



# 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  
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## MINUTES OF

### REGULAR TRIBAL BUSINESS COUNCIL MEETING

THURSDAY, JUNE 08, 1995, 11:25 A.M.

#### I. CALL TO ORDER.

Meeting called to order at 11:25 a.m. by Chairman Russell D. Mason, Sr., who asked for a moment of silent prayer to be held for recent mourners and tribal members in hospitals at this time.

#### II. ROLL CALL.

Recording Secretary was asked to take roll call. Roll call taken, as follows:

Chairman Mason	Present
Treasurer Fox	Present
Vice Chairman Hall	Present
Councilman Gillette	Present
Councilman Johnson	Present
Councilman Fast Dog	Present
Secretary Spotted Bear	Absent

7 members present; 1 member absent. Quorum established.

#### III. COUNCIL TRIP REPORT TO WASHINGTON, D.C.

Mark Fox, TAT Treasurer, reported the trip to Washington, DC, was very successful and positive. Councilmen attending were Edwin Hall, Ivan Johnson, and Mark Fox. Ed Lone Fight and David Brendsel accompanied the tribal delegates. The tribes' delegates met on our JTAC deposits and a commitment was obtained from the Bureau of Indian Affairs to work with the Western Area Power Association to restructure the deposits, which will give us an additional 12 million dollars in interest.

The JTAC land transfers were also met on. The Corps of Engineers has identified at least 21 thousand acres to be returned to the tribe; the balance of 11 thousand acres will continue to be fought for.

A new jail detention facility for both adults and juveniles was also met on, with positive outlooks.

Congressional support on the casino management agreement was

also sought. The delegates also met with officials on the New Town School ISEP Application.

IV. APPROVAL OF AGENDA.

A. Additions:

1. Resolution for Health Planner.
2. Resolution to Utilize JTAC Trust Funds as Collateral in Securing a Loan for Tribal Debts.
3. Resolution on Roads
4. Resolution on Scout Cemetery
5. List for Sanitation Facilities Funds
6. FBCE Progress Report
7. Resolution for Cultural Development Office

B. Deletions:

1. Mary Yellow Wolf Request (TCO)
2. Dialysis Program
3. Kathy Young Bear Reimbursement Request

C. Motion to Approve Agenda, as Amended:

Motion: Austin Gillette  
Second: George Fast Dog  
Vote: 6 in favor, 1 absent.

V. APPROVAL OF RESOLUTIONS.

A. Summer Youth Program.

This resolution would allow the JTPA/477 Program to select/appoint/terminate/dismiss all training participants and grant fringe benefits to applicable participants.

Motion made to approve by George Fast Dog, and seconded by Ivan Johnson.

Discussion on intent and purposes of Resolution No. 93-033-JJR; selection process for summer youth workers; rights of certain fringe benefits for 477 program participants.

Motion: George Fast Dog  
Second: Ivan Johnson  
Vote: 4 for, 2 abstentions, 1 absent.  
Motion Passed.

RESOLUTION NO. 95-124-EH

B. Recontracting IHS Mature Contracts.

Motion for approval of resolution made by Austin Gillette. Ivan Johnson seconded the motion.

Vote: 5 for, 1 out, 1 absent.  
Motion Carried.

RESOLUTION NO. 95-125-EH

C. Designation of Acting Secretary for the Meeting.

MOTION made by Mark Fox to designate Vice Chairman Hall to sign resolutions and minutes for today's meeting, in absence of Secretary Spotted Bear. Motion seconded by Austin Gillette.

Vote: 4 for, 1 abstained, 1 out, 1 absent.  
Motion Passed.

D. Resolution for Health Planner.

This resolution is to satisfy part of the JTAC requirements, which is to do a comprehensive health plan and have it in place for review and acknowledgement by the communities in 1997. Ms. Susan Fredericks recently completed her Masters in Public Health and is a Commissioned Corps Officer. The resolution calls for a Memorandum of Agreement between IHS and TAT to have Ms. Fredericks complete this health plan over a two-year period.

Motion made by Austin Gillette, seconded by Edwin Hall, to approve the resolution.

Discussion on amount of tribes' monetary contribution, and why BIA/IHS isn't paying the full amount for this. This is standard operating procedure for Commissioned Corps Members. Ms. Fredericks will be devoting 100% of her time to this project, even though IHS will still be paying one-half of her wages. The MOA may be terminated at anytime.

Motion: Austin Gillette  
Second: Edwin Hall  
Vote: 4 for, 1 abstention, 1 out, 1 absent.  
Motion Passed.

RESOLUTION NO. 95-126-EH

E. Authorizes a Five Million Dollar Loan Application Package Using Trust Dollars as Collateral.

Councilman Austin Gillette moved for approval of the resolution, seconded by Vice Chairman Edwin Hall.

