

THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
TRIBAL CHAMBERS

**Regular Council Meeting**  
**January 12, 1995**

Present: Russell Mason, Sr., Chairman; Edwin Hall, Acting Vice Chairman; Daylon Spotted Bear, Acting Secretary; Mark Fox, Treasurer and Ivan Johnson, Councilmember.

Absent: Austin Gillette, Councilmember in at 1:58PM and George Fast Dog, Councilmember in at 2:13PM.

Others: Enrolled members: Keith Mandan, Celeste Witham, Tillie Walker, Jim Mossett, Al Nygard, Rosie White Owl, Ken Danks, Luther Grinnell, Pliga Bordeaux, Viola Schettler, Ivan Young Bear, Sr., Edmund White Bear, Mary Malee Frederick Theodora Starr, Donna Morgan, Evangeline Red Feather, Vanessa Mandan, Beulah Chapin, Dennis Burr, Phyllis Cross, Marilyn Hudson, Frederick Baker, Dennis Huber and Adam Mandan.

Employees: Marian Spotted Bear, Assistant to Acting Secretary Virgil Eagle, Roads Supervisor; Claryca Mandan, Fort Berthold Communications Enterprise Director; Maxine Bolman, Tribal Election Board Clerk, Ernestine Perry, Tribal Election Board Chairman; John Fox, Jr., ICM Financial Officer; Danile Henry, Legal Clerk; Everette Hall, Buffalo Project Manager; John Danks, Programs Analyst; Frank White Calf, Cattle Relending Program Director; Todd Hall, Wildlife Biologist; CJ Packineau Sargeant at Arms; Clorine Charging, Councilman Fast Dog's Assistant; Lori Little Swallow, North Segment Community worker; Karen Gillis, President of Fort Berthold Community College; Terrance Fredericks, Assistant to Acting Secretary; Ethel Sanderson, Museum Attendant; Pauline Nez, Museum Attendant; Urban Bear Don't Walk, Legal Counsel, Harry Sitting Bear, Grace Henry, WIC Program Certifier and LaVerne Brady, Recording Secretary.

Others: David Hilleran and Herbert J. Wilson.

CALL TO ORDER:

Meeting called to order at 11:15 AM.

ROLL CALL: by Acting Secretary Spotted Bear. Quorum established. Prayer by LaVerne Brady, Recording Secretary.

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Reading and approval of minutes:

Minutes of January 6, 1995 read by Acting Secretary Spotted Bear.

Corrections of minutes attached to Page eleven of 1/6/95.

Chairman Mason entertained motion to accept minutes with recommended changes.

Councilman Johnson made **motion** to approve minutes, **seconded** by Acting Secretary Spotted Bear.

**Vote: 5 for, 0 opposed. Motion Carried.**

Agenda Approval:

Additions to agenda will read:

3A: Dennis Huber

3B: Al Nygard

3C: Transportation

#11: Strike to add some motions and resolutions.

#12: Strike

#15: Strike to add LCM.

Chairman Mason entertained motion to approve agenda.

Treasurer Fox made **motion** to approve amended agenda, **seconded** by Councilman Johnson.

**Vote: 5 for, 0 opposed. Motion Carried.**

Chairman Mason stated "one of the issues that we need to address is the land issue scheduled for the 17th and most of you got the article on the legislation which is trying to infringe our sovereignty and trying to circumvent the authorities agreed on in the compact with Governor Sinner."

Treasurer Fox was asked to attend this and he did a real good job working with the other tribal groups from Turtle Mountain and Standing Rock and Fort Totten on these issues.

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Meeting information (Con't):

There are some more meetings regarding these issues and we are going to have to think about this for the 17th meeting but we are going to have to postpone this meeting as there are some real critical areas that needs addressing.

ITEM 01: Resolution/Tribal Election Board:

Legal Counsel, Urban Bear Don't Walk introduced Ms. Ernestine Perry, Chairman of the Election Board who had a resolution to present regarding suspension of Election Board until further notice effective Friday, the 13th. Also she requested the Election Board meet with the Tribal Business Council to discuss the Election Ordinance at a later date.

The Council was informed by Mr. Bear Don't Walk that the hearing scheduled for the Writ of Prohibition was postponed due to illness of Judge McClees. The tribe is not named on this lawsuit.

A comment was made on the resolution pertaining to the 3rd WHEREAS, regarding the language of appeal to the Court. Ms. Perry was asked to amend the language of the resolution of the appeal based upon the reversal of the earlier decision where the runoff is declared null and void and bring it back to Council.

