



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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MINUTES OF

SPECIAL TRIBAL BUSINESS COUNCIL MEETING

MONDAY, FEBRUARY 27, 1995, 10:50 A.M.

I. CALL MEETING TO ORDER & PRAYER.

Meeting called to order at 10:50 a.m. by Chairman Mason. A moment of silent prayer was held for all the mourners and family members whom had recently lost loved ones; and, especially for the family of Priscilla Bird, whose funeral was today.

II. ROLL CALL.

A. Members Present:

1. Chairman Russell Mason, Sr.
2. Vice Chairman Edward Hall
3. Treasurer Mark Fox
4. Secretary Daylon Spotted Bear
5. Councilman Austin Gillette
6. Councilman Ivan Johnson

B. Member(s) Absent: Councilman George Fast Dog

C. Quorum established. Six members present; 1 absent.

D. Employees Present: C. J. Packineau, Sergeant at Arms; Marian Spotted Bear, Recording Secretary; Jason Two Crow, Growth & Development Coordinator; Brenda Hale, Adolescent Health Coordinator; Clorine J. Charging, Administrative Aide; Joe Henry, Commodity Program Director; James Heckman, Natural Resource Department; Abigail Country Bingen, Administrative Aide; Ambrose Hosie, Credit Officer.

E. Others Present: Jarrett Baker, Youth Sports Coordinator, FBHA; Jolene Lockwood, Lenora Hosie, Summer Monteau, and Waylon Pretends Eagle, NTHS Students; Levi Bruce, Mike Cross, Clarence O'Berry, Todd Hagel, Irene Burr.

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III. APPROVAL OF AGENDA.

A. Additions to Agenda.

1. Consultant Agreement for Brand Inspector.
2. Resolution to make Tribal Programs Analyst Position Permanent.
3. Cattle Relending Program Reorganization.
4. Cheryl White Personnel Presentation.

B. Changes to Agenda.

1. Move Approval of Minutes to end of Agenda.

C. Motion to Approve and Accept Agenda, with Changes.

Motion: Daylon Spotted Bear
Second: Mark Fox
Vote: 6 in favor, 1 absent. Approved.

IV. RESOLUTIONS.

A. Fort Berthold Housing Authority (FBHA) Youth Sports Center Grant Application.

Jarrett Baker approached the council concerning the FBHA Grant Application for \$125,000 for a Youth Sports Center. \$62,500 is to be matched by FBHA. Mr. Baker requested the tribes to allocate two mobile home buildings located behind Circle of Life, along with the tribal lots located next to JP Videos on Main Street. The two mobile home buildings would be moved to these tribal lots on Main Street to house the youth center.

Jason Two Crow said there will be a Recreational Sports Director Position under the FBHA Youth Sports Program, which will be very similar to the Growth & Development (G&D) Coordinator Position under the TAT. Mr. Baker and Mr. Two Crow proposed to transfer the Growth & Development State Grant Funds to the Youth Sports Program under FBHA, and have the Youth Sports Funds match against the G&D Funds. This would pay one salary, and would make more money available for the Youth Sports Center. The FBHA would sub-contract the G&D Program, which is funded through the State. The money saved would be able to be spent on the youth of Fort Berthold, rather than on salary.

The Recreational Sports Director position under HUD would be filled upon consolidation of the FBHA and TAT youth services. This position would be administered by the FBHA. This Center will be open to all youth on the

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reservation. The Center is planned to not only provide extra-curricular activities for youth, but also to provide access to computers for those students who may have a need for the use of computers after regular school hours.

Mr. Mike Cross said he did not foresee a problem with city zoning ordinances for the mobile homes.

Four students from New Town High School were allotted time to express their thoughts, ideas, and support for a Youth Sports Center in this area. The four students who spoke were Jolene Lockwood, Lenora Hosie, Summer Monteau, and Waylon Pretends Eagle. Chairman Mason spoke to the students on how younger people should become more involved and volunteer to visit and assist our tribal elders in nursing homes, in hospitals, and in their own homes--learning our traditions and being willing to carry them out. He advised them that our survival is going to depend on how well the younger generation interacts with their own tribal people, their parents, and their tribal elders. He also advised the four outstanding students that the best way they could help their own peers is to set an example for them.

