



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, AUGUST 31, 1995, 1:20 P.M.

I. CALL MEETING TO ORDER & PRAYER.

Meeting was called to order at 1:20 p.m. by Chairman Russell D. Mason, Sr. A moment of silent prayer was held.

II. ROLL CALL.

Secretary Daylon Spotted Bear called roll. Roll Call follows:

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

* Treasurer Fox entered the meeting at 1:22 p.m.

Visitors Present: Curtis Danks; Ken Stevenson, LCM; Terry Red Fox, FBHA; Ardel Jean Baker, FBHA; Barb Baker, FBHA; John Fox, LCM.

Employees Present: Marian Spotted Bear, C. J. Packineau, Virgil Eagle, John Danks, Diane Avery, Ted Danks, Tom Mandan, Frank Henry, Harry Sitting Bear, Hazel Blake.

III. APPROVAL OF MINUTES.

A. Regular Meeting - August 10, 1995.

MOTION to approve Minutes of August 10, 1995, was made by Edwin Hall. Second to motion was made by Austin Gillette. Vote: 7 in favor. Minutes Approved.

B. Special Meeting - August 17, 1995.

MOTION to approve Minutes of August 17, 1995, was made by Austin Gillette. Second to motion was made by Edwin Hall. Vote: 7 in favor. Minutes Approved.

C. Special Meeting - August 24, 1995.

MOTION to approve Minutes of August 24, 1995, was made by Edwin Hall, with an addition to the Minutes on page 12. Second to motion was made by George Fast Dog. Vote: 7 in favor. Minutes Approved.

NOTE: Chairman Mason said he had talked to Ann Snead, Head Start in Washington, DC, regarding the council's concerns on stringent requirements for background investigations for Head Start, without providing the resources for this, and that the TAT Director of Head Start had been asked to draft a letter to Ms. Snead for his signature.

IV. **APPROVAL OF AGENDA.**

Chairman Mason stated he had a resolution for TERO to be added to the agenda, plus a resolution for MR&I. Secretary Spotted Bear requested that the water truck resolution be deleted from the agenda. Councilman Gillette requested that the water well account re Pearl Howard be deleted. The Credit Department Termination Request was also deleted, as a memo had been received from the Tribal Programs Manager on this. Jason Two Crow request was deferred. George Fast Dog requested Jim Chase be added to the agenda.

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

V. **ANNOUNCEMENTS.**

Chairman Mason made an announcement regarding a letter he had received from the Aberdeen Area Director concerning the temporary assignment of Mr. James Charles as Acting Superintendent of Fort Berthold Agency.

Austin Gillette made a **MOTION** to accept the temporary appointment of Mr. Charles until October 1, 1995, and that the full council interview the applicants for Superintendent on the certified list, as has always been the practice of previous councils. Second to motion was made by Mark Fox. Vote: 7 in favor.

Chairman Mason announced he had received a letter from Area Law Enforcement Services on the Criminal Investigator position. Councilman Gillette said in 1978, and prior to that, the tribal council interviewed all applicants at that time for the top law enforcement officer on the reservation. It has always been up to the council to recommend who they wanted to serve at Fort Berthold. He said it is in our constitution, and it says "any government official", it doesn't specifically say "superintendent only". He thought the council should stick with this.

Mr. Gillette then made a **MOTION** that, in accordance with our constitution, since it has always been the past practice of tribal councils to select the top law enforcement official on this reservation, the council should continue to participate in hiring that person. Second to motion was made by Ivan Johnson. Vote: 5 in favor, 0 opposed, 0 abstained, 2 absent and not voting (stepped out).

Chairman Mason briefed the councilmen on the issue of reduction of the budget and a conference call that had been made to the agency by the AAO Director on Tuesday, August 21, 1995. He gave a copy of the transcript of this call to each of the councilmen.

Austin Gillette made a **MOTION** to authorize the Chairman to take any and all efforts to present our case regarding the Bureau of Indian Affairs reductions that are pending in Congress. Second to motion was made by Edwin Hall. Vote: 5 in favor, 0 opposed, 0 abstained, 2 absent and not voting (stepped out).

Chairman Mason commented on the Community Meeting in White Shield and said they had a really good turnout. He said Councilman Gillette had defended the decisions of the Natural Resources Committee on the allocation process, and that he, himself, had also supported the council and had singled out Mr. Johnson and Mr. Hall on their actions which he thought were fair, even to the point where they had withdrawn their names on units they had applied for just so someone else would get them.

Mark N. Fox said all the necessary gaming documents had been forwarded to the National Indian Gaming Commission for their review. He also gave a brief report on the tribes' finances.

