



# 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

THURSDAY, JUNE 29, 1995, 02:10 P.M.

I. CALL TO ORDER.

Meeting called to order at 2:10 p.m. by Chairman Russell D. Mason, Sr. A moment of silent prayer was held.

II. ROLL CALL.

Roll called by Secretary Daylon Spotted Bear as follows:

Councilman Johnson	Present
Councilman Hall	Present
Councilman Spotted Bear	Present
Chairman Mason	Present
Councilman Fox	Present
Councilman Fast Dog	Present
Councilman Gillette	Absent *

Quorum established.

\* NOTE: Mr. Gillette entered the meeting at 2:26 p.m.

III. REVIEW AND APPROVAL OF AGENDA.

Mark Fox requested to defer the approval of minutes to the end of the meeting, before adjournment. He then distributed a Resolution on Council Travel Policy that he wanted added to the agenda. He requested Fort Berthold Communications Enterprise Update, MR&I Update, and Roads Update with Flickertail Escrow be added before the Legal Department on the agenda. Under "Other Business" he requested Kathy Young Bear's request for reimbursement be added. Under Personnel, Staff Attorney for Legal Department and Segment Workers in Parshall were requested by him to be added to the agenda.

MOTION: Made by Mr. Fox, and seconded by Mr. Spotted Bear to approve the agenda, with changes and additions:

VOTE: 5 in favor, 1 abstention, 1 absent.

IV. NEW BUSINESS.

A. Trudy Miller, Indian Law Resource Center, Helena, MT.

Ms. Miller informed the council of some funding the Indian Law Resource Center has received to represent tribes in ND, SD, and MT, for legal needs such as land base cases, environmental cases, economic development, etcetera. This would include civil jurisdictional disputes also. Some brochures and other information were made available to the council by Ms. Miller. A brief background of the Resource Center and cases they have handled was presented to the council by Ms. Miller. Their plan is to provide legal assistance on 4 or 5 major tribal issues in ND, SD, and MT, plus some smaller legal issues, as well.

Ms. Miller advised she is carrying out a rapid assessment of priority needs of the tribes in the area, and is also working on establishing a panel of two Indian leaders from each of the three states to assist in the assessment of these needs.

MOTION: Made by Edwin Hall and seconded by Austin Gillette that Diane Avery and Mark Fox be considered to serve on this panel.

VOTE: 7 in favor. Motion Carried.

Ms. Miller was asked to meet further with the tribes' Legal Counsel, Mr. Quale, to help identify major legal issues of the Three Affiliated Tribes.

V. RESOLUTIONS.

A. Travel and Per Diem Policy and Procedures for Tribal Council Members.

MOTION: Made by Mark Fox, seconded by Edwin Hall, for approval of this resolution.

DISC: This will be in effect from this date forward.

VOTE: 7 in favor. Motion Carried.

RESOLUTION NO. 95-138-DSB.

MOTION: Made by Mark Fox, seconded by Edwin Hall, to add Austin Gillette's resolution to the agenda.

VOTE: 7 in favor. Motion Carried.

- B. Designation of White Shield area as Disaster Area to Qualify Residents for Federal Assistance from Hail Storm Damages.

MOTION: Austin Gillette made motion for approval, seconded by Mark Fox.

VOTE: 7 in favor. Motion Carried.

RESOLUTION NO. 95-139-DSB

MOTION made by Austin Gillette to put the Buffalo Project on the agenda under other business. Motion was seconded by Edwin Hall.

VOTE: 7 in favor. Motion Carried.

VI. OTHER BUSINESS.

- A. Fort Berthold Communications Enterprise (FBCE) Update.

Audit problems, documentation problems, financial/budget problems, and advertising problems were relayed to the council, along with a written report. FBCE Board was advised to continue working with John Danks on all of the above.

- B. MR&I Update.

Harley "Texx" Lone Bear advised he was in the process of compiling a report on this project, since its inception, and he would have it available to the council by the next day. As of now, Mandaree Treatment Plant has been prioritized for completion, along with the construction of the White Shield Water Pipeline and Treatment Plant in 1995; and, in 1996, the Twin Buttes and Four Bears Water Treatment Facilities and Construction are scheduled.

- C. Roads Department Update.

No report. Deferred to a later meeting.

- D. Legal Department. (Closed Session)

- E. Iris K. Jackson Request for Reimbursement of Down Payment.

Deferred to the Natural Resource Committee Meeting scheduled for 10:00 a.m. on July 5th, 1995.

- F. Kathy Young Bear Request for Reimbursement.

Although council had previously given authority to the Chairman and the Treasurer to resolve this issue with Ms. Young Bear, Mark Fox said he would rather have the council decide the issue, because he has an inherent conflict of interest, as Treasurer, since she has an outstanding balance of \$2,000 on her tribal loan.

Mr. Fox asked that it be noted in the minutes that he has no personal differences or grievances against Ms. Young Bear. Chairman Mason, for the record, stated, at

no time has any council member shown any type of disrespect or disregard for Kathy Young Bear, or said anything derogatory towards her or anyone else during these proceedings. For the record, Mr. Fox said 8894 Emergency Loan was \$2,500 on August 8, 1994.

