



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

TRIBAL BUSINESS COUNCIL
Office (701) 627-4781
Fax (701) 627-3805

MINUTES OF

SPECIAL TRIBAL BUSINESS COUNCIL MEETING

THURSDAY, MAY 25, 1995, 11:10 A.M.

I. CALL TO ORDER.

Meeting called to order at 11:10 a.m. by Chairman Russell D. Mason, Sr. A moment of silent prayer and meditation was held.

II. ROLL CALL.

Roll taken by Secretary Spotted Bear, as follows:

Chairman Russell D. Mason, Sr.	Present
Vice Chairman Edwin Hall	Present
Treasurer Mark Fox	Present
Secretary Daylon Spotted Bear	Present
Councilman Austin Gillette	Present
Councilman Ivan Johnson	Present
Councilman George Fast Dog	Present

All members present.

Visitors: Manuel Chase, Gerald Irwin, John Charging, Glenda Embry, Ron Smith, Rose Irwin, Florence Brady, Tony Mandan.

Employees: Marcus Wells, Jr., TERO Director; Frank Whitecalf, Cattle Relending; Kyle Baker, NRD; David A. Brendsel, F/A; C. J. Packineau, Sergeant at Arms; Terrance Fredericks; Tom Bird Bear, Tax Commissioner; Cheryl M. White, Personnel; Leonard Eagle, Roger Grady, Peter Young Bird, Leland Beston, Solid Waste Program/NRD.

III. APPROVAL OF AGENDA.

Mark Fox recommended to defer Part IV, Approval of Minutes, to the end of the day, right before adjournment.

Chairman Mason asked that a Treasurer's Summary be added to the agenda.

George Fast Dog indicated he had a resolution on First Western and a resolution on Community Board Appointments for North Segment.

Chairman Mason stated he had a resolution for Cattle Relending and a resolution on the AATCHB move to bring an injunction against BIA/IHS on impact of self governance and tribal shares.

Austin Gillette said he had a resolution for Natural Resources on land purchase of fee patent.

Mark Fox said he had a proposal for a student internship to add to the agenda.

Austin Gillette said he had Head Start Salary for WS Cook to add to the agenda.

Chairman Mason said Natural Resources would address salary reductions for Solid Waste Program.

Mark Fox added Indirect Cost Proposal and Family Investment Center Proposal under New Business, and Temporary Appointments under Other Business.

Austin Gillette stated he had a temporary appointment to add also for Roads/WS.

Motion to approve agenda, as amended, was made by Mark Fox. Second by Ivan Johnson. Vote: 7 in favor. Motion Carried.

IV. ANNOUNCEMENTS/COMMENTS/TRIP REPORT.

Chairman Mason acknowledged the work of the Tribal Treasurer, David Brendsel, John Danks, and Finance Staff in getting the tribes' finances in order and commended them for a job well done.

He then reported on his trip to DC for the 1996 Budget Hearings. He also talked about Senate Bill 814 introduced by Senator McCain, which he feels is an exceptional bill, but thought IHS should be included in this. NCAI sends out information almost daily, and Chairman Mason felt this information should be shared by the councilmen with their communities. Chairman Mason said the people should be aware that Senator Daschle of SD is putting together some legislation that will disallow the return of JTAC lands and will interfere with our efforts to have these lands returned to us.

V. TREASURER'S SUMMARY REPORT ON FINANCES.

Mr. Fox also acknowledged the efforts of all the staff members who have been assisting with his attempts to get the tribes' finances back in order. Payroll reductions have been made. Tremendous strides have been made in recovering indirect costs owed to us by the BIA. Docket monies have been paid to all of the segments in the amount of \$7,200. Casino revenue has been used diligently for accounts payable, which has almost been brought up to date. A Tribal Budget for 1995 is being set up. All federal dollars that were received in the past administration, but which were not spent for their original purposes, will have to be replaced by the tribe. Additional tribal monies and

funds will have to be found in order to do this. The estimated amount needed to get the tribe and its enterprises back to viable operating condition is approximately 4.8 million dollars. A trip to DC is planned for June 6 and 7 to meet on various issues with different parties.

Mr. David Brendsel advised that he has been working on preparing the loan package, in conjunction with Lee Foley in DC. The 1994 audit is in progress and it is hoped that it can be completed by mid-June, as it is critical to the loan.

