



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

TRIBAL BUSINESS COUNCIL
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REGULAR TRIBAL BUSINESS COUNCIL MEETING

February 09, 1995, 11:27 a.m.

I. CALL TO ORDER

Meeting called to order by Chairman Mason at 11:27 a.m. He asked for a moment of silent prayer in memory of the passing of Myra Snow, former councilwoman, and all the others we have lost in the past weeks and months.

II. ROLL CALL:

Secretary Spotted Bear called for roll call. Present were Russell "Bud" Mason, Ivan Johnson, Daylon Spotted Bear, Mark Fox, Austin Gillette, and George Fast Dog. Ed Hall entered the chambers a couple of seconds later. All members present. Quorum Established.

Employees Present: C. J. Packineau, Sergeant at Arms; Marian Spotted Bear, Recording Secretary; Elgin Crows Breast, Historic Preservation Officer; Myrna Bear, Tribal Realty; Ronald Brugh, Recreation Director; Kyle Baker, Natural Resources Administrator.

Others Present: Connie White Bear, Teddie Starr, Pemina Yellow Bird, ND Reinterment Committee; Chas Cartwright, Superintendent, Knife River; Titus Hall, Kenneth Fredericks, Jr., Terrance Fredericks, Paul Fredericks, Buddine Stewart, Rosemarie Mandan, Vern Young Bear, Wilbur Hunts Along, Margie Hunts Along, Shannon Phelan, Clarence O'Berry, CEO/MEC; Ambrose Phelan, Morgan Fettig, Manuel J. Chase, Jim Danks, Everette Hall, Lloyd Vigen, Paul White Owl, Sr., Debra Fox, Gabriel Fettig, Tom Fredericks.

III. AMENDMENT AND APPROVAL OF AGENDA:

Chairman Mason then entertained a motion to amend the agenda under Other Business; George Fast Dog requested that TERO be added to the agenda; Austin Gillette requested an amendment to add personnel selections for two positions to be filled in the Natural Resource Department; Mark Fox requested the Legal Department Budget be entered on the agenda. Austin Gillette then moved that the agenda be approved, as amended. Motion seconded by Ed Hall. Agenda approved, as amended.

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IV. REQUEST FOR EULOGY FOR MYRA SNOW:

Chairman Mason then stated that he had requested John Danks and Ed Lone Fight to write a eulogy for Myra, which they will publish in the paper.

V. READING AND APPROVAL OF THE MINUTES:

Since there were several pages of minutes to be read and approved, council decided that they would hold a special meeting on Wednesday, February 22nd, 1995, in the Council Chambers at 10:00 a.m. to read and approve all of the minutes. In the meantime, they will have a chance to read through them, so they will be prepared to act on them.

VI. NORTH DAKOTA REINTERMENT COMMITTEE:

Pemina Yellow Bird, Member of the North Dakota Intertribal Reinterment Committee, reported on activities of this committee. It was formed in 1987 as a response to a need for tribes to remove from the State Historical Society all the human remains and burial belongings of our ancestors that had been stockpiled in boxes since the turn of the century. She said they had to amend a state law, they had to get a policy passed that would direct movement for that state agency, in 1989, they were successful in doing that. North Dakota now has one of the best unmarked human burial laws in the country. They have worked for repatriation and reburial of all ancestors held in state agencies, which has taken almost five years.

She stated a Memorandum of Agreement has been signed with the U. S. Army Corps of Engineers, which determines the treatment and disposition of unmarked human burials found on Omaha District Corp land. She said this agreement, like the state law, is precedental in many ways. It protects the interests of Indian people, and not the interests of science and museums.

The committee has been involved in education and presentation of professional papers and interviews at national and international conferences. They have participated in national intertribal coalitions for the development of both the museum act, which deals strictly with the Smithsonian Institute, and the Native American Grave Protection and Restoration Act (NAGPRA).

She said North Dakota; and, in particular, Fort Berthold Reservation, have provided leadership roles on this issue.

Chas Cartwright, Superintendent, Knife River Indian Villages State Historical Site, National Park Service, was then introduced by Mrs. Yellow Bird, whom, she said, had a Memorandum of Agreement (MOA) that he would like to have signed between the Three Affiliated Tribes and the National Park Service. Mr. Cartwright said the agreement was similar to the one the Tribe has with the

U. S. Army Corps of Engineers, and that it has been worked on for over a year with the ND Reinterment Committee. Basically, it gives the power over determining what happens with human remains that are discovered on park lands to the tribes; further, it makes a firm commitment of National Park Service compensating members of the ND Intertribal Reinterment Committee for any services that they provide to NPS.