Discussion on amount of loan and whether it should be reduced to 4.5 million. Edwin Hall said he would support Treasurer Fox in this respect and rescinded his second to the motion. Ivan Johnson then seconded the motion made by Austin Gillette.

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

RESOLUTION NO. 95-127-EH

- F. Road Resolution on Setting of Royalty Rates for Gravel and Scoria Owned by the Tribes.

George Fast Dog introduced resolution and made motion for approval. Ivan Johnson seconded the motion.

Vote: 5 for, 1 abstention, 1 absent.  
Motion Passed.

RESOLUTION NO. 95-128-EH

Note: See also Resolutions No. 95-129-DSB under Item VII.B. and No. 95-130-DSB, Item IX.A.

VI. OTHER BUSINESS.

- A. Request for Financial Assistance for Andrade Child.

Pliga Bordeaux presented a request for financial aid on behalf of this family, due to the illness of the child. Mark Fox said he and Chairman Mason were authorized by the council to give grants of \$300 for non-profit and public spirited areas, and they could give a grant of \$300 to the family. Chairman Mason advised Ms. Bordeaux to have the family come into Tribal Administration.

Note: Recessed for Lunch at 12:52 p.m. Reconvened at 2:17 p.m. DSB in attendance--all members present.

VII. NEW BUSINESS.

- A. Twin Buttes Pow Wow Request.

Paul Fredericks, Community Chairman, submitted request for financial assistance for the Twin Buttes Pow Wow.

(Tape 2)

Mark Fox made motion for approval of \$10,000 to all six segments for pow wow and cultural events this year, to be supported by a resolution. Motion seconded by Daylon Spotted Bear.

Discussion on whether this shouldn't be just for the already established pow wows in Twin Buttes, White Shield, Mandaree and Little Shell. Mark Fox said a check would be prepared for the Twin Buttes Pow Wow

without a resolution, and the resolution would be prepared next week for all communities.

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

B. Resolution for Scout Cemetery.

Presented by Austin Gillette. Resolution to support the tribes contracting this work from the Corps of Engineers and Bureau of Indian Affairs.

Austin Gillette made motion to approve, seconded by Ivan Johnson.

Vote: 7 in favor. Motion Carried.

RESOLUTION NO. 95-129-DSB

C. Twin Buttes Rodeo Request.

Daylon Spotted Bear made motion to approve \$300 to the Twin Buttes Rodeo Committee, seconded by Edwin Hall.

Vote: 7 in favor. Motion Carried.

D. Travis Fox Request.

Motion by Mark Fox to approve \$300 for Travis to attend try outs for Native American handball team in Colorado. Motion seconded by Edwin Hall.

Vote: 7 in favor. Motion carried.

E. Cross Deputization Issue.

Captain Tex Fox said a letter from Mountrail County Sheriff Ken Halvorson expressing a desire for a cross-deputization agreement with the tribes had been sent to TAT and BIA. McKenzie County has also expressed a desire to enter into a cross-deputization agreement.

Edwin Hall made a motion to authorize the Chairman of the Judiciary Committee to work on this and act on behalf of the council, seconded by Austin Gillette.

Discussion was that this authority would be to negotiate and finalize any agreements; that all counties bordering the reservation should be contacted in an attempt to have cross-deputization agreements negotiated with all of these counties.

Vote: 7 in favor. Motion Carried.

F. Domestic Violence Request.

Daylon Spotted Bear made a motion to approve \$125 for

the Domestic Violence Bike-a-Thon and Walk to assist with purchase of a bicycle. Motion seconded by Ivan Johnson.

Vote: 6 for, 1 opposed. Motion Carried.

G. Frederick Medicine Stone Request.

Discussion: Although an enrolled member, he is a student at another reservation. We assist students from other reservations locally in various projects, and this should be a community responsibility of Fort Peck or Wolf Point. No motion. Request denied for lack of motion.

H. Doctor at White Shield.

Austin Gillette submitted a letter requesting the tribe to pay \$5,000 to employ Dr. Imelda Naranja, until the end of this fiscal year, to provide health services to White Shield community members once a week. Mr. Gillette moved for approval. Edwin Hall seconded the motion.

Discussion: Dr. Naranja presently works for UNIMED. Question on why Indian Health Service is not providing these services, and why is the tribe having to do this. White Shield has an LPN, but no doctor; whereas some of the other communities have PA's. When a 638 contract was negotiated by the tribe for services (unknown when), the contract called only for Physician Assistants (PA's) in the communities.

Motion: Austin Gillette

Second: Edwin Hall

Vote: 6 in favor. 1 stepped out.

I. IHS Water and Sewage Funds.

(Deferred to Next Meeting.)