Mr. Hall stated when the reduction in pay had taken place for Ms. Young Bear, the tribes' Legal Department submitted a legal determination to the council at that time, that the wage reduction was legal and permissible, and there was no justification for a claim to be submitted.

RECOMMENDATION was made by Austin Gillette to pay Kathy Young Bear \$1,000 severance pay, request a new schedule of payment from her on her loan, and credit her loan of \$2,500 with the balance of \$700, totaling \$1,700 being claimed as owed to her by the tribes.

MOTION made by Ivan Johnson on the above recommendation of Austin Gillette. Seconded by George Fast Dog.

Discussion: The loan is to be refinanced with a payment schedule before Ms. Young Bear gets paid anything.

Motion: Ivan Johnson  
Second: George Fast Dog  
Vote: 5 in favor, 1 opposed,  
1 abstention. Motion Carried.

NOTE: Ten minute break taken. Reconvened at 5:30 p.m.

G. Buffalo Project Loan.

Todd Hall reported on his attempts to make a bank loan for the buffalo project. Mr. Gillette recommended that Mr. Hall be authorized to approach Community First National Bank in Dickinson to refinance the buffalo project.

Chairman Mason suggested Todd Hall use the recommendation of Mr. Gillette, and also work with Dave Brendsel and John Danks on this.

Some outstanding bills owed by the buffalo project were also discussed. Leases for RU207 and RU904 are also still outstanding in the amount of \$7,602.88.



(Tape 3)

MOTION made by Austin Gillette to authorize Todd Hall and Dave Brendsel to negotiate with the Community First National Bank for a loan and authorize Chairman Mason and Treasurer Fox to sign the documents. Motion seconded by Ivan Johnson.

Discussion: Mr. Gillette stated, as part of the repayment package, the tribes should establish a policy of not giving any buffalo away until our financial situation is stable, since we are using the buffalo as collateral and will owe money on them. He noted there is a moratorium on distribution of buffalo at this time.

Motion: Austin Gillette  
Second: Ivan Johnson  
Vote: 7 in favor. Motion Carried.

H. Personnel Actions.

1. Staff Attorney Selection.

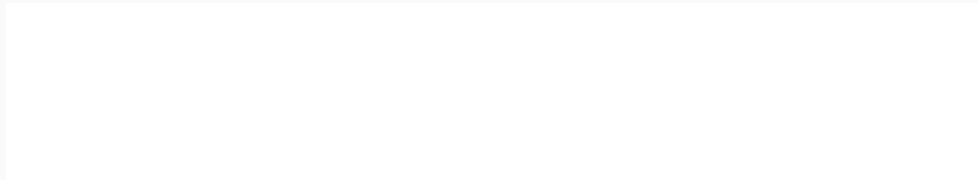
2. Approval for Third Staff Attorney Position.



3. Enrollment Clerk.



4. LPN/Dialysis.



5. Two RN's/Dialysis.



6. Roads Foreman.



7. Roads Mechanic.



8. Road Equipment Operators/Twin Buttes.





9. Road Equipment Operators/White Shield.



10. T-2 Temporary Roads Position/Twin Buttes.



11. Personnel Director.



I. Group Insurance.

Acting Personnel Director, Cheryl M. White, said the present group insurance rates were approved by resolution at a TBC Meeting on December 22, 1994. These rates are guaranteed from January to December 1995 by BCBS of ND. These rates were distributed to employees for single plus dependent contract and family contract utilizing previous resolution no. 90-179--the problem with this resolution versus the present rates is a single plus dependent rate was not addressed. Another resolution was signed off on January 22 under the Wilkinson Administration, that asked that 90-179 be amended to pay 100% for all employees' group insurance, including single, single plus dependent, and family.

Another resolution signed off and dated April 9, with minutes attached, was not presented to the TBC.

Acting Personnel Director recommended the Tribe continue rates at 100% for single, single plus dependent at 56.6% and family at 70% rate, until 9/30/95, the end of the fiscal year.

MOTION made by Mark Fox to continue group insurance rates as recommended by Acting Personnel Director until the end of the fiscal year. Motion seconded by Edwin Hall.

VOTE: 5 for, 0 opposed, 1 abstention, 1 stepped out. Motion Carried.

J. Segment Workers in Parshall.

Edwin Hall moved to approve Susan Bolken and Kenny Wells (Maintenance Worker). Motion seconded by Mark Fox.

VOTE: 5 for, 0 opposed, 0 abstentions, 2 out. Motion Carried.

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VII. APPROVAL OF MINUTES.

Chairman Mason requested that approval of minutes be postponed until the next scheduled meeting.

VIII. ADJOURN.

Motion to adjourn by Mark Fox. Second by Edwin Hall. 5 in favor, 2 out. Meeting adjourned at 7:15 p.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.

Daylon Spotted Bear  
Daylon Spotted Bear, Secretary  
Tribal Business Council

ATTEST:

  
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Russell D. Mason, Chairman  
Tribal Business Council