Pemina said this means that the National Park Service has now agreed to pay for all reburial costs, so the tribes don't have to bear that burden.

Chairman Mason stated that on any agreement, he would rather have our Legal Department review the agreement, and then bring it back to the tribal council for approval.

Austin Gillette then made a motion that the Chairman be authorized to sign this document after consultation with our Legal Department so that it wouldn't be held up for any length of time.

Motion: Austin Gillette
Second: Mark Fox
Vote: Unanimous. Motion carried.

Pemina said another important project the committee has been working on is the WAPA (Western Area Power Administration) burial sites that are situated on antenna farms on top of high hills. WAPA is a federal agency that is likely to be sold into private industry within the next six months. The committee has been negotiating with WAPA to have these burial sites turned back to the tribes in the immediate areas for stewardship. One site is called Hawk's Nest and the other site is at Carrington/Rugby. WAPA has agreed that it will do this, in the event it is sold.

The committee is also working with Bureau of Reclamation (BOR) and Bureau of Land Management (BLM) on similar MOA's to protect unmarked burial sites on lands that they administer. They will be contacting as many federal agencies as necessary, getting them to

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agree to cover reburial costs and that these sites remain with the tribes.

They have also been watching the Native American Graves Protection and Repatriation Act (NAGPRA) Regulations, trying to get these published once again for another public comment period.

A funding proposal (due on Friday, February 10) was also submitted by the reinterment committee for the hiring of a professional archivist and researcher, and for establishment of an elders repatriation committee. The proposal also calls for some office and computer equipment.

She also presented two resolutions--one which would appoint the members of the Fort Berthold Intertribal Reinterment Committee, and the other resolution for the funding proposal.

Chairman Mason suggested that the council take the first resolution under advisement until they have had a chance to get some of the older people involved in discussions about this and listen to what they have to say about this.

At this time, Elgin Crows Breast requested to address the council. He reiterated the history of the excavation of these human burial sites and expounded on what the reinterment committee has been attempting to do so far, and he shared his personal feelings concerning the repatriation and reburial of our ancestors.

Mr. Mark Fox stated he felt the reinterment committee had done a good job and that he would be in favor of passing the first resolution, i.e., the naming of the members on the interment committee. He then made a motion to pass the first resolution.

Motion: Mark Fox
Second: George Fast Dog
Vote: 4 opposed, 2 in favor, 1 absent.
Motion Failed.

Discussion: Mr. Gillette then asked Mr. Crows Breast about some photographs of artifacts that had been loaned to him, and he wondered if he still had those? Elgin replied that he did. Elgin said they were sent to the Cultural Preservation Office from the Minnesota State Historical Society and that they were in his office. Elgin stated he had requested these photographs be sent to him. He said there must be

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about 10 or 15 photographs, with maybe 5 or 6 items on each photograph, that were sent to him, that belong to our tribes.

Mr. Gillette asked Mr. Crows Breast about Tom Julian, and how he came to know him. Elgin said he met Tom Julian about three years ago, through a man named Sonny Hare(sp) and Dale McGrady. He said he was approached by these two individuals in the Casino, and they asked him if we wanted to get our artifacts back.

They then asked him to take a trip with them to go check out some artifacts. They said they knew a man by the name of Tom Julian, but he charges, if the tribe is not willing to pay, then he wants 20 percent of whatever we get out of the museum. "For example," he said, "they're not going to take any sacred objects; they're not going to take any pipes, they're not going to take any medicine bundles--they might take a little bowl or a spoon", he said. For example, "if you had ten objects", he said, "and I asked for 20 percent," he said, "I'll take two of those objects, that will be my pay, unless you want all the objects back, then we'll get the council to pay for my services."

His theory was, "I know what's in those museums, because I worked for the IRS, and I valued those materials. I appraised those materials." He said, "I got records of everything." He said he appraised those materials for tax purposes. "If you put a value on your artifacts, they can use that as a tax write-off at museums." So, I said, "Okay".

I felt something wasn't right there, and it was like some underhanded deal was going to come out of this. Finally, he said, "Do you want to go in for a lineal descendancy?". He asked if I was a lineal descendant. I said, "Yeah, I'm a lineal descendant of Four Bears." He said, "You know, there's a robe that we can get you out of there", and I said, "Really?", he said, "Yeah". He said, "You know that robe, I already appraised it, and it will bring you \$700,000.00". He said, "I'll take 20 percent of that and you can have the rest." I said, "You know, I'm not the only lineal descendant of Four Bears, there's quite a few of them all over", I said "that blood line is a long ways." Then he just kind of stopped, then he started talking again.