Edwin Hall said the Natural Resources Committee is progressively trying to get the tribes farm and pasture land leased out. Chairman Mason said, at the White Shield Community Meeting, he had also commended the Natural Resources Committee for the hard work they had done in getting the MR&I project started. He said, **for the record**, he would like to commend the Natural Resources Committee for the work that they have put into this. He said this committee has worked real hard and has tackled some tough issues. Edwin Hall said there is a new Lease Compliance Officer on board (Coleen Beaks) and they have granted some improvement leases on some lands they are concerned with, but with the new Compliance Officer, they hope to bring these up to date and put back into production.

VI. **NEW BUSINESS.**

A. Fort Berthold Housing Authority Update.

Terry Red Fox, Director of the Fort Berthold Housing Authority, had been invited to address the council by Chairman Mason on compliance issues, employee and staff performances, board member actions, and other concerns.

Funding for Projects 27 and 28 was discussed. Mr. Red Fox said Project 27 would not be cut; however, on Project 28, there was a cut of approximately \$700,000, which would probably mean the loss of 7 units. He said he has been appointed to a Funding Formula Task Force, and he will be recommending that any housing authority that lost units be considered for priority in receiving funding in 1996.

Chairman Mason then asked Mr. Red Fox to explain the ND-519 and ND-526 Projects, which he did. Mr. Red Fox said there was a total of 20 units under ND-526, 14 of these participants were transferred from ND-519 to 526, 6 participants were new housing recipients. Since 1990, due to lack of funds, this project has been basically on hold, until November 1994, when additional funds were obtained in the amount of \$250,000.00. This project is now under force account by the FBHA.

Chairman Mason asked Mr. Red Fox to give a copy of the status report on the comp grant applicant participants to the councilmen. The indebtedness of participants was also discussed, and Mr. Red Fox was asked to provide more detailed information later to the councilmen for their respective segments. Funds received by housing board members for travel not taken was also discussed and asked to be dealt with by the Chairman of the Housing Board.

Questions from councilmen on various housing issues were then answered by Mr. Red Fox. In conclusion, Mr. Red Fox was asked to consider the concerns that had been expressed by the council, i.e., improvements that are made to unoccupied houses, compliance with 25CFR, resolution of conflicts, depoliticizing housing, circumvention of authority by staff members, maintenance codes, enforcement of delinquent accounts, and other issues. Mr. Red Fox was thanked for the written answers he had prepared to various questions. He was also invited to schedule monthly reports to the council, through the Chairman of the Housing Board.

NOTE: Council recessed at 3:30 p.m. and reconvened at 3:45 p.m.

- B. Tribal Court Resolution for Consultant Agreement with Judge Holte as Associate Judge.

Judge Diane J. Avery presented a resolution which would appoint Judge Holte as Associate Judge for a two-year period. Judge Avery explained that this would cover Judge Holte during the times that he is requested to serve as Associate Judge for Tribal Court.

MOTION to approve resolution was made by George Fast Dog. Second to Motion was made by Mark N. Fox.

Discussion on cost and source of payment. Judge Avery would be authorized to negotiate cost, which will be paid from fines and costs.

Vote: 7 in favor. PASSED. **Resolution No. 95-169-DSB**

C. Tribal Court Request for Approval of Two Temporary Appointments.

Temporary appointments for Cletus Medicine Crow and Ronald Rabbithead were asked to be approved by the council until September 30, 1995. These temporary appointments are to be paid from Clerk of Court line item, and had been previously approved by the Judiciary Committee.

MOTION to approve was made by George Fast Dog. Second to Motion was made by Ivan Johnson.

Vote: 7 in favor. PASSED.

D. P. Diane Avery Land Exchange Resolution Previously Passed by the Tribal Business Council in December 1994.

The new, corrected/amended resolution submitted by the NRD Tribal Realty only showed two small changes to the resolution previously passed in December 1994. Mark N. Fox said, **for the record**, this resolution was formally and legally passed on December 13, 1994, and this is not necessarily a reapproval or original approval, this is only an affirmation of a technical amendment of one word and replacement of a phrase, and the original document was approved in December.

Mr. Fox then made a **MOTION** that council approve of the technical amendments to this resolution, with the understanding that the original resolution was indeed passed last December. Second to Motion was made by Edwin Hall.

Vote: 6 in favor, 1 opposed, 0 abstained, 0 absent.
PASSED. **Resolution No. 95-170-DSB**

Councilmen Johnson and Hall both commented on the excessive length of time Tribal Realty was taking on this land exchange, based merely on a minor technical amendment that could have and should have been handled administratively. Discussion also on whether or not to assign a new number to this resolution. Mark N. Fox stated certification of this resolution would be a new number, because it is a minor, technical amendment.