Marcus Wells, Jr., admonished the council about Indian Preference relative to the comptroller position and said it appeared that they had let an enrolled member go and replaced him with a non-Indian. Mr. Fox said Mr. Brendsel has been hired as a financial consultant, and is not the Comptroller or Assistant Comptroller. His function is to primarily assist the treasurer with financial dealings with outside banks and outside non-Indian entities.

VI. NEW BUSINESS.

A. North Segment Grievances (Titus Hall).

Note: George Fast Dog said he will take care of this.

B. Parshall Resource Center.

Mark Fox made a motion to approve \$5000 in support funding for the Parshall Resource Center. Motion seconded by Edwin Hall.

Vote: 6 in favor, 1 stepped out. Motion Carried.

C. Team North Dakota Indigenous Games.

Mark Fox introduced Terry Fredericks as Chairman of Team North Dakota Indigenous Games. At some point, they will need some financial support. It is an inspirational, positive event. Mr. Fox said the tribes should consider some financial support for this event, and also consider a minimum registration fee for those athletes trying out for this event. Participating adults will pay their own way at a minimum cost, but the youngsters who qualify in the tryouts can participate for only \$27 for 9 days. All four reservations in ND will be involved in this. Over 8000 athletes will be participating. Mr. Fox said he would introduce a formal resolution on this sometime in June.

Mr. Fox made a motion to continue forward with support of this event, and to make an obligation, at this time, to contribute at least \$4000 for this. Motion seconded by Daylon Spotted Bear.

Vote: 7 in favor. Motion Carried.

- D. Native American Journalist Association Talent Contest, Bismarck, ND.

No action taken.

- E. Kathryn Eagle Meade Request for Relocation Assistance to Medical School in Arizona.

After discussion, Austin Gillette made a motion to give Kathy Eagle Meade a \$1000 educational emergency grant from the scholarship portion of the 1978 Docket, after she has filled out all the forms at Higher Ed for use of this fund, based on need and travel distance. Motion seconded by George Fast Dog.

Discussion on we should have a policy that this scholarship fund, after revisited, should not be counted toward the financial package of the graduate school students; and council should consider \$500 now and \$500 at a later date.

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

- F. Miriam Smith Request for Medical Assistance.

Request is for \$500 for husband to keep doctor's appointment in Minneapolis.

Motion to approve by George Fast Dog. Second by Ivan Johnson.

Discussion on this would be an emergency medical loan. There is a \$500 maximum, and \$300 has already been borrowed for this, of which about \$200 has been paid back, so \$350 would be the maximum. Mr. Fast Dog said he would change his motion to \$350, concurred by Mr. Johnson.

Vote: 7 in favor. Motion Carried.

- G. Mary Yellow Wolf Request for Medical Assistance.

Ivan Johnson made a motion for \$500. No second. After discussion, Chairman Mason said he and Treasurer Fox would handle this.

- H. Appeal on Award of Fencing Contract.

Natural Resource Committee Chairman Austin Gillette said, two weeks ago, they called for bids for a fencing project for approximately 24 miles. They received three bids--two bids at .48 cents a foot, and one at .45 cents a foot. They went with the low bidder, who is not an enrolled member, but is married to an enrolled member. Manuel J. Chase requested the council to consider him, as an enrolled member, for preference, and the right to match the low bid of Rocky J. Avery. Ivan Johnson, who is a member of the Natural Resource Committee, said he did not vote on this. Mr.

Gillette said there are about 10 or 15 more miles to prioritize. Mr. Gillette said the consideration the committee took was the lowest bid would get more miles out of the project. Mr. Chase said he would be willing to go half of the work, and match the bid. Mr. Gillette said the bid was for the whole project. Chairman Mason asked for a motion to accept Mr. Chase's appeal, and a second. Appeal denied, due to lack of motion.

Note: Lunch break taken at 12:30 p.m.,
to reconvene at 1:15 p.m.) (Tape 2)

- I. Cattle Relending Resolution for new names on branding documents for Cattle Relending Program and Registration of Brand w/ND Stockman's Association.

Ivan Johnson moved for approval, seconded by Edwin Hall.

Discussion on whether brand is recorded with financing statements for sale/market. Brand is recorded in State of North Dakota. For the record, Mark Fox stated it is understood that this empowers no single individual to sign off, but requires two signatures.

Vote: 7 in favor. Motion Carried.