Mr. Fox questioned the students as to what they saw as the most attractive feature the Youth Sports Center would offer to the majority of students to coerce them to the center and to keep them interested in the center, so that the center would be properly utilized. The idea of being able to socialize with their peers and to have a decent place to do so, was the most general response.

Mr. Gillette asked about proposed hours for the center. Lenora Hosie stated she thought from after school until one-half hour before curfew on weekdays, and on weekends until 12:00 midnight. Jarrett Baker said the Recreational Sports Director and the Youth Sports Coordinator would be located in the proposed center. The council stressed that they would like to see the parents get involved in the center also, and to assist in being responsible for its success.

Mr. Cross stated he foresaw the center as becoming a drop-in center, a business development center, an alternative school, and providing many different services to the youth. He said the management structure envisioned would involve a Youth Advisory Council that would include elders, parents, and an equal number of youth from the different segments. He

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felt this could eventually become a tribally-chartered organization.

Chairman Mason asked if there would be a problem with water and sewage on the tribal lot. Mr. Cross stated Mr. Harley "Texx" Lone Bear, Natural Resource Department, had told him there would not be. Mike said this cost was written into the HUD grant application. Council stressed that they would like this to be a comprehensive, coordinated program; and not fragmented.

Mr. Fox asked about liability insurance on the grounds and property. Mr. Cross said this would be covered under the national insurance agency for Indian Housing Authorities, i.e., Amerind Insurance Coverage. Mr. Fox stated, for the record, that he would accept Mr. Cross' statement as his assurance that there would be adequate insurance coverage for all activities happening at the center, including the building and the grounds. Mr. Cross concurred.

Verification of the tribes' match was set at approximately \$48,000. Mr. Cross said his goal was to match this grant application 100 percent, rather than 50 percent. He would be requesting volunteer services from subsidiaries of the Three Affiliated Tribes, and attaching a monetary value to these services in order to help reach this goal.

Mr. Gillette questioned the assessed value of the tribal lots shown in the resolution. Mr. Cross advised he had consulted Mr. Harley "Texx" Lone Bear, who advised him this amount is what the tribes had paid for them. Mr. Cross said the lots are not being bought from the Tribe, rather, they are requesting free use of the lots under a lease-type arrangement. (\$15,000.00 was the original purchase price of all three lots. Resolution to be changed from \$12,000.00 to \$15,000.00 to reflect this.)

At this time, Chairman Mason requested council to entertain a motion. Motion was so moved by Edwin Hall to approve, with changes; seconded by Austin Gillette.

Vote: 6 for, 0 opposed, 0 abstentions,
1 absent. Motion Carried.

RESOLUTION NO. 95-064-DSB

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- B. TAT Representation on the ND Department of Economic Development & Finance Native American Economic Council.

Letter had been received from Al Nygaard, Native American Business Development Program, Bismarck, ND, requesting appointment to this council. After discussion, Mr. Gillette moved that Edwin Hall, Daylon Spotted Bear, and Jeanette Coffey be appointed to this council. Motion seconded by Mr. Johnson.

Vote: 6 for, 0 opposed, 0 abstentions,
1 absent. Motion Carried.

RESOLUTION NO. 95-065-DSB

- C. Transfer MR&I Funds to BOR, and Cooperative Agreement with BOR to Complete Phase I.

Mr. Gillette read parts of this resolution aloud. This resolution requests BIA to transfer the remaining \$800,000.00 MR&I Funds to the BOR; it hasn't been determined yet which projects will be ongoing, but the money has to be obtained first. Mark Fox suggested that the resolution be amended to read "That the Tribe, BIA, and BOR work towards obtaining indirect cost . . ." Mr. Gillette moved for approval of this resolution, as amended. Motion was seconded by Mr. Edwin Hall.

Vote: 6 for, 1 absent. Motion Carried.

RESOLUTION NO. 95-066-DSB

- D. Close Finding on 1994 CDBG Grant.

Jeanette Coffey explained that this resolution is to close out one of the findings on the CDBG Grant for the Cattle Relending Program, Lucky Mound Community Building, and the Expansion of the Northeast Segment Community Building. Originally, there were six findings. Two findings still remain open; one is on general accounting and the other is a revised implementation schedule needed for the NE Segment Hall Expansion.