Then he approached me with this Power of Attorney, and he said, "What we'll do, is we'll get artifacts back for your tribe using this power of attorney. What

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we'll do is we'll get them and we'll bring them back to the tribe, then we'll get the tribe to pay us..to pay me for my services, my expert services." So I said, "Well, I don't know." He handed me the Power of Attorney, and I looked at it, and at that point, I had a resolution brought in before. My plan, with that resolution, was to develop a cultural center, because I know the museum needs a lot of fixing. I was the director over there, I never did take anything. If I wanted to take something, I would have just took something over there.

My plan was to get these artifacts back, using this Power of Attorney to get these artifacts back, and then taking this show on the road, I named it the Expo 2000. To take this show, Expo 2000, on the road to 20 major cities in America. But, somehow, I came back to get an okay, and I got a resolution and it was passed, and then later on, I found out it was rescinded, after they found out that I signed this Power of Attorney, the resolution was passed giving me the authority to do whatever was necessary to establish and repatriate things like this, and I was working with Pem and them. There was no way I was going to go around them.

So I did that. Then, Mr. Wilkinson turned around and he got mad, and he didn't like what I was doing, so he called the Minnesota State Historical Society, he called the National Park Service, and he blabs and he lies, about all these things I'm doing. And that's where all this stealing artifacts business got started from. I was hurt. He suspended me. I couldn't do nothing. So I just sat there. He said, "Just go to your office and stay there until I say you can do something." Later on, I found out that he has made contact with Dale Old Horn or Old Elk, or whoever that is in Crow, some Mike Maxwell, I don't even know who this guy is, and all these different names start coming up, and all this time, everybody was going around the office and doing everything on the outside and we were sitting here, you know, like..it was just crazy.

Mr. Julian approached me too at one time and said, "You know there's a lot of mounds down in East St. Louis, you know the tribe can put a claim on that, you guys are mound builders, the Mandans." He said, "This is the plan, we'll bring the mounds, we'll turn it to trust, we'll put up a casino. We got five major cities there, big cities. We'll put 5000 machines up, that's 280 million dollars a year. The tribe will get 60 percent of that. He was just going on. He forgot about what he was going to do with the artifacts. If we

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weren't going to do it, he was going to go someplace else and do it. This guy is sneaky.

When he did that, that's when I said, wait a minute. I said I want that Power of Attorney back. He did send it back to me. He's into the Sioux Nation now, on the Sitting Bull thing. He's got everybody fighting down there. He's picking on people that got no money, that are vulnerable, to go in and use them to get their stuff back. This guy is dangerous. And maybe it's good that he was exposed through me, and I have to suffer for it, kind of like a sacrificial lamb or something, and to find out he's a crook.

If anybody is doing anything wrong on this reservation concerning artifacts, it's gotta be..you look at those names that I named. You can about figure it out, what's going on.

Mr. Tom Fredericks then asked to be recognized by the Chair. Mr. Fredericks advised that the tribe, itself, should pass a law that says all bones and all artifacts that are found, wherever found in this country that belong to these tribes, are the ownership of the tribe, that nobody can do anything with them, but bring them here, turn them over to the tribe. And they ought to have a procedure whereby they can bring them home, or they bury them there, whatever, leave them there, but that's what should happen, is the tribe should pass a law that says that.

Mr. Cartwright interjected that is the reason why they have prepared the Memorandum of Agreement between the tribe and the National Park Service.

At this time, Mr. Mason stated there was a motion and a second on the floor to act on the first resolution, and he called for a vote. Vote was 4 against, 2 for, and 1 absent. (See page 4 for motion, second, and vote.)

The second resolution for the funding proposal for the ND Reinterment Committee was then read by Pemina Yellow Bird. **(Reso should be amended to also include ancestral remains and burials.)**

Austin Gillette made a motion to approve the second resolution for the funding proposal:

Motion: Austin Gillette
Second: Ivan Johnson
Vote: 7 for, 0 opposed. Motion carried.
RESOLUTION #95-56-DSB.

VII. TWIN BUTTES CASINO

Mr. Tom Fredericks said they are proposing that the tribe put a casino in the old Lakeside Convenience Store, which is 4,320 square feet and sitting vacant right now. A small casino could give some employment to the community, and financing would be by Alden Investors out of Boulder, CO. They are looking at 100 machines and 60 to 90 days to put it in shape, at a cost of \$500,000. They have checked into the power supply and the sewage system and there would be no problem there.