ITEM 02: Duncan Oil Report/Urban Bear Don't Walk:

This report is regarding Duncan Energy VS Three Affiliated Tribes. After the 8th circuit decision in favor of the Tribe, Duncan Energy asked to US Supreme Court to accept it upon writ and the Court denied that and that's good news before the Tribe so what this means is that this case has to come back before the tribal Court and to be litigated there on the merits. Of course, Duncan is challenging the Gross Production, Possesory Interest Tax and TERO of the tribe.

Hans Walker is suggesting that a meeting with the Tribal Business Council be held to attempt to find out what Duncan Energy is going to be doing.

A question was raised whether if Duncan is leading towards an out of court settlement or we're just not clear on that. Response was we are not clear.

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ITEM 03: Roads Department Request/Virgil Eagle:

Mr. Eagle asked the Council to honor a request for storing heavy equipment at the Roping Arena. Presently they are renting from Jim's Repair in town and paying \$300.00 a month without heat. He had a \$1,000.00 estimated cost. It already has been cleared with LCM who manages the building. It was suggested that an itemized proposal be submitted because more than \$1,000.00 may be needed.

A question was raised if this could be reimbursed at a later date. Mr. Eagle was directed to check with the BIA on this.

Another matter pertained to the crosswalk that was built last summer for pedestrian safety by the State Highway Department and it was understood that it would be taken care of by Maintenance of the Casino. A bill has come from McKenzie Electric. Mr. Eagle was asked to check with the State Highway Department and if they had an agreement with the Casino on this. It was stated that some type of agreement had to be signed to get that up there and who was to pay.

Getting back to the roping arena, storage area, Mr. Eagle asked if he brought back an itemized statement, how long would he have to wait? He was assured that he would not have a 30 day delay. It was mentioned that there has been a lot of interest regarding the roping arena.

ITEM 04: Four Bears' Gravel Pit Lease Permit Request/

Ken Danks. Mr. Danks stated he was here to resubmit an application for a gravel permit for the Four Bears Area. One was submitted in March of 1994 but was never acted on. Mr. Danks wanted to know how he can authorization to do this or does he need a resolution to get action on it before the Council or a committee.

There was discussion on the status of this gravel pit. Mr. Danks needed it to start up a project. A directive was given to him to get together with Mr. Lone Bear, Acting Natural Resources Administrator on the status and come back to the Council with Natural Resources staffperson with their support a report and a resolution.

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ITEM 05: Introduction of Business Development Center at UTTC/Dennis Huber. Information pamphlets were handed out. Mr. Huber is the Director of the Development Center and has been for the past eight years and has been opened since 1980. They are funded by the Dept of Commerce, Minority Business Development Agency and SBA. He stated they do financial loan packages for various institutions, ex., FHA, BIA, SBA putting the application together in a format they require and etc., There is no charge to anyone for these services. They also do procurements for contractors and Ad A applications for small manufacturing. The staff consists of tribal members from Turtle Mountain, Fort Berthold and Standing Rock. The reports, quarterly reports and etc., are shared with the Board of Directors and Tribal Councils.

Discussion consisted of FY funding, clientele, application process, business/private sector, marketing and college participation.

Chairman Mason stated for the record: "Dennis is an enrolled member and also the other presenter, Mr. Al Nygard."

Mr. Huber stated their funding is funded on three year cycles

ITEM 06: Introduction of Document Imaging Scanner/Al Nygard. Mr. Nygard stated this project centers around consolidating the records of the Tribal Government into a computerized system that would revolve around a CD Rom capability to make records more accessible and update the data base capability and records retrieval.

He further stated they are willing to contribute up to \$10,000.00 into the feasibility on this particular project and a match from the tribe suggesting that the tribe form some type of working group to take a look at this particular project. In this way, the people would be with it from the start.

Discussion on the feasibility study, Antequated Management System and the computerized National Network. It was suggested that Mr. Nygard bring back a proposal with the time, cost and efficiency material for a system like this.

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Imaging Scanner Presentation (Con't):

It was mentioned that a one CD disk can hold 25 four drawer filing cabinets so it's a project that's worthwhile. It was suggested for Mr. Sitting Bear and Mr. Nygard to come back with some proposals.

Recess: 12:30PM.

Reconvene: 1:58PM.

ITEM 07: Resolution-Buffalo Project/Frank White Calf: #95-44  
Mr. White Calf stated he needs a resolution to be passed for a BIA funding proposal for this project. This is the end of year and the contract period has run out for the management. Funding has been sought but for the past three years, Game and Fish monies has been used but now those funds have expired. A notice was received from the BIA of some available funds but a proposal is needed before we could be funded. It is a new funding of \$115,000.00 and is due on the 15th of January.