During discussion, it was reported that there was an overmatch by the Three Affiliated Tribes of approximately \$140,000.00 on this CDBG Grant. The

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NE Segment Building was overmatched by about \$100,000.00; and the North Segment Building by about \$40,000.00. Ms. Coffey said these figures were approximations only.

Motion was made to approve this resolution by Mr. Gillette, seconded by Mr. Fox.

Vote: 6 for, 1 absent. Motion Carried.

RESOLUTION NO. 95-067-DSB

V. NEW BUSINESS.

A. Request for Financial Assistance for Basketball Tournament.

While council was waiting for the arrival of Jim Heckman and Todd Hagel, they decided to address the request of Levi Bruce for tournament funds. The tournament is in Wolf Point and the team consists of freshman ballplayers. Total amount being requested was \$684.00. After hearing Mr. Bruce's request, council advised Mr. Bruce that if his group raised the other \$384.00, they would award \$300.00 to them.

During discussion, council decided to set a limit of \$300.00 for any such future requests, until the tribes are in better financial condition.

Motion was made by Mr. Fox to approve Mr. Bruce's request at the \$300.00 limit, on the condition that the money will be matched by the group in the amount of \$384.00, by fund raising. Motion was seconded by Edwin Hall.

Motion: Mark Fox

Second: Edwin Hall

Vote: 6 for, 1 absent. Motion Carried.

B. Proposal for Planting Trees on Tribal Land Located One-Half Mile East of Sanish.

Jim Heckman, Natural Resources; and Todd Hagel, Soil Conservationist Liaison with the Natural Resource Conservation Service (NRCS) [formerly SCS] reported that the tribe owns a piece of property at this location that would be good for future development. They proposed planting trees at this site now, and it could be called a wildlife planting.

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Mr. Hagel explained the costs involved and the programs available to the tribes. This consisted of two options, i.e., the Great Plains Conservation Program and the ACP Program. Under Great Plains, the total cost to tribes would be approximately \$1,781.25. Under the ACP Program, the tribes would be limited to \$3,500.00 per year in cost share.

Motion was made by Mr. Edwin Hall to give Austin Gillette and Mark Fox the authority to pursue this proposal with Mr. Heckman and Mr. Hagel. This motion was seconded by Mr. Ivan Johnson.

Vote: 6 for, 1 absent. Motion Carried.

NOTE: Meeting adjourned for lunch at 12:35 p.m.
Reconvened at 1:50 p.m.

C. Request for Waiver of Corporate Credit Loan on Irene Meyers Burr Home Located in New Town.

Mrs. Burr presented her request to the council. She said this loan has been waived previously by other tribal business council administrations, and then it has been rescinded; the interest on the loan has been waived, and then it has been rescinded. She said this has been ongoing ever since Joe (Meyers) got sick; and, now she is sick, and she would like to get this resolved and finalized. Chairman Mason said he had asked John Danks to do the research on this, since Irene had contacted him earlier about this problem.

Mr. Danks reported his findings to the councilmembers, and there apparently has been some contradictions and inconsistencies on this. It appears the tribal council, on three separate occasions, have taken action to waive Mrs. Burr's corporate credit indebtedness to the TAT. The most recent action taken by the tribal council was dated July 29, 1992.

Mr. Ambrose Hosie said he had also researched this, and had found a resolution that said they would forgive the interest only, and that Mrs. Burr still had to pay the principal. Mr. Hosie felt the next action needed to be to go through all of the resolutions for the past two years, to make sure there are no others that address this. This hasn't been done yet.

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Mr. Danks said the first time this was addressed by tribal council was in June 1987. At this time, Irene Meyers had made a payment of \$800.00 (plus), which was to be applied to her loan, but had requested the tribes to waive her balance of \$11,000.00. A motion was made by Ted Lone Fight III to waive the balance due to Joe Meyers' illness, this was seconded by Delvin Driver, and the vote was unanimous.