The tribe will own it 100%. Proposing that the Investor get 3X their money back, however, the tribe can do their own negotiating if they desire. The casino would have an Indian manager and employees. The tribe could create a sub-entity that would actually own this as a corporate entity.

Kenneth Fredericks, Jr., is willing to assign ten acres of land to the tribe, and provide the building, in exchange for the management position and salary of \$50,000. If he doesn't perform, then the tribe can terminate him. Then he would ask for a percentage (3%) for his owning the land, and fair rent on the building.

Mr. Mark Fox expressed concern with such a small operation having most of its profits locked up on the return on investment. He wondered if there was any guaranteed minimum amount that could be guaranteed to the tribe each month. Mr. Tom Fredericks stated he thought that could be done. They would have to look at how much each machine would bring in each night, and go from there.

Mr. Fox stated he would prefer that the land be sold to the tribe, rather than a percentage given out. Chairman Mason said he would suggest to the council that authority be given to Mark Fox to work with Kip Quale on this, i.e., to negotiate with them and to review their proposal. Mr. Fox suggested the Gaming Commission also be involved. Mr. Fredericks, Jr., requested that the tribe vote on this today, as he has been working on this a long time and would like to see something done today. Mr. Tom Fredericks stated perhaps the tribe could approve that the tribe wants to move forward with this, subject to negotiating the terms with the Gaming Commission, Mr. Fox, and Mr. Quale.

Mr. Gillette asked about current agreement with Lien. Mr. Fox stated there was a small clause that stated that neither party will enter into a gaming management agreement within the State of North Dakota. He said he thought this proposal would be an exception to that, because it is not a management agreement, it would be tribally owned.

Daylon Spotted Bear then made a motion to give Messrs. Fredericks the go ahead to proceed with their proposal, subject to negotiations with the Gaming Commission, Mr. Fox, and Mr. Quale; and bring it back for final approval to the full council.

Motion: Daylon Spotted Bear
Second: Ivan Johnson
Vote: 6 in favor; 1 absent. Motion Carried.

Discussion: Austin Gillette stated that he wanted to say to Kenneth Fredericks, Jr., that he had heard him say a few times that he had the first casino license. He said, in his opinion, the license that he got was similar to a pow wow gaming permit, nothing more. Discussion was also held as to perhaps "grandfathering" this license in; however, it was stated that all of this could be addressed during the negotiation stages.

Note: Break for lunch at 1:00 p.m.
Reconvene at 2:10 p.m.

Al Nygaard - Removed from agenda.
Mary Lou Lone Fight - Removed from agenda.

VIII. RESOLUTIONS

A. Tillie Walker addressed the council and stated that in 1986, the Tribal Council passed a resolution on heirship on October 8, 1986. She said one of the reasons they passed it, was because they found that a lot of tribal land was going to non-member Indian people. The resolution read that if you died without a will, a non-member or a non-Indian spouse or children could elect to get a life estate. Then the land could go to the children if the spouse was a non-member or non-Indian.

On February 4, 1987, the Solicitor's Office wrote and said our constitution didn't allow us to deal with heirship or allotted land, and that if we were going to go through with this resolution, that we would have to change one word, and that it would take a constitutional amendment.

She stated she had approached tribal councils since then and has never been able to get anywhere, and so she is trying again, because she feels it is important. She said if you take a look at land ownership on Fort Berthold Reservation, you will find names that you have never heard of, people who have very small, fractionated interests, but they're not from here. There are a number of non-Indian spouses who received considerable land, and this land went out of trust, and some turned around and tried to sell it back to the tribal council.

After general discussion by the council, motion was made by Mr. Johnson to pass the resolution, seconded by Mr. Hall.

Discussion: Mr. Fox stated that if this resolution is passed, the Tribe can expect a lot of repercussion from the non-Indian and non-member sector concerning their rights to inherit.

Mr. Gillette brought up the fact that this council has been in session 90 days now, and has had 23 meetings so far, and they all made a pledge to work on the constitution, so he was wondering if this was going to be done piecemeal, or all at once.

Discussion was also held as to the cost factors involved, since an amendment to the constitution will require a general election.

Mr. Fox felt that this should be deferred until the new federal law is passed and we see how that affects us. Chairman Mason said he felt that this should be acted on now, with the amendment that it be deferred if there is some conflict with the new law.

Mr. Johnson then amended his motion to include the deferrment if there is some conflict with the federal law.

