



# 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, AUGUST 24, 1995, 2:05 P.M.

#### I. CALL MEETING TO ORDER & PRAYER.

Meeting called to order by Chairman Russell D. Mason, Sr., at 2:05 p.m.. The Chairman requested a moment of silent prayer.

#### II. ROLL CALL.

Roll was called by Secretary Daylon Spotted Bear, who announced that Councilmen Ivan Johnson and Austin Gillette were absent. The following councilmen were present:

Russell D. Mason, Sr.	Present
Edwin Hall	Present
Daylon Spotted Bear	Present
Mark N. Fox	Present
George Fast Dog	Present

Five members present, two members absent. Quorum established.

Visitors: Jim Chase; DuWayne Schwindt and Jeff Moore, Community First Bank of Dickinson; Jerry Nagel, Ted Lone Fight III, Emmaline Blake, Patricia Blake, Clarence O'Berry.

Employees: Frank Henry, Abigail Bingen, Kyle Baker, John Danks, FayAnn Moberg, Florence Brady, David A. Brendsel, C. J. Packineau, Marian Spotted Bear.

#### III. APPROVAL OF AGENDA.

Chairman Mason stated he would like to substitute Community First Finance Document and Treasurer's Resolutions for Mary Finley, who had canceled out. George Fast Dog requested Ted Danks and Ted Lone Fight III be added to agenda. (Note: They were already on agenda.) George Fast Dog stated Enrollment should be taken off. Daylon Spotted Bear said he had already scratched enrollment, and replacing that would be FY96 CSBG Funding for the Material Resource Program. Mark Fox requested Tourism Cultural Development Office hiring and firing be added under personnel, along with a temporary part-time security officer to be hired. Legal Department Secretary was added under Legal Department items. Pearl Howard request was deferred, since Mr. Gillette was not present. Also deferred, for the second time, were the three land sales. Mr. Fast Dog requested to readdress the water well

list that had been approved at the last meeting. Council advised all councilmen should be present if and when this is done. Mr. Fast Dog to contact Material Resource Department further on this.

It was decided at this time that another special council meeting would be held on Thursday, August 31, 1995, at 10:00 a.m.

MOTION made by Mark Fox to approve the agenda with amendments.  
SECOND to motion made by Edwin Hall.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED.

#### IV. NEW BUSINESS.

##### A. Community First Loan Package.

Mark Fox gave a short presentation on matters remaining to be completed for the loan package. He acknowledged the presence of Mr. Schwindt and Mr. Moore. He asked Mr. Brendsel to make a few comments. At this time, Chairman Mason asked Mr. Fox if he would make a few comments himself, for the record, as to why the loan was necessary.

**FOR THE RECORD**, Mr. Fox stated all previous minutes would show and establish that our tribe has been under a lot of financial stress, due to over-expenditures and misappropriations of funding by the former administration, which left the tribe in a debt stage, with a lot of problems to address. The only method and means to address this, is to go out and borrow external funding to offset the deficit, because we have no other way to capitalize and absolve this debt, so we have entered into this agreement with Community First. We have borrowed as little as possible--every single dollar is identified as to how we're going to spend this money. The majority of this money will be used for money that is owed, i.e., federal dollars that were received by the tribe and spent for other purposes, other than what they were meant to be, by the former administration. The Tribe needs to repay those dollars, so the only way we can do that is to have a bank loan to replace those dollars, so that is what we are trying to do. We are only borrowing essentially what we have to borrow to replace these dollars and to make sure the Tribe regains its operational viability.

##### 1. Amendment/Change to Resolution No. 95-127-EH.

At this time, Mr. David Brendsel presented a resolution to replace Resolution No. 95-127-EH that was passed on June 8, 1995, to secure this loan. In order to comply with our lenders, the resolution has to be amended to comply with the security features of the loan. The phrase "plus any and all accrued interest" was added in the resolution.

MOTION to pass new resolution and recertify it was made by MARK N. FOX. SECOND to MOTION was made by EDWIN HALL.  
VOTE: 4 in favor, 1 opposed, 0 abstained, 2 absent.  
PASSED. Resolution No. 95-127-EH Rescinded.

NEW RESOLUTION NO. 95-162-DSB

2. MOTION to Approve Interest Rate Plan on Loan.

Treasurer Mark Fox was asked to recommend which plan the Tribe should approve. Mr. Fox recommended the fixed rate plan at 9 1/4%.