Mark N. Fox also stated, **for the record**, in addition to his motion, because of the delay caused by this minor, technical amendment, Natural Resources be directed to move expeditiously in getting this processed-- everything that is related to it, and making the actual transfer and exchange.

E. Tribal Court Request for Permanent Status of Two Employees.

Judge Avery explained that one of her employees has been on temporary status for a year and a half, and another has been on temporary status for a year. Her request was that these two employees be made permanent so they could begin receiving their fringe benefits.

Chairman Mason asked Judge Avery to do a formal request through the Personnel Office on this.

VII. OTHER BUSINESS.

A. Land Sale Resolutions for Phyllis Walker, Elgin W. Dye, and Kenneth Drags Wolf, Jr.

Before these land sales were addressed, Mark N. Fox made a few comments on the land sale fund, and types of land that should be purchased by the tribe.

MOTION was made by Austin Gillette to approve the three sales. Second to Motion was made by Ivan Johnson.

Further discussion on land sale funds was held. Edwin Hall said he is concerned that there is tribal land that is not leased out right now, and there are still requests for farm land. He wondered whether an evaluation had been made as to how much tribal revenue we have coming from tribal trust lands versus what we don't have leased out yet. He wondered if the tribe would be able to make their FMHA obligation. Austin Gillette said Myrna Jacobs had advised the Natural Resources Committee that everything the tribe has is leased out (farm land). Mr. Johnson said she said there was some that wasn't. Chairman Mason then called for a vote on the motion that had been made.

Vote: 7 in favor. PASSED. **Resolutions No.:**
95-171-A (Walker);
95-171-B (Dye);
95-171-C (Drags Wolf).

B. Resolution re Transportation Department to Apply for 2% Planning Funds from AAO/Roads.

This resolution would authorize Transportation Planning to Apply for these funds for the benefit of the tribes.

MOTION to approve resolution was made by Ivan Johnson. Second to Motion was made by Mark N. Fox.

Discussion: Ted Danks said he would be working with Natural Resources to target a GPS/GIS Survey Accurate System and Software so as to cover a lot of different things.

Vote: 7 in favor. PASSED. **Resolution No. 95-172-DSB**

1. Mark N. Fox inquired about the street and a parking lot for the Parshall Segment Hall, and requested that Mr. Danks follow this up to see if arrangements could be made for a trade-off. Mr. Danks said he would get back to Mr. Fox on his questions about this.
2. Mr. Danks mentioned that he had received a call from Jim Chase about his trailer house. George Fast Dog said that he had spoken to Virgil Eagle/Roads about tipping Jim Chase's trailer house back up, and he said it was possible to lift it with a loader. Chairman Mason asked Mr. Danks to help out with this.
3. Mr. Hall inquired about the streets in Four Bears (Bakersfield). Mr. Danks said AAO has obligated this money again, primarily in South Dakota, and the last 638 contract applied for was rejected, because it wasn't part of the TIP List.
4. Mr. Danks recommended to the council that every conceivable project that we want to build from now on through the next twenty years, be put on the TIP List. He was asked to work on this through Planning and Mr. Lone Fight and present the council with a resolution. Councilmembers were asked by Mr. Danks to give him a wish list from their segments so it could be included on here.
5. Edwin Hall asked about gravel for the Bakersfield Street. Mr. Danks referred him to the Roads Department on this.

C. Resolution for Recontracting Food Distribution Program.

Resolution was read by Chairman Mason. **MOTION** to approve was made by Austin Gillette. Second to Motion was made by Ivan Johnson.

Vote: 7 in favor. **PASSED. Resolution No. 95-173-DSB**

D. Resolution on Publishing of Minutes & Official Actions by all TAT Enterprises/Boards/Committees.

Chairman Mason introduced this resolution. Purpose is so communities can be made aware of what is going on with each of the entities. **MOTION** to approve made by George Fast Dog. Second to Motion was made by Austin Gillette.

Discussion on if money wasn't available to publish, minutes could be distributed to the communities.

Vote: 7 in favor. **PASSED. Resolution No. 95-174-DSB**

E. Tribal Enrollment Resolution for 85 Applicants.

Paul Goodiron presented the list of applicants to the council. After review, **MOTION** was made by Ivan Johnson to

approve. Second to Motion was made by Mark Fox.