Motion: Ivan Johnson
Second: Ed Hall
Vote: 5 for, 2 abstentions. Motion Carried.
RESOLUTION #95-57-DSB

B. Opposition to WIC CDBG

Delphine Baker, WIC Director, addressed the council regarding plans for blockgranting the WIC Program, which would mean the funds would go to the State first and be set aside for her program, however, funds would be reduced. She said the WIC Program has 584 participants enrolled on the reservation. The resolution is opposed to the blockgranting of the WIC Program.

Chairman Mason suggested that perhaps a letter would be more in line, rather than a resolution. He requested more research be done on this, and a position paper be drawn up, so they could act on this at their next meeting, since this involves FY97 funds, they have time to address this.

Mr. Gillette then made a motion that the Chairman instruct the Tribal Programs Manager to contact all department heads and review all the contracts that would be affected by block grant versus the current contract status we have, and how they would affect Fort Berthold. We would utilize this for our presentation in March when the appropriations in congress are held. Motion was seconded by Mark Fox.

Discussion: None.

Motion: Austin Gillette
Second: Mark Fox
Vote: Unanimous. Motion Carried.

C. One Mastercard Credit Card for Tribal Business Council Members.

Resolution was presented by Treasurer Mark Fox. This credit card would be used to guarantee room reservations for tribal council travel. This card would be used for confirmation of room reservations, since most hotels require credit card confirmation. **This motion was passed with full understanding by the council that there is to be ONE CARD, and ONE CARD ONLY, for the council.**

Mr. Gillette moved for approval. Seconded by Ivan Johnson.

Motion: Austin Gillette
Second: Ivan Johnson
Vote: 6 in favor. 1 abstention. Motion Carried.
RESOLUTION #95-58-DSB

D. Legal Department Budget for FY 1995.

The Legal Department Budget is going to be supplemented with tribal funds, in addition to docket and indirect cost funds, which is how they have been operating. The only difference is a reduction in pay for Mr. Bear Don't Walk.

Motion was made to move for approval by Mr. Gillette. Seconded by Mr. Hall.

Discussion: Mr. Gillette questioned the docket funds and wanted to know if we were going to apply all of this to the Legal Department, or use some of this for our attorneys in Washington; and, in the Indirect Cost Proposal, he wanted to know if we had any funds allocated to cover some of these costs.

Treasurer Fox said this is basically a cost-sharing type of funding proposal for the Legal Department. They get a share of the docket and a share of indirect cost funds, plus they will be supplemented by tribal funds to meet their budget.

Chairman Mason commented that they had put a ceiling on the wages in the Legal Department for the staff attorneys, and that, eventually, they would have to finish standardizing all of the salaries in the Three Affiliated Tribes.

Mr. Fox said Mr. Kip Quale has been very productive in writing grants in the past, and that he will be looking for additional funds to bring into the Tribe.

Chairman Mason then called for a vote.

Motion: Austin Gillette
Second: Ed Hall
Vote: Unanimous. Motion Carried.
LEGAL DEPARTMENT BUDGET FOR FY 95 APPROVED.
RESOLUTION #95-59-DSB

E. Head Start Budget for FY 1995

Ella James of Head Start presented the resolution to the Tribal Council. This resolution was for the Head Start Budget for FY 95.

Motion was made for approval by Mr. Fast Dog. Seconded by Mark Fox.

Vote: 6 for; 1 absent. Motion Carried.
RESOLUTION #95-60-DSB

F. Fort Berthold Cattlemen's Livestock Association.

Mr. Gillette said he and Mr. Edwin Hall had discussed this, and had agreed to set up a special meeting with the Fort Berthold Livestock Association.

At this time, Mr. Tex Hall addressed the tribal council regarding concerns some of the cattlemen have in regards to the range unit allocations that were made on January 27, 1995. Mr. Tex Hall presented two resolutions to the council, one for establishing a procedure for selection of range units and an appeals board, and another for establishing a code of ethics.

Mr. Tex Hall said there had been a lot of dissatisfaction among the cattlemen and this brought up the question of an appeals procedure to follow. They felt the grazing resolution had not been adhered to in the allocations. He said Myrna Jacobs of Tribal Realty had stated that if the resolution had been followed, we wouldn't have all these disgruntled people. They were concerned that some of the applications were incomplete, i.e., "pending certification of 40% ownership of cattle" was used to award allocations, in favor of those who already had verification of cattle submitted.

Ambrose Phelan spoke on the proposed code of ethics, and said if we don't have a code of ethics, then the Code of Federal Regulations should be followed. He said he felt this was a third world dictatorship, and he requested the council take a strong look at this code of ethics.