J. Fort Berthold Communications Enterprise Update.

Tribal Programs Analyst John Danks briefed the council on what is happening with the newspaper and the radio station. A new repayment schedule for IRS has been negotiated. The proposal that has been accepted is \$5,000 in advance; \$5,000 a month; and a balloon payment in February or March 1996. The 1995 IRS bill has been added into the repayment schedule. Treasurer Fox said the balloon payment in February or March may have to be changed to a month before or a month after.

There is no documentation at the radio station to do an audit, and the CPB grant is in jeopardy, because of



this. A letter is to be drafted for Chairman Mason's signature to be sent to the congressional delegation and members of the Senate Committee on the grant problems.

K. White Shield Pow Wow Request.

Delores White inquired about a buffalo for their pow wow this year. Chairman Mason said Frank White Calfe and Todd Hall had been asked to draw up some criteria for the distribution of buffalo, which has not yet been received. Council is waiting for this criteria and an inventory from the buffalo project before any distribution of buffalo is made.

A minimum fee on dumpsters was requested by Ms. White. Chairman Mason asked the Natural Resource Committee to follow up on this request. Ms. White requested extra monies, in addition to the \$10,000, for painting and fix up costs this year. She was advised that funding will be limited to the \$10,000.

L. Range Unit Lawsuit Briefing.

Mr. Christopher Quale briefed the council on this lawsuit, which had just been delivered to him.

M. Education.

1. Education Code Update.

Education Administrator Bernadine Young Bird advised that the second draft for the Education Code has been completed. They are waiting for technical assistance from the Native American Rights Fund before a formal review of the communities is done. An executive summary was requested by Chairman Mason.

2. Goals 2000 Update.

The State is requesting that certain seminars or meetings be set up on our reservation to help them plan their activities in this area. Standing Rock has pulled out of this. Ms. Young Bird's recommendation is holding off having a seminar for the State until we are allowed, as a tribe, to do some things for our communities and help them get involved in education through our own process first. She recommends a formal letter be drafted to Governor Shafer on our position on this. Packets on Goals 2000 have been provided to council.

3. North Dakota Indian Education Association.

The NDIEA has asked if our tribe would be

interested in co-hosting the local State conference October 19-21, 1995, in Bismarck. Chairman Mason asked that a resolution be prepared by the Education Department on this.

Chairman Mason requested Ms. Young Bird to provide the Education Committee with information on NIEA.

4. Leave of Absence Request.

Any action on this request was deferred to the next scheduled meeting, until council could receive the recommendations of the Personnel Department that are consistent with the Personnel Policies and Procedures of the TAT.

N. Inez Baker Grievance.

Ms. Baker was allowed to address the council regarding the suspension of her job with Mandaree Electronics.

Discussion: The immediate responsibility for governing or supervising Mandaree Electronics lies with the Board. At present, there is no functioning board.

Mr. Clarence O'Berry, CEO/MEC, was also allowed to address the council regarding this situation. He provided copies of various types of documentation to the council.

After consultation with council, Mr. Johnson made a motion to uphold the decision of Mr. O'Berry. Mr. Johnson's motion was seconded by Edwin Hall.

Vote: 5 for, 1 opposed, 1 stepped out (MF).

Discussion: Mr. Gillette said he would like the record to show that, based on the job performance and documentation of both parties, Mr. Johnson is correct in making the motion.

VIII. APPROVAL OF MINUTES.

Approval of the following minutes were deferred to next scheduled meeting at the request of Chairman Mason and Mark Fox:

- A. April 05, 1995 Special Meeting
- B. April 12, 1995 Special Meeting
- C. April 14, 1995 Regular Meeting

IX. UNFINISHED BUSINESS.

- A. Resolution for Establishment of a Temporary Tribal Tourism Cultural Development Officer.



Resolution presented by Mark Fox. This will be a temporary/full-time position for 120 days.

Motion for approval of the resolution and the supplementary budget made by Ivan Johnson. Second by George Fast Dog.

Vote: 6 for, 1 stepped out. (AG)  
Motion Carried.

RESOLUTION NO. 95-130-DSB

X, ADJOURNMENT.

Motion to adjourn made by Austin Gillette, seconded by Ivan Johnson. 7 in favor. Meeting adjourned at 5:55 p.m. Next scheduled meeting will be a special meeting on Wednesday, June 14, 1995, at 10:00 a.m.

#### 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 10<sup>th</sup> 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 7 member(s), 0 member(s) opposed, 0 member(s) abstained, 0 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 10<sup>th</sup> day of August, 1995.

MINUTES ACCEPTED:

Daylon Spotted Bear  
Daylon Spotted Bear, Secretary  
Tribal Business Council

ATTEST:

  
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Russell D. Mason, Chairman  
Tribal Business Council