RESOLUTION NO. 95-113-DSB

VII. PERSONNEL ACTIONS.

- A. Personnel Director Interviews.



- B. Head Start Salary.



C. Natural Resources Solid Waste Program on Salary Reductions.

Mr. Leonard "Jute" Eagle and Roger Grady were allowed to address the council on the reduction of salaries for the Solid Waste Program. Mr. Kyle Baker also spoke on their behalf and emphasized the good work performance of this program and its employees.

After discussion, Ivan Johnson made a motion for merit pay on October 1st, 1995, to each of the Solid Waste employees in the amount equal to their reductions in salary. Motion was seconded by George Fast Dog.

Vote: 5 in favor, 2 abstentions. Carried.

D. Indirect Cost Proposal for FY95.

Mark Fox entertained a motion for approval for Bruce Johnson to conduct the tribes' Indirect Cost Proposal for FY 95. Second by Ivan Johnson.

Discussion was on cost factor.

Vote: 7 in favor. Motion Carried.

E. Family Resource Plan Application for an Office Building.

A proposal to hire someone to prepare and submit an application for these monies to house all the human resource programs together was presented by John Danks. This is a competitive grant, with no matching funds, and would be a million dollar project, if approved. Edwin Hall made the motion to give authority to John Danks and Jeanette Coffey to negotiate with Kenneth Deane, Jr., to enter into an agreement to prepare this application. Second by Austin Gillette.

Discussion was for council to also give authority to Chairman/Treasurer for signature authority on documents, if a negotiation is made. Both Mr. Hall and Mr. Gillette agreed to amend their motion and second accordingly.

Vote: 7 in favor. Motion Carried.

F. Temporary Appointments.

Mark Fox sought approval for Nicole White to assist in his office until his administrative assistant returns. So moved by Austin Gillette, seconded by Edwin Hall

Vote: 7 in favor. Motion Carried.

VIII. RESOLUTIONS.

Note: See also Resolution No. 95-113-DSB approved under New Business, above.

A. Tax Department Commission Members.

Thomas Bird Bear, Esq., presented the following names for approval to the Tax Board of Commissioners: Irvin Lee, Clement Baker, and Jim Danks. Selection of an alternate was discussed. Mark Fox submitted the name of Arlon Fox to serve on this committee. Mark Fox made a motion for Ervin Lee, Arlon Fox, and Jim Danks to serve on the Tax Committee, with the alternate being Clement Baker. Second by Austin Gillette.

Vote: 5 in favor, 2 abstained. Carried.

Terms of service will be Mr. Lee, 3 years; Mr Arlon Fox, 2 years; and Mr. Jim Danks, 1 year.

RESOLUTION NO. 95-114-DSB

B. Resolution for Approval of FY95 Tax Department and Tax Commission Budget.

Motion to pass the resolution on the Tax Budget was made by Mark Fox, seconded by Ivan Johnson.

Vote: 7 in favor. Motion Carried.

RESOLUTION NO. 95-115-DSB

C. Resolution for Tribal Chairman to Sign Off on Behalf of TAT on 638 Contract Documents.

Ted Danks, Transportation, said it was a requirement of 638 that we have a separate resolution that appoints someone in an official capacity to sign the documents. Motion to approve resolution made by Edwin Hall, motion seconded by Austin Gillette.

Discussion on last "therefore be it resolved" to be struck from resolution.

Vote: 5 in favor, 2 not voting.
Motion Carried.

RESOLUTION NO. 95-116-DSB

Note: See also Resolutions No. 95-117-DSB; 95-118-DSB; 95-119-DSB; 95-120-DSB; 95-121-DSB; and 95-122-DSB approved later in the meeting.

IX. OTHER BUSINESS.

A. Agency/Area 638 Contracting.

Adeline Brunsell, Acting Superintendent, Fort Berthold Agency, provided copies of Senator McCain's bill which she had just received by fax. She advised the Aberdeen Area Office had requested tribal comments on the bill be submitted to them by May 31st for submittal to Washington.

Ms. Brunsell presented copies of a memorandum from the Area Office, which inquired if the tribe was going to reprogram some of their money for FY96, and requested this information by Friday, 6/2/95. She said John Danks and Ed Lone Fight also had received copies of the memo. Ms. Brunsell was requested to work with John and Ed on this; with the understanding that, before anything is finalized, all councilmen shall be made aware.