Discussion on the proposal and the Intertribal Bison Cooperative. Chairman Mason stated that he will be going down to Aberdeen and will make it a point to stop in at the Area Director's office and let it be known that we don't intend to become part of the Intertribal Bison Cooperative.

Councilman Johnson made **motion** to approve resolution, **seconded** by Acting Vice Chairman Hall.

Chairman Mason acknowledged motion and second.

Discussion on last be it further resolved on the page 2:

Vote: 6 for, 0 opposed. Motion Carried.

Mr. White Calf further stated "finances for the next 90 days until we find out how the funding goes on this, we put our budget together and we are requesting for the Council's help.

It was suggested Mr. White Calf submit a formal proposal for all the Council and it will be considered.

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ITEM 08: Cattle Relending Program Request/Frank White Calf:  
Mr. White Calf speaking on behalf of this program stated the contracts are all up on the consultant agreements for the staff and he requested that the contracts be renewed. It was suggested that rather than renewing the contracts, a modification be considered. Councilman Fast Dog-2:13PM.

Discussion on funding and committee review.

Treasurer Fox made a motion to recommend granting of authority to Chairman Mason to extend the consultant agreements for a one month period, reconsideration for things to remain as they are, **seconded** by Acting Vice Chairman Hall.

Discussion on scheduling of work force.

Chairman Mason acknowledge motion and second.

**Vote: 6 for, 1 not voting. Motion Carried.**

ITEM 09: Resolution-MNI-SOSE Intertribal Water Rights Coalition, Inc.,/Don Morgan: #95-45-DSB.

Paul Danks was asked to come in and he stated that John J. Rabbithead and Don Morgan were the representatives for this Coalition. Mr. Don Morgan was asked to come in. He explained that this coalition started back in September of 1991.

Tribes from Montana, State of Washington, the Dakotas, Nebraska, Kansas and Minnesota formed the coalition. It is beneficial for us because of our big water rights and they are helping us with the Corp of Engineers. The government pays more attention to them because it is very active.

Councilman Johnson made motion to appoint Don Morgan as a delegate to attend to the Coalition, **seconded** by Councilman Fast Dog.

Mr. Morgan further explained that he was involved with this right from the start, helping draft up the bylaws, setting it up and attending approximately three meetings a year.

It was mentioned that the resolution calls for a primary representative with two more delegates.

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Coalition (Con't):

Motion and second withdrawn. **Motion** remade by Councilman Johnson to designate Don Morgan, Harley T. Lone Bear and Councilman Gillette as official delegates for the Three Affiliated Tribes to the Coalition, **seconded** by Councilman Fast Dog.

Chairman Mason acknowledged motion and second.

Vote: 4 for, 1 opposed, 2 abstentions. Motion Carried.

ITEM 10: Resolution/Fort Berthold Community College:

Ms. Karen Gillis was present for the meeting. She stated Dave Hilleran from the FMHA office will be coming to explain about the FMHA loan and any questions can be directed to both

She further explained that this loan is for 2.5 million which will be for classrooms, administrative space and labs. Of concern to the Board of Directors is the loan payback. It is the first of its' kind and is awaiting signature.

Discussion included a working session, pledging of securities and JTAC Monies. The resolution is needed for final portion.

Ms. Gillis was asked to come back to with Mr. Hilleran at a scheduled work session. Ms. Gillis further stated that Odell Ottmar from Bismarck would also like to be a part of this. Ms. Gillis is to check with councilmen's schedules and work with Darleen Young Bear to set up this informal work session.

Another request was for the Docket 350G funds. The college had not received this year nor last years funds. It was explained that this be tabled until the financial status is straightened out.

Discussion included federal funds and casino revenue allocations.

Mr Hilleran entered the meeting and explained that the loan had been approved for some time and the issue at hand is the repayment of the loan that is a concern. The work session plan with all parties was explained to Mr. Hilleran.



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Community College request (Con't):

Ms. Gillis further stated that another proposal would be forthcoming on a casino training support. It was suggested that the college set up more training sessions before we go to training at other sites. Another area of discussion was vacant Board of Director positions. A suggestion among the Council was an election to be set up for these positions. A copy of the bylaws was left by Ms. Gillis.

ITEM 11: Resolution/Fort Berthold Extension Service: #95-46. Fort Berthold Extension Agency, Mary Fredericks was present and stated they are reapplying for a USDA grant and the funding agency needs a resolution from the Tribe supporting their program and activities.

This proposal is for \$85,000.00 and will support two full time extension employees and a summer youth employee.