Vote: 7 in favor. PASSED. Resolution No. 95-175-DSB

F. Resolution to Increase Tero Commission to Seven Members.

Resolution presented by Chairman Mason. **MOTION** to approve made by Edwin Hall. Second to Motion made by Mark N. Fox.

Vote: 5 in favor, 0 opposed, 1 abstained, 1 absent (stepped out). PASSED. Resolution No. 95-176-DSB

G. Resolution to Appoint David White Bear to TERO Commission.

Resolution presented by Chairman Mason. **MOTION** to approve made by Edwin Hall. Second to Motion made by Ivan Johnson.

Vote: 7 in favor. PASSED. Resolution No. 95-176-DSB

H. MR&I Resolution to Award White Shield Pipeline to Olander Construction.

Austin Gillette presented this resolution on the recommendation of Harley "Texx" Lone Bear. Mr. Gillette introduced **MOTION** to approve. Second to Motion was made by Mark Fox (for discussion purposes).

Mark Fox asked why LCM did not receive the bid on this. Ken Stevenson said LCM did submit a bid. Chairman Mason suggested that a special meeting be called next week so Mr. Lone Bear could be present. Decision was to have a special meeting on Tuesday, September 5, 1995, at 10:00 a.m. Motion and Second were both withdrawn respectively by Austin Gillette and Mark N. Fox.

NOTE: Austin Gillette left the meeting at this time for a prior commitment.

I. CHR Vans.

Tom Mandan and Harry Sitting Bear presented a comparison chart of various options to pursue for replacement of vans. Proposal submitted was buy-out versus return of vans. (Vans are presently being leased.)

Discussion on all options and costs involved, plus the need for establishment of a Motor Vehicle Pool System. Mr. Harry Sitting Bear was asked to obtain an estimated value of the vans. Treasurer Fox stated he would prepare a resolution to cover all aspects of TAT vehicle purchases, negotiations, sales, leases, and trade-ins.

In the meantime, Mr. Fox said he would make a **MOTION** to utilize the option of purchase versus lease of these vans, assuming that the numbers remain the same. Motion was Seconded by Edwin Hall.

Vote: 6 in favor, 0 opposed, 0 abstained, 1 absent.
PASSED.

Further discussion on any other charges that may be involved on these vans, whether or not to repair the vans, whether or not to lease new vans from GSA or purchase outright from a dealer. Mr. Mandan said program funds were available to repair the vans, if necessary.

J. Resolution from FBHA for Payroll Deductions.

Daylon Spotted Bear presented a resolution from FBHA which would allow payroll deductions from 4-Bears Casino & Lodge employees. George Fast Dog made a **MOTION** to approve this resolution. Second to Motion was made by Daylon Spotted Bear.

Discussion on language in resolution and whether or not this should be changed. Also, casino employees may ask why this isn't also required of tribal employees. Mr. Spotted Bear stated there is a resolution (87-189-TL) that addresses this, and also one that addresses bureau employees (87-190-TL).

Vote: 3 in favor, 3 opposed, 0 abstained, 1 absent.
DEFEATED.

K. Jason Two Crow Comp Time.

Mark N. Fox stated we can't give monetary compensation for compensatory time without abiding by the personnel policies and procedures. Mr. Fox said it had been suggested by Mr. Gillette that in lieu of not being able to give Mr. Two Crow compensatory time, to give him some type of merit pay. After some discussion, council deferred this to the next council meeting.

L. New Resolution on Committees and Boards.

MOTION was made by Mark N. Fox to approve the updated list of committees and boards, the technical changes on the certification, and to add David White Bear to the TERO Commission. Second to Motion made by Edwin Hall.

Vote: 6 in favor, 0 opposed, 0 abstained, 1 absent. PASSED.

Resolution No. 95-178-DSB (Rescinds #95-074-DSB)

VIII. ADJOURNMENT.

Motion to adjourn was made by Mark N. Fox. Second to Motion was made by Edwin Hall. Meeting adjourned at 6:05 p.m. Next scheduled meeting is Tuesday, September 5, 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.

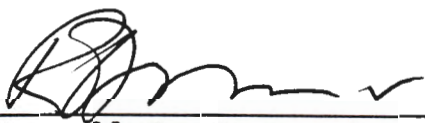
Six members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of September, 1995, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

Said Minutes were duly approved by the affirmative vote of Six members, no member(s) opposed, no member(s) abstained, one member 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 14th day of SEPTEMBER, 1995.

Daylon Spotted Bear
Daylon Spotted Bear, Secretary
Tribal Business Council

ATTEST:



Russell D. Mason, Sr. Chairman
Tribal Business Council