approve.

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

Vote: 6 for, 1 opposed. Motion Carried.

ITEM 32: RESOLUTION/FUNDING FOR COMMUNITY LEADERS FOR THE  
DRUG ELIMINATION PROGRAM: Resolution #94-59-JJR.  
Resolution read by Secretary Rabbithead. This  
resolution pertains to a need to recruit and hire  
six community recreation leaders to serve the pro-  
gram needs in each of the six communities by  
Tribal Government Sponsorship.

Discussion on the structures being built for the  
communities.

Chairman Wilkinson entertains motion to approve

Councilman Mossett made motion to designate  
community leaders to work with the program,  
seconded by Secretary Rabbithead.

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

ITEM 33: RESOLUTION/INDIAN EMPLOYMENT & RELATED SERVICES  
DEMONSTRATION PROJECT: Reso #94-60-JJR.  
Resolution read by Secretary Rabbithead. This  
resolution pertains to authorization to submit  
application for funds to revive EARN Demonstra-  
tion project by the Job Training Administrator.

Chairman Wilkinson entertains motion to approve.

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

Vote: 6 for, 0 opposed. Motion Carried.



Regular Council Meeting  
May 19, 1994  
Page ~~seventeen~~

ITEM 34: ADJOURNMENT:  
Meeting adjourned at 5:40PM.

Approved

Disapproved

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

6-8-94  
Date

ATTEST:

Wilbur D. Wilkinson  
Chairman, Wilbur D. Wilkinson

6-8-94  
Date