MOTION made by EDWIN HALL to approve the plan recommended by Treasurer Fox. SECOND to motion made by DAYLON SPOTTED BEAR.

VOTE: 4 in favor, 1 opposed, 0 abstained, 2 absent.  
MOTION PASSED.

3. Resolution to Approve Terms and Conditions Set With Community First Bank and to Authorize BIA/OTFM to Wire Payments to Bank.

Mr. Brendsel presented this resolution, which addressed all of the above.

MOTION was made by MARK FOX to approve. SECOND to motion was made by EDWIN HALL.

VOTE: 4 in favor, 1 opposed, 0 abstained, 2 absent.  
PASSED. RESOLUTION NO. 95-163-DSB

4. Resolution to Address Deposit Relationship with Community First Bank and Establish Accounts.

This resolution directs the Chairman and Treasurer to establish the necessary accounts at Community First Bank of Dickinson.

MOTION was made by EDWIN HALL to approve, SECOND to motion was made by DAYLON SPOTTED BEAR.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
PASSED. RESOLUTION NO. 95-164-DSB

5. Economic Recovery Fund Investments.

Resolution to authorize Treasurer and Financial Consultant to Coordinate Investments with BIA/OTFM.

MOTION to approve made by Edwin Hall, SECOND to motion made by MARK FOX.

DISCUSSION FOR THE RECORD, David Brendsel said being on line with the Office of Trust Funds Management (OTFM) will allow



the Treasurer and himself to make sure that things are on line, and would allow them to have better control over our trust funds and monitor them for inquiry purposes only.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
PASSED. RESOLUTION NO. 95-165-DSB

B. Jim Chase Financial Request re Trailer Damage.

Mr. Chase reported that one of his trailers had been tipped over during the recent storm, and it would cost him \$1,000.00 to set it back up. He was seeking a loan in this amount.

DISCUSSION on loans have been limited to emergency medical and funeral loans. Mr. Fast Dog was advised to get with Ted Danks and ask him to check with LCM and/or the Roads Department, to see what kind of equipment they have that may be able to tip this trailer upright again. Mr. Fast Dog said he would do so. Obtaining a waiver of liability was also mentioned by Edwin Hall. Mr. Fast Dog to report back to council on this, if necessary.

C. Emmaline Blake Home Emergency Disaster Relief.

Mr. Edwin Hall stated he would follow up on this, and would report back to the council, if necessary. (NOTE: See also Item E below.)

D. Reimbursement of Travel Costs of LCPL Duane Young Bird.

Harry Sitting Bear provided background on this request, explaining that LCpl Young Bird's travel had been authorized by the tribe to partake in the Summer Youth Leadership Camp sponsored by the Tribe's Wellness Team. However, after LCpl Young Bird received permission to attend, nothing was done, so his parents provided airfare for him; again, nothing was done for his return to Camp Pendleton, so his parents paid for his trip back. They were seeking reimbursement from the tribe now for their expenses.

MOTION was made by GEORGE FAST DOG to approve this request. SECOND to motion for purposes of discussion made by MARK FOX.

DISCUSSION on program responsibility to repay this and whether or not there was a resolution or minutes to back this up. (There is neither a resolution nor minutes reflecting this.) Chairman Mason said this was indicative of the previous administration's actions. Council recommended payment of at least one of the tickets, since LCpl Young Bird did participate in the summer youth camp, however, at the same time, he was able to visit his family,

friends, and relatives. Mr. Fast Dog and Mr. Fox both rescinded their previous motion and second.

MOTION by George Fast Dog to reimburse one of the tickets in the amount of \$421.00, with the notation that there is some question about proper authorization for this travel. SECOND to motion made by Mark Fox.

VOTE: 4 in favor, 1 opposed, 0 abstained, 2 absent.  
PASSED.

NOTE: At this time, George Fast Dog requested that the Transportation Resolution he had requested be put on the agenda be taken off, since Ted Danks was unable to be here.

E. Emmaline Blake Request.

Mrs. Blake requested a loan of \$175.00 to replace a broken windshield on the only vehicle they have that was damaged in the recent storm. She stated Red Cross had taken care of her broken windows on her house.

EDWIN HALL made a MOTION to approve a loan of \$175.00 to Mrs. Blake, motion SECONDED by GEORGE FAST DOG.

DISCUSSION: Mark Fox said he would like to help Mrs. Blake also, but asked the council to bear in mind that the only authorized loans, at present, are for emergency medical or funeral. He said if the council wanted to go ahead and expand this to disaster relief, they should go ahead and do that now, because, up to this point, everyone else has been denied.