In April 1988, this issue arose again. In the Minutes, Hugh Baker moved to waive the loan for Irene (along with some others), this was seconded by Jim Mossette--vote was unanimous. In September 1988, Hugh Baker moved to rescind his motion made on April 25, 1988, for waiving payment for Joe and Helen (Irene) Meyers (along with some others) and said the loans would be paid in full, plus interest. Seconded by Jim Mossette. Hugh Baker said they had waived the loans, but the Bureau of Indian Affairs was not accepting the waiver--vote was 3 in favor, 1 opposed, and 2 not voting.

Chairman Mason requested that this be tabled until the March 9th meeting, and that Mr. Christopher Quale be contacted regarding the legal issues of this case. Council agreed.

D. Mandaree Electronics Corporation (MEC).

Mr. Clarence O'Berry, CEO/MEC, submitted an informational packet on MEC, that he had prepared for the tribal council, regarding the financial picture and 1995 projections for the company, and summaries of meetings he had with B2 and IRS. He said two members on the board had resigned, and he is requesting new board members for MEC. Also submitted were estimated costs for audits of MEC. Chairman Mason commended Mr. O'Berry for the wonderful job he has done in trying to hold this company together. Mr. Johnson also commented that Clarence has done a lot more for this company than has ever been done before. He urged the council to support this company and Mr. O'Berry, since it was now at the point where it could prove to be a successful tribal enterprise.

Mandaree Electronics is requesting \$62,000.00 from the tribes; \$42,000.00 has been approved previously, and they have received \$14,000.00 of this, so far. Mr. John Danks said he believes that MEC has weathered the storm, so to speak, and that it

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deserves tribal support and commitment, at this time. Mr. Ambrose Hosie also spoke on behalf of Mandaree Electronics Corporation.

Mr. Austin Gillette said, as far as the tribal council supporting Mandaree Electronics, the tribes paid for the previous CEO's salary, and they are presently paying Mr. O'Berry's salary. Salary costs, alone, have been a big supporting factor. He then recommended that the council instruct the Treasurer to honor the commitment that was made by the past council.

Mr. Fox said he supported all of the tribal enterprises, but the tribes do not have the money right now. He said, however, that after the 15th of March, the tribes could pay some of the \$28,000.00 that is still owed to MEC, under the resolution that was passed previously. He said, after that, as a part of the loan application the tribes will be making, maybe MEC could be put under the package for Mandaree, if council agreed. Chairman requested that this be put in a motion.

Mark Fox then made a motion that the Tribal Business Council do whatever they can to meet the \$28,000.00 obligation under that resolution identified, within the next 90 days; and, that, if indeed, the tribes do seek a short-term loan package, the council's intent, at this time, is to include Mandaree Electronics as a part of that package for assistance. (Motion amended. See discussion.)

Mr. Fox's motion was seconded by Ivan Johnson.

Discussion: Austin Gillette asked Mr. O'Berry if the \$28,000.00 owed by the tribes was shown in the accounts receivable for MEC? It was not.

Amendment to Motion:

Mr. Gillette said he would like to have included in the motion, that, if all else fails within a **120-day period**, the tribes would co-sign for a loan for \$62,000.00 to meet the needs of MEC.

Mr. Mark Fox agreed to this amendment to his motion.

Vote called for. 6 for, 1 absent. Motion Carried.

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E. Proposal/Agreement for HKM's Engineering Services.

A resolution was passed in September 1994 to retain HKM as our consultant. Motion was made to approve agreement with HKM.

Motion: Austin Gillette
Second: Edwin Hall
Vote: 5 for, 1 not voting (Mark Fox stepped out),
1 absent. Agreement with HKM approved.

Edwin Hall announced to the council that at 4:30 p.m. today, David Hilleran and his group wanted to meet with them. Chairman Mason suggested that they meet with the Natural Resource Committee and the Treasurer.

F. Personnel Selection, Environmental Curriculum Coordinator.

G. Hiring of Brand Inspector Consultant to do Inspections for Allocations - Jim Baker.

Motion: Austin Gillette
Second: Ivan Johnson
Vote: 5 for, 1 abstention, 1 absent.
Motion Carried.

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5. Employee Lay Off Due to Lack of Funds.