Manuel Chase spoke of his dissatisfaction with the way the allocations had been made, and felt that he was being pushed out down in Mandaree.

Morgan Fettig said he would like to see a code of ethics established also, and hoped that the council would pass the resolutions being presented to them.

Chairman Mason reiterated that today was the 90th day in session for the present council, and today was their 23rd council meeting so far. He felt it was unfair to call this council a third world dictatorship, the doors are open, people come in, and they have not had one closed session (other than personnel selections). He said this council had inherited an imperfect system, i.e., allocations, hiring--there is nothing in place for these.

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As far as ethics, this council is preparing to act on constitutional revisions within the next 15 to 30 days, which includes the ethics, which includes the separation of powers, but this has to go out to the people. The council is contemplating a constitutional committee to work on this also. He concurred that there is no real appeal procedure to follow at present. He sympathized with the council for some of the decisions that they had to make, and the struggles that they had to go through to make these decisions.

He agreed that there had to be a total group process in order to come up with a plan that could be acted on so that there is fairness. He agreed that we should be more direct, we should adhere to criteria, we should adhere to our own laws. However, the whole process has been inherited, there is a lot of room for improvement, and the council is willing to work toward solutions to these problems.

Mr. Gillette referred to the memo which he sent out from the Natural Resources Committee, wherein he states that a Special Council Meeting will be held specifically to address the grazing issue in regards to all the discrepancies that the Fort Berthold Livestock Association is concerned with.

Mr. Gillette reiterated that there has never been an appeal process in all the years he has been on the council regarding denial of getting a unit. He said it has always been, if you didn't get one, that was it, unless someone was cancelled out for violation of a unit, non-payment, overgrazing, etcetera. He said, hopefully, there could be a happy compromise.

Mr. Jim Danks addressed the council and said, in the past, the Bureau had always been involved in the process. (Note: Carey Dreher, BIA, was in attendance and was consulted at the January 27 meeting on range unit allocations.)

Myrna Jacobs, Realty Specialist/TAT, then addressed the Tribal Council. She said that the grazing resolution wasn't followed by the council, that was why there were all these problems. Nevertheless, she said, there are landowners waiting for their money, that there were operators who had made loans, and she questioned what good is meeting after meeting if nothing is accomplished.

Chairman Mason replied that there were problems, not only with the council but also with the staff. He said the imperfections reach from the council to the staff to the BIA. He said this is what we are attempting to resolve right now.

Mr. Gillette then suggested that the Fort Berthold Livestock Association meet with the Natural Resources Committee on Tuesday, February 21, 1995, at 10:00 a.m., since the council will be in Washington, D.C., during the week of February 13-17, and February 20, is a holiday.

Mr. Ronald Brugh addressed the council regarding his situation. He stated that he had a homesite right in the unit and now he has to bid competitively against Mr. Johnson. He did not think this was fair, in view of the fact that Ivan had also received the unit(s) he had put in for.

Mr. Jim Danks stated that he hoped this council would think about making these allocations permanent someday, so that everyone wouldn't have to go through this every five years. He requested that the council remember that time is of the essence in getting this resolved.

After further discussion, Chairman Mason advised that the council had set up their committees so that there are three councilmen on each committee, and they have left open two positions for outside people to serve on the committees. He said he would rather have the Chairmen of these committees bring back the recommendations of the committee to the full council, so that they could be acted on at that time. A special Natural Resource Committee Meeting will be held on February 21, 1995, with the cattlemen.

Note: Ten minute break taken.

G. NCAI Annual Membership Dues of \$750

Chairman Mason read this resolution, which would give us 130 votes in NCAI. He also mentioned that Martin Cross, one of our previous tribal chairmen, was effective in helping to establish NCAI when it first got started. Mr. Gillette made a motion to approve. Seconded by Mr. Spotted Bear.

Discussion: Mark Fox asked about the voting procedure. Chairman Mason advised that he would be the representative, and the Vice-Chairman would be the alternate; however, if another councilmember is present

at an NCAI meeting and neither the Chairman nor Vice-Chairman are there, then they can cast the vote.

Motion: Austin Gillette
Second: Daylon Spotted Bear
Vote: Unanimous. Motion Carried.
RESOLUTION #95-61-DSB

Richard Bad Moccasin and Gene Larson were removed from the agenda at this time, since they were not present.