Above motion and second were then withdrawn.

MARK FOX then made a motion that the tribe extend and allow for emergency loans for natural disaster relief, loans on disaster relief shall be dependent upon having no other source of assistance available, and only on those terms. SECOND to motion made by GEORGE FAST DOG.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
PASSED.

EDWIN HALL then made a MOTION to assist Mrs. Blake with her loan request of \$175.00 for the damage done to the windshield of her car. Motion SECONDED by GEORGE FAST DOG.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED.

F. Business Licenses.

1. MOTION made by GEORGE FAST DOG to approve the business license for Robert Fox to sell household and personal products. SECOND to motion made by MARK FOX.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED.

2. MOTION by GEORGE FAST DOG to approve the business license of Titus and Anita Hall for a food concession stand. No second to motion. MOTION DIED.

DISCUSSION on whether or not this food business had received IHS inspection and certification. Legal Department advised they had not. Council recommended no approval until IHS certification and inspection have been met.

3. MOTION made by GEORGE FAST DOG to approve business license for Beverly L. Higheagle for mercantile business. SECOND to Motion made by DAYLON SPOTTED BEAR.

DISCUSSION on this is a mercantile business, selling wholesale office supplies and brand-name merchandise. Mrs. Higheagle is an Oglala-Sioux and she plans to distribute a catalogue in this area.

VOTE: 3 in favor, 0 opposed, 2 abstained,  
2 absent. APPROVED.

V. OTHER BUSINESS.

A. Oil & Gas Report.

Kyle Baker, Natural Resources Director, presented this report to the council, which he is also giving to the communities at their community meetings. Mark Fox stated that the Tribe needs to figure out some means and methods to monitor any oil activity on the reservation by our own Natural Resources Department. Chairman Mason said (1) we need to get the Natural Resources Committee involved in the process; (2) Council will meet with Canadian Companies for information purposes only; (3) a briefing on the 1982 Minerals Development Act is needed for the council. Mr. Baker was requested to keep council advised.

B. USGS Litigation and Settlement Proposal.

Closed Session.

C. Resolution on NIGC Review of Gaming Management Agreement.

This resolution would designate Treasurer Mark N. Fox as the official tribal representative concerning the gaming management contract.

EDWIN HALL MOVED FOR APPROVAL, SECONDED by GEORGE FAST DOG.  
VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED. RESOLUTION NO. 95-166-DSB

D. **MOTION** to Submit Gaming Management Agreement to NIGC.

MOTION was made by MARK N. FOX for council to give him approval to submit the Gaming Management Agreement to NIGC. Motion SECONDED by EDWIN HALL.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.

NOTE: Break taken at 3:50 p.m. Reconvened at 4:10 p.m.

E. Legal Secretary Position.

F. Material Resources FY96 Funding.

Resolution presented by Secretary Daylon Spotted Bear. This is the Community Service Block Grant (CSBG) Fund Application for FY96.

MOTION for approval made by GEORGE FAST DOG. SECOND to



VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED. RESOLUTION NO. 95-167-DSB

G. Recommendation for Criminal Investigator.

VI. PERSONNEL ISSUES.

A. Health Insurance.

Employment Benefits Specialist FayAnn Moberg presented an update on the health insurance program. She advised there are two resolutions that conflict with each other--Legal is still researching the one resolution dealing with 100% payment of benefits; however, all employees are under the 70% plan now.

Mark Fox commented that, if indeed, a resolution had been passed in 1990-91, where employees were to be covered at 70%



by the tribe, and some were not, it's possible an entitlement occurred, there's no exchange, this is a choice, a donation, a free-will offering by the tribe for employee compensation, so they have never really lost anything.

On the second resolution, which is under legal research, Mr. Fox lamented the fact that the previous council had passed a resolution that was not before them, and he stated that this council would not do that. Mr. Fox said he was upset that there are many employees trying to make claims on this. He said the tribe may have to consider a reduction in benefit payments to 50%, as the tribe is presently having a hard time paying for these insurance benefits.

He said he is concerned about what is going on with the rumors of an opportunity to get some money from the tribe, and he feels the council has to protect the assets of the tribe, as these assets belong to all of the people.