Councilman Johnson made a motion to approve the proposal and resolution, **seconded** by Councilman Fast Dog.

Chairman Mason acknowledged motion and second.

Discussion on the funding and it is coming from USDA.

**Vote: Unanimous. Motion Carried.**

ITEM 12: Museum Board Report/Marilyn Hudson:

Ms. Hudson gave a report on behalf of the Board of Directors. Other Board members present and introduced by Ms. Hudson were Luther Grinnell, Dr. Wilson, Fred Baker, Grace Henry and herself. Attendants: Ethel Sanderson and Pauline Nez.

The report included the budget, Attendant's time, winter hours, providing services to the schools and the public and Casino's assistance in snow removal was very much appreciated

It was further stated that the tribe needs to address the repatriation issue. A few individuals mentioned of places they knew where some artifacts were that belonged to the Mandan, Hidatsa and Arikara Tribes they might be retrieved. Another item of consideration may be the commemoration of the 50 anniversary of World War II.

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Museum Report (Con't):

The Museum Board was commended for the time they've committed to the Museum. The Cultural Preservation Office and Grant Writing were mentioned for the Council's consideration. The Museum Board was asked to make some recommendations for the Cultural Preservation Office.

Chairman Mason stated "I would like to thank the Board in behalf of the Tribal Business Council for the work that you've done to help preserve our culture."

ITEM 13: College Student Emergencies/Mark Fox

It was stated right now the only money that we are currently providing are loans for medical assistance and funerals. This is a new exception and will assist the college student who have not been given a grant or ones who did not get their supplemental budget. If the student can document their need through their financial aid office. The limit will be \$300, \$400 or \$500. Regarding a medical or a funeral loan, the need will be considered and then grant it on the same level depending on the availability of monies at Finance.

Treasurer Fox made this motion to approve granting of emergency loans for students in need, seconded by Acting Vice Chairman Hall.

Motion and second amended to set up some criteria standards and restricted guidelines

Chairman Mason acknowledged motion and second.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 14: Resolution/Jacobsen Lawfirm: Reso #95-47-DSB:

This resolution affirms the contract between The Gaming Commission and the Lawfirm.

Treasurer Fox made motion to approve, seconded by Councilman Johnson.

Vote: 6 for, 0 opposed. Motion Carried.

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ITEM 15: Resolution/Consideration for appointing of former Attorney: Reso #95-48-DSB.

It was explained that Christopher Kip Quale was interested in coming back to work for the Three Affiliated Tribes. He has worked for the tribe previously for eleven years.

Treasurer Fox made **motion** to approve, **seconded** by Acting Vice Chairman Hall.

Chairman Mason acknowledged motion and second.

**Motion** and **second** amended to read final approval before the Council after all the documents are signed.

**Vote: 6 for, 0 opposed. Motion Carried.**

ITEM 16: Resolution/Gaming Commission: Reso #95-49-DSB:  
Resolution read by Treasurer Fox. Resolution pertains to the tribe's financial contribution.

Treasurer Fox made **motion** to approve, **seconded** by Councilman Johnson.

Discussion regarding management, reimbursements and comments on resolution.

Chairman Mason acknowledged motion and second.

**Vote: 6 for, 0 opposed. Motion Carried.**

ITEM 17: INMED Board/Mark Fox:

It was explained that a delegate is needed from the Three Affiliated Tribes and that Chairman Mason is requested, as has been in the past, to continue serving on this Board. Furthermore, the Board requested Treasurer Fox be the delegate as he is familiar with the program, being a graduate and alumni of UND.

Treasurer Fox made **motion** for Chairman Mason and himself to serve on the INMED Board, **seconded** by Acting Vice Chairman Hall.

Chairman Mason acknowledged motion and second.

**Vote: 6 for, 0 opposed. Motion Carried.**

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ITEM 18: Extension of Personnel Director's position:

Treasurer Fox explained the Personnel Director, Cheryl White is resigning but an effective temporary appointment has to be found for the program until this position is advertised and selected. An option for this would be for Cheryl to continue on the job at a part time basis, less than forty hours until she is replaced.

Treasurer Fox made a **motion** to allow Cheryl White an extension to continue part time until position is filled, **seconded** by Acting Vice Chairman Hall.

Discussion on the hours.

**Motion and second** amended to twenty hours or less.

Discussion regarding Acting Director, office transition, and delegation of authority. It was suggested that Cheryl White delegate authority to staff when she is not there.

Chairman Mason acknowledged motion and second.