6. Cheryl White made a request and recommendation that the council select someone to work with her on the coordination of the interviews to be set up with the applicants for the Personnel Director's position. (Interviews are to be conducted for this position.)

VI. OTHER BUSINESS.

A. Request to Make Tribal Programs Analyst Position Permanent.

Chairman Mason presented a request to give John Danks permanent status. He said he thought both John and Ed had proven their worth, and that we know that the workload is growing, and we have to get our management and financial management systems in place for a credible program operation. The positions of Tribal Programs Analyst and

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Tribal Programs Manager are equal in authority, and report to the Tribal Business Council. These two positions shall be allocated equivalent wages.

Motion made to approve by: Edwin Hall
Motion seconded by : Austin Gillette
Vote by Tribal Council : 3 for, 2 opposed,
1 abstention, 1 absent.
Motion Carried.

B. Recommendations on Reorganization of Cattle Relending Program.

John Danks said he had been assigned to give a report to the Executive Committee on the Cattle Relending Program. This report had been presented to the Executive Committee two weeks ago; and, at that time the one-month extension on the consultant agreements for the Cattle Relending Program had expired. A recommendation was anticipated from the Executive Committee on this, however, one has not been forthcoming.

At the time they met with the Executive Committee, it had been recommended that the Cattle Relending Program be reduced to two positions, a Boss Farmer and a Field Aide. A budget of \$82,000.00 coming from the ACT Program was being proposed, to be supplemented with a small amount from Indirect Cost Monies. A decision was needed from the Tribal Business Council.

After further discussion, motion was made by Edwin Hall to accept the recommendations that had been submitted, that is, that the Cattle Relending Program be reduced to a Boss Farmer and a Field Aide, that Frank White Calfe remain as Boss Farmer, and Delores White continue as the Field Aide. Mr. Gillette seconded the motion, which, as he stated, was in the best interest of the tribe. He said he would like council to keep Charles Wilkinson and Gerard Hosie in mind for employment when the program can be expanded and staff can be added.

Vote: 4 for, 1 abstention, 2 absent.
(Ivan Johnson had stepped out.)
Motion Passed.

Mark Fox then made a motion that payment under their consultant agreements be made through today for Charles and Gerard. Motion was seconded by Edwin Hall.

Vote: 5 for, 2 absent. Motion Passed.

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Mr. Gillette asked whether Frank White Calfe and Delores White would still be consultants? Mr. Danks said they are no longer consultants, they are staff--permanent employees.

Before the meeting ended, Joe Henry, Food Distribution Program Director, presented a resolution of support for the establishment of a Food and Nutrition Education Program on the Fort Berthold Indian Reservation. The USDA is proposing funding for the TAT Food Distribution Program to hire one part-time nutrition aide, i.e., Delores Sand, trained by the Expanded Food and Nutrition Education Program of the North Dakota State University Extension Service, to make home visits, conduct cooking demonstrations, and provide other nutrition education services.

Motion to Approve: Austin Gillette
Second: Daylon Spotted Bear
Vote: 5 for, 2 absent. Resolution Approved.

RESOLUTION NO. 95-068-DSB

C. Finalize List of Applicants for Range Units.

Myrna Bear, Tribal Realty, brought down a list of Applicants for Range Units that were previously approved, and the list was said to be "good", i.e., no problems, questions, etc. Mark Fox made a motion that approval of this list be finalized so the notices could get out, seconded by Austin Gillette.

Vote: 5 for, 1 not voting (DSB stepped out),
1 absent. Motion Carried.

NOTE: Council did not approve any minutes at this meeting, due to time element.

VII. ADJOURN.

Mark Fox made a motion to adjourn, seconded by Ivan Johnson. 6 in favor, 1 absent. Meeting adjourned at 4:55 p.m.

Minutes recorded, transcribed, and submitted to council for approval on March 15, 1995 by Marian Spotted Bear, Recording Secretary. *(Marian)*

DATE MINUTES APPROVED & ACCEPTED BY TRIBAL BUSINESS COUNCIL: May 26, 1995.

ACCEPTED:

Daylon Spotted Bear
Daylon Spotted Bear
Executive Secretary
Tribal Business Council

ATTEST:

(Signature)
Russell D. Mason, Sr.
Chairman
Tribal Business Council