Ms. Brunsell also addressed the Formula Analysis for dividing up the Area Office Contracting between all area tribes, and the Residuals. She said packets on this had been previously distributed to some of the councilmen. She requested to go through the formula with the tribe. Chairman Mason advised there is, or will be, an impending injunction against this filed by the Aberdeen Area Tribal Chairmen's Health Board. He advised he would meet later with Ms. Brunsell on this.

B. Appointment of MR&I Planner.

Austin Gillette, Chairman of the Natural Resources Committee advised the committee was recommending to temporarily appoint Felicia Felix Fox as planner for the MR&I Program. Ivan Johnson made motion to approve, seconded by Edwin Hall.

Discussion on previous suit against the tribe filed by this individual, which cost the tribe \$3000. Discussion on this individual has knowledge of the program and would not have to be trained, plus Mr. Harley "Texx" Lone Bear has recommended her and will be her immediate supervisor, so any public comments will be made by him, which she says she understands.

NOTE: This was brought up again by Mr. Fox later in the meeting, who asked if this position was going to be advertised. Mr. Gillette said it would be.

Vote: 5 in favor, 2 abstentions.
Motion Carried.

C. BIA 638 Recontracting.

Ed Lone Fight spoke on the 638 contracts for recontracting. He stated they had complied with everything, and it was his recommendation that this resolution be approved. The resolution calls for converting those that are term contracts to mature status. He said they had taken advantage of the most recent regulations.

Motion to approve by Ivan Johnson. Mark Fox seconded the motion.

Vote: 7 in favor. Motion Carried.

RESOLUTION NO. 95-117-DSB

D. Northern Plains Intertribal Court of Appeals.

Resolution to continue membership at \$500 per year in the Northern Plains Intertribal Court of Appeals. Mr. Daylon Spotted Bear made motion for approval. Mr. George Fast Dog seconded the motion.

Vote: 6 in favor, 1 abstention.

RESOLUTION NO. 95-118-DSB

E. Proposed Rescindment of Previous Resolution Making North Segment Board Appointments.

George Fast Dog said there was not a quorum at the community board meeting, which requires 59 people present. He said they are going to have an election for the community board and the community board can

appoint whoever gets on. He said they are going to have an election where the people vote from 8 to 7, have ballots, and get someone from off the reservation to count them. He made a motion for approval. Ivan Johnson seconded the motion.

Discussion on Mr. Fast Dog's assertion that the board elections were done illegally. Current North Segment census also discussed.

(Tape 4)

Motion: George Fast Dog
Second: Ivan Johnson
Vote: 2 in favor, 2 opposed, 2 abstaining,
1 not voting. Motion Defeated.

For the record, Mark Fox stated the concerns of the community having a fair and open election as soon as possible were not mentioned in the motion. Mr. Fox reiterated he did not like it when the council is dragged into segment business, and he puts the responsibility for this on the councilman.

F. Injunction against BIA/IHS.

Chairman Mason stated all of the Tribes in the Aberdeen Area have gotten together and discussed bringing an injunction against BIA/IHS. The AATCHB authorized by motion that legal research be conducted, which could lead to a possible lawsuit seeking an injunction being filed against IHS and BIA for misspending of funds though the self-governance process. This resolution calls for the approval of a cost-sharing fee in an initial amount of \$500.

Moved for approval by Ivan Johnson, seconded by George Fast Dog.

Discussion on tribes involved, which is 16 at this time. There are a number of other tribes from other areas interested in joining this injunction lawsuit.

Vote: 7 in favor. Motion Carried.

RESOLUTION NO. 95-119-DSB

G. First Western Development Corporation, Mpls, MN.

Resolution introduced by George Fast Dog, who also made the motion for approval. Motion seconded by Ivan Johnson.

Discussion on cost of project and contents of resolution.

Mr. Fast Dog decided he had the wrong resolution, and said he would defer this to the next meeting. Motion and second rescinded.

H. Fee Patent Land Purchase.

Resolution to approve the purchase of 40 acres of land, exclusive of minerals, from Charles Robinson, for cash appraisal value of \$12,000, utilizing funds from FMHA Land Purchase Account.

Motion to approve by Edwin Hall, second by Ivan Johnson.

Discussion on type of land and location. This is a mixture of grass and farmland located near White Shield. This has gone through the screening process of the Natural Resource Committee.