FayAnn Moberg said a resolution was supposed to be prepared for rates for this year, but this hasn't been done yet, because of confusion on the rates for single plus dependent. She wondered if this was supposed to be 57% or 70%. (NOTE: See TBC Minutes of June 29, 1995.) Ms. Moberg and John Danks said they were concerned that there was no resolution to address this.

Florence Brady stated she had researched this, and on December 22, 1995, Cheryl White and Gary DeLabarre (phonetic) from BC/BS presented an increase for the benefits, which was 100% for single, 57% for single plus dependent, and 70% for family. Council went on record to approve the BC/BS Contract for three months. During that three-month period (January- March), council and IHS were to meet and come up with a health package for the tribe. This did not happen. FayAnn Moberg said the contract was signed with BC/BS through the end of the year, with no resolution.

John Danks said they would continue to research this and come up with a resolution and recommendation for the council.

Further discussion was held on the tribes' cost for insurance benefits per year. Mr. Frank Henry said this averages out to approximately 30% of the total premium paid each year.

B. Grievance Briefing.

C. Dennis Snow Request.

D. Credit Department Termination Request.

MARK FOX made a MOTION to defer any action on this to Thursday's Special Meeting to be held on August 31, and to have Ed Lone Fight investigate this and apprise the council. SECOND to motion was made by EDWIN HALL.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
PASSED.

E. FayAnn Moberg Request for Temporary Reduction of Hours.

VII. MANDAREE ELECTRONICS RESOLUTION ON IRS DEBT.

A. Resolution on Mandaree Electronics Repayment Schedule to Internal Revenue Service was presented by Mark N. Fox, Treasurer. This resolution will verify the repayment schedule that the tribe is sworn to.

MOTION to approve the resolution with amendments and changes (typos and spelling corrections, plus change T-2 to tribal revenue) was made by MARK N. FOX, SECONDED by GEORGE FAST DOG.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED. RESOLUTION NO. 95-168-DSB

NOTE: Also, at this time, Clarence O'Berry, CEO/MEC, gave a brief rundown on the current status of the company.

VIII. ADDITIONAL BUSINESS.

A. Head Start Background Checks.

John Danks presented a letter from Head Start concerning costs for background checks for Head Start Personnel.

Council discussed the fact that, since this is a federal requirement, why isn't the federal government at least subsidizing the performance of this? Mr. Danks said this could be pursued in future funding requests.

MARK FOX made a MOTION to go ahead and provide the amount requested by the Head Start Program (\$800). SECOND to Motion made by EDWIN HALL.

VOTE: 5 in favor, 0 opposed, 0 abstained, 2 absent.  
APPROVED.

NOTE: Also, at this time, Chairman Mason announced that two weeks ago, he was gifted with his 14th grandchild; and also, today is the 27th wedding anniversary of Edwin and Jean Hall.

IX. PERSONNEL SELECTIONS.

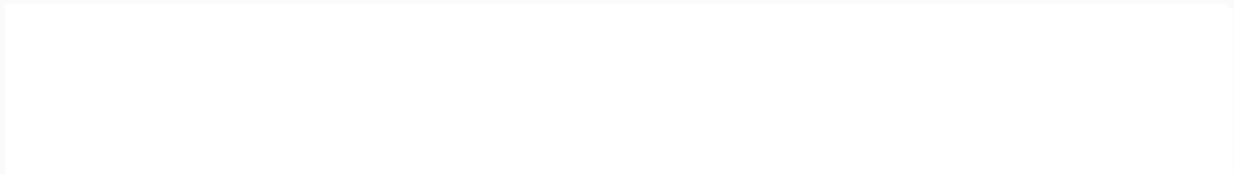
A. Selections for Head Start Vacancies.



B. WIC Secretary.



C. Four Bears Day Care Center (FBDCC) Vacancies.



D. Personnel Director Salary Negotiations.

E. Tourism & Cultural Development Office.

F. Security.



X. ADJOURNMENT.

MOTION to adjourn was made by Daylon Spotted Bear, and SECONDED by Mark N. Fox.

VOTE: 5 in favor, 2 absent. PASSED.

Meeting adjourned at 6:15 p.m. Next scheduled meeting will be a Special Meeting on Thursday, August 31, 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 Special Meeting thereof duly called, noticed, convened, and held on the 31st 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 31st day of August, 1995.

Daylon Spotted Bear  
Daylon Spotted Bear, Secretary  
Tribal Business Council

ATTEST:

  
\_\_\_\_\_  
Russell D. Mason, Chairman  
Tribal Business Council