**Vote: 5 for, 1 opposed. Motion Carried.**

Item 19: Tribal Election Concerns:

Donna Morgan thanked the Council for recognizing her and turned the matter over to Evangeline Red Feather. Ms. Red Feather stated "There are numerous improprieties the Tribal Election Board has created in this election of 1994 and the amount of money spent", so on behalf of the committee she represents, they are asking for a new election due to all the discrepancies.

Legal Counsel, Urban Bear Don't Walk was present to give an opinion in a form of recommendations for the Council. Mr. Bear Don't Walk stated "The Tribal Business Council delegated this responsibility to the Tribal Election Board. We are bound by the Constitution as it is the law. Also the Election Ordinance is still binding until changed. When the people are dissatisfied with the decision of the Tribal Election Board, then they can go to Tribal Court on election matters.

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Election matters (Con't):

It was suggested that the Tribal Business Council go with their Legal Counsel's recommendations of process to go through Tribal Court to make any determination of the election matters pending.

Another request made by Ms. Red Feather was for the minutes where the Tribal Business Council adopted the minutes of the election results.

Ms. Red Feather requested for copies of all the documents such as pollbooks, affidavits and etc., She stated that on November 10, a letter was submitted to the Tribal Election Board in a timely matter but they never responded. Today they are requesting the Tribal Business Council delegate their authority to the Tribal Election Board to turn those records over to the group.

Regarding this request, Ms. Red Feather was asked to submit in writing through Legal Counsel, Mr. Bear Don't Walk and let him make that determination for the Tribal Business Council as all the issues are in Tribal Court and the Business Council will not impede in these matters.

Another request made by Ms. Red Feather was for the minutes where the Tribal Business Council adopted the minutes of the election results. She also stated that the Tribal Election Board is not authorized to hand over the minutes regarding the election results.

There was a discussion regarding the attorney for the group.

Ms. Red Feather was asked to submit the request for these particular minutes in writing to the Tribal Business Council Acting Secretary.

Ms. Red Feather further reiterated she was looking for the election results adopted by the former administration when the newly elected officials were installed after the first Tribal Business Council meeting thereafter.

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ITEM 20: Landsale/Mary Jo Packineau:

It was mentioned that this hasn't gone through Natural Resources Committee yet and Councilman Fast Dog was directed to inform Mary Jo, who was not present, to go through the Natural Resources Department to get the particulars.

ITEM 21: Driver Request:

Wanda Driver was not present.

ITEM 22: Resolution/LCM:

Mr. John Fox, Jr. explained the situation with the M,R&I Water Project. It was mentioned that LCM to come up with a financial statement and statistics before acting on the resolution. Mr. Fox assured the Tribal Business Council that LCM will come up with the work plan.

Treasurer Fox made a **motion** to table the request until LCM has the work plan in hand, get the information before the Council and then the Council will get together to act on the resolution quite rapidly, if need be, **seconded** by Councilman Fast Dog.

Chairman Mason acknowledged motion and second.

Discussion: Council is in support of the resolution but the information and backup documentation is needed. Also the accountability of the monies.

Vote: 6 for, 1 opposed. Motion Carried.

ITEM 23: Retirement Request/Dennis Burr:

Dennis Burr requested his retirement be paid him. He is requesting for 2.5% of \$42,000.00 and 2.5% of 54,600.00.

Discussion regarding consultant status and papertrail, also finance records.

Councilman Gillette made a **motion** to table this request until finance provides verification of actual amount owed Mr. Burr, if any and that Chairman Mason be authorized to handle the situation thereafter, **seconded** by Acting Secretary Spotted Bear.

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Retirement request (Con't):

Chairman Mason acknowledged motion and second.

Vote: 5 for, 0 opposed. Motion Carried.

ITEM 24: Reintroduction of Tribal Election Board Resolution:  
Urban Bear Don't Walk reintroduced this resolution with the recommended changes.

Councilman Gillette made a motion to approve, seconded by Acting Secretary Spotted Bear.

Chairman Mason acknowledged motion and second.

Vote: 4 for, 0 opposed. Motion Carried.

Discussion:

There was discussion regarding a bill for a trophy saddle which was made in the previous administration and other items for tomorrow's agenda.

ITEM 23: Adjournment:

Treasurer Fox made a motion to adjourn at 5:15PM, seconded by Acting Vice Chairman Hall.

Chairman Mason acknowledged motion and second.

Vote: 4 for, 2 opposed. Motion Carried.

Approved

Disapproved

Daylon Spotted Bear  
Daylon Spotted Bear, Acting Secretary

February 23, 1995  
Date

ATTEST:

Russell Mason, Sr., Chairman

February 23, 1995  
Date