H. Land Sale - Maureen Bell Fevold.

Discussion: Under the old law, any shares less than 2% will automatically return to the tribe; under the proposed new legislation, these shares will be purchased by the BIA and turned back to the tribe.

Motion was made by Mr. Fox to table this until we see what the federal legislation is going to be. Seconded by Mr. Johnson.

Motion: Mark Fox
Second: Ivan Johnson
Vote: Unanimous. Motion Carried.
Resolution Tabled.

Note: Richard Bad Moccasin and Gene Larson were removed from the agenda, since they were not present.

IX. FBCC BOARD OF DIRECTORS

Karen Gillies addressed the council and her request was that the council leave the present Board of Directors (3 members) for Fort Berthold Community College as is, without making any changes.

Discussion: Mr. Gillette inquired as to how many were on the present board of directors. Mrs. Gillies replied that there were three members; Karen Hartman, Roberta Crows Breast, and Edmund White Bear. Mr. Mason said he would be willing to appoint Karen Hartman at large, and Mark Fox had indicated Roberta Crows Breast would remain on the board, so she would still have two of her present board members remaining on the board. He recommended that she meet with each of the tribal business council members separately concerning their selections.

(The college By-laws and Charter call for not less than two board members and not more than three shall serve on the board.)

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This Administration has opted for seven members on boards and/or committees. Mrs. Gillies was requested to draft up the change in the by-laws and the charter in order for the college to be in conformance with the options of the new council. She stated she would do so.

X. MANDAREE ELECTRONICS COMPANY

Mr. Clarence O'Berry, CEO, reported that he had met with the B-2 Division out of California, which is interested in taking over the mentor-protegee project that Mandaree Electronics had with Northrop.

He also reported that he had a meeting with the Internal Revenue Service, and they said as long as Mandaree Electronics keeps current with their federal withholding taxes, and file corporate returns for 93 and 94, Mandaree Electronics can make payments on their back debt of \$50,000.00.

Mr. O'Berry requested assistance from the tribe in getting an audit done for 93 and 94. He said this is being required by IRS and Mandaree Electronics does not have the money to do these audits right now.

Mr. Johnson inquired as to why the tribe couldn't assist Mandaree Electronics with this request. Treasurer Fox said auditors are not cheap, we have them working on a gaming audit and we have them working on a tribal audit for 93; we also want them to begin an audit for 94 as soon as they finish the 93 audit. He indicated that the auditors may not have the time, even if we requested them to do an audit for Mandaree Electronics.

Mr. O'Berry asked if it would be possible to bring somebody else in, if not for a full-fledged audit, at least file the corporate returns. Mr. Mason inquired as to how long this would take. Mr. O'Berry said the last time they did the 1992 audit, it took them two weeks, at a cost of \$3,500 for a full-fledged audit.

Mr. Mason asked why they couldn't submit a proposal to the council. Mr. Johnson said he thought he could work with an auditor in Bismarck who would be willing to wait for payment, as long as he knew he would get paid.

Mr. Fox said if they could see some estimates in a proposal as to what it would cost, then they could reconsider it. He said they weren't saying no, they just needed to get some figures. Mr. O'Berry agreed.

Mr. O'Berry said during the B-2 Meeting, they were wondering if they could get the tribe to back them up on their back debt, to support them on their back debt, to pay their back debt and get it out of the way so that they could continue to operate. Mr. O'Berry said before B-2 makes an actual committment, they are going to want to know that the tribe is going to help Mandaree Electronics with their back debt. Mr. Johnson inquired as to what kind of committment B-2 wanted from the tribe, did they want up to pay it all right now, or would they go with a payment plan? Mr. O'Berry said IRS told him as long as he stays current with the federal withholding taxes, and they file corporate returns, IRS would work out arrangements for the back debt, so they could make payments on it. Total debt is \$50,000 to IRS and \$14,000 to the Bureau.

Treasurer Fox said we have the same situation at Fort Berthold Communications Enterprise--they are looking to the tribe to get them out of debt with the IRS. Mr. Johnson said Mandaree Electronics is finally getting some work and it looks like they have a chance now to go forward.

Treasurer Fox recommended that no committment be made today based on the tribes' current financial situation. He said maybe thirty days from now, it would be different. Mr. Johnson inquired of Mr. O'Berry if the work would still come from B-2 if the Tribe makes no committment. Mr. O'Berry said that work may not come through, he was not sure at this time.

Chairman Mason invited Mr. O'Berry back to address the council on February 23rd, during the Special Council Meeting, and to present his packet of information at that time. Mr. O'Berry accepted.