Vote: 5 in favor, 2 abstentions.
Motion Carried.

RESOLUTION NO. 95-120-DSB

I. Summer Internship Program.

This program is to provide administrative work experience and training for tribal members who are currently full-time students, have at least a 2.00 GPA, and have a statement from their college or university that they are in good academic standing. Preference will be given to senior students, and students with legal dependents.

Motion to approve made by George Fast Dog, seconded by Daylon Spotted Bear.

Discussion on salaries would be paid from casino revenues and total cost of program would be less than \$10,000. Selection process was also discussed.

Vote: 7 in favor. Motion Carried.

RESOLUTION NO. 95-121-DSB

J. Briefing on Tribal Homesite Leases.

Natural Resource Committee Chairman Austin Gillette said the committee had approved all homesite leases for everyone that requested one.

- K. Twin Buttes Pow Wow Committee Request for Buffalo.
Deferred to next meeting.
- L. Education Department Update. This was deferred, per Executive Secretary.
- M. Dialysis Program. This was deferred, per Chairman.
- N. Hobbs, Straus Newsletter Subscription. **Tabled.**
- O. Unauthorized Continued Employment - North Segment.

Chairman Mason suggested that Mr. Fast Dog work something out with Treasurer Fox on this. Mr. Fast Dog said he would meet with Mr. Fox after the meeting.

- P. Proposed Agreement with City of New Town for Clean up of Abandoned Cars within the City Limits.

Tribal Attorney Christopher D. Quale asked the council to take some action on the City of New Town's request to work cooperatively with them on abandoned vehicles in town.

Motion to authorize Mr. Quale to work with the City on this was made by Austin Gillette and seconded by Edwin Hall.

Vote: 5 in favor, 2 not voting.

- Q. Election Contest Matters.

Two election contest matters are still pending.
Mr. Quale updated the council on these two matters.

Mark Fox made a motion that Mr. Quale oversee the process and procedure on behalf of TAT to make sure election board members are present at hearings, when necessary. Second by Daylon Spotted Bear.

Vote: 5 in favor, 1 abstention, 1 not voting.
Motion Carried.

Discussion on payment to election board members for appearance at hearings.

Mark Fox made a motion that standard of pay for election board members be \$12.50 an hour, plus mileage at .30 cents per mile. Motion seconded by Daylon Spotted Bear.

Vote: 5 in favor, 1 abstention, 1 not voting.
Motion Carried.

R. Update on Management Agreement.

Mr. Quale informed the council on the latest developments of the management agreement issue.

S. Personnel Selections.

- 1. Senior Counselor for Alcohol Services Program.



- 2. CHR/Parshall.



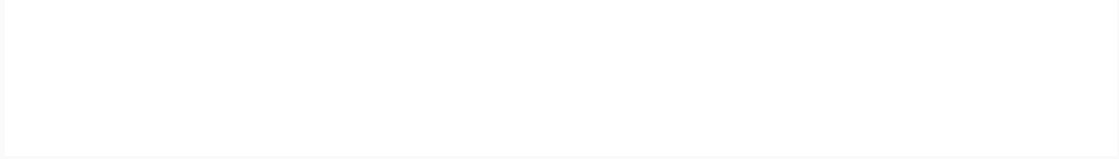
- 3. Head Start Teacher.



- 4. Temporary Equipment Operator in Mandaree.



- 5. Termination Request for JOM Director.



- 6. Termination Request for Head Start Position.
(Education Coordinator)

7. Termination of Enrollment Clerk.

X. RECESS.

Council recessed at 6:00 p.m. Meeting to reconvene at 9:00 a.m. Friday, May 26, 1995.

CERTIFICATION OF MINUTES

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum.

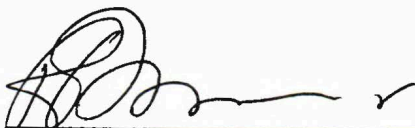
7 members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10th day of August 1995, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

Said Minutes were duly approved by the affirmative vote of 6 member(s), 0 member(s) opposed, 0 member(s) abstained, 1 member(s) absent and not voting; and that these Minutes have not been rescinded or amended in any way, except as noted by council when approved.

Dated this 10th day of August, 1995.

Daylon Spotted Bear
Daylon Spotted Bear, Secretary
Tribal Business Council

ATTEST:



Russell D. Mason, Chairman
Tribal Business Council