Under "Other Business", the letter requesting tribal representation on the Native American Economic Council was tabled, since there was no resolution accompanying the letter.

XI. TRIBAL EMPLOYMENT RIGHTS OFFICE (TERO)

The Director and Compliance Officer positions were discussed. Mr. Fast Dog recommended advertising these positions, since he had been receiving complaints from the community as to why these positions never changed, and complaints that they didn't receive enough help from the TERO Office.

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Treasurer Fox said there is a need to work with TERO. TERO has reached a point where they need legal expertise in order to continue on with certain issues. He said with Kip Quale on board as staff attorney, the Legal Department is going to start assisting TERO to further their causes. Otherwise, the positions are permanent positions.

Mr. Hall mentioned that he had also been subjected to inquiries as to how the TERO Director was able to serve on the council and then go back to his job when the re-election was held. The job was held open and there was no TERO Director during this time, and the position was not advertised.

Chairman Mason indicated that there were a lot of people that should probably be here, if this is going to be discussed. He said a program review of all of the programs is still pending, and once it has been determined whether or not employees have been performing their jobs satisfactorily, some type of action will be taken at that time.

He also stated that this could be brought up with the Legal Department to determine the legalities of their concerns, and report back to the council. Another thing is that all programs need to be evaluated and all program administrators and directors need to be evaluated. Then we can go from there and see where we are at with the evaluations.

After more discussion, Mr. Fox indicated that the Election Ordinance states that an individual can retain their job up to the day they are elected. He said he feels no one has really been elected from 4-Bears yet, until the court has made its decision.

Discussion was also held on the responsibilities of the TERO Commission. Mr. Fast Dog inquired about Karen Simmonds serving as liaison between TERO and the Casino. Chairman Mason requested that the Gaming Commission resolve this, so that there will not be a duplication of effort.

At this time, Mr. Gillette made a request that the Secretary for the council, along with the legal department, compile a packet for the councilmen of all the chartered organizations, plus boards and commissions, so they are in one binder available to everybody.

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XII. PERSONNEL SELECTIONS - NATURAL RESOURCES DEPARTMENT

XIII. DOCKET MONIES.

Daylon Spotted Bear said the only thing holding up the distribution of docket funds is that, according to the resolution passed at that special meeting, they were to split it up by head count. Mr. Fox said that resolution occurred on October 14, 1994. Mr. Fox said he would talk to Frank Henry in Finance about this, and if its possible, they'll make distribution.

Mr. Fox said he was in favor of equal payments for each segment, in view of the fact that the smaller segments have far less than the larger segments.

Mr. Gillette said the judgment plan for community funds, as approved by the membership, is by head count. He said the last administration had voted for a 6-way cut. He said at the time the plan was approved for

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head count, they only had 5 segments. In 1986, they added 4-Bears.

After lengthy discussion, council said they would readdress this at the February 27 Special Meeting.

Secretary Spotted Bear noted that there were typing corrections to be made on the minutes dated January 6, 1995, and on the grazing resolution.

Mr. Gillette moved for approval of the corrections for the minutes and the resolution. Mr. Fast Dog seconded.

Motion: Austin Gillette
Second: George Fast Dog
Vote: 4 for, 2 abstentions. Motion Carried.

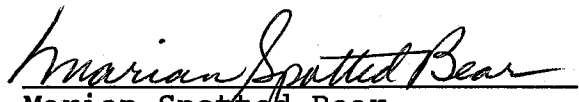
XIV. ADJOURN.

Motion was made by Austin Gillette to adjourn at 6:05 p.m. Seconded by Ivan Johnson.

Vote: Unanimous. Motion Carried.

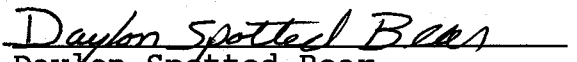
Meeting adjourned at 6:05 p.m.

Minutes Prepared & Submitted
By:


Marian Spotted Bear
Recording Secretary
Three Affiliated Tribes
Mandan Hidatsa Arikara Nation

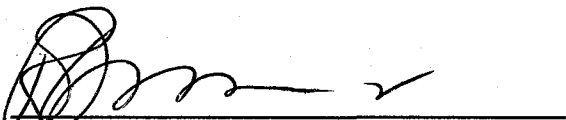
Minutes Approved & Accepted
By Tribal Business Council:

Signed:


Daylon Spotted Bear
Executive Secretary
Three Affiliated Tribes
Mandan Hidatsa Arikara Nation

DATE: March 09, 1995

ATTEST:


Russell D. Mason, Sr.
Chairman