



# 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

TUESDAY, SEPTEMBER 05, 1995, 2:50 P.M.

#### I. CALL MEETING TO ORDER AND OPENING PRAYER.

Meeting was called to order at 2:50 p.m. by Chairman Russell D. Mason, Sr. A moment of silent prayer was held.

#### II. ROLL CALL.

Secretary Spotted Bear took roll call. Roll call follows:

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

Employees Present were Marian Spotted Bear, Recording Secretary; C. J. Packineau, Sergeant at Arms; Harley "Texx" Lone Bear, MR&I Director; Ted Danks, Transportation Planner; Christopher D. Quale, Tribal Attorney; David Brendsel, Financial Consultant; Norma Staples, Material Resources Director; John H. Danks, Tribal Programs Analyst; Florence Brady, Personnel Director.

#### III. ANNOUNCEMENTS.

Chairman Mason thanked the Natural Resources Committee and Kyle Baker, Natural Resources Administrator, for setting up this morning's meeting with the Canadian Oil Companies.

Austin Gillette announced that the Old Scout Cemetery Project was in process. He stated that the White Shield Community had lowered their flag to half mast, and wondered if it would be appropriate to do the same at Tribal Headquarters until next Tuesday, September 12. Council was in agreement. Chairman Mason said he would have Mr. Lone Fight put together a short proclamation and circulate it.

Chairman Mason said there are a number of meetings set up during United Tribes. He informed Mr. Gillette there would be a United Tribes Meeting at 9:00 a.m. on September 8 at the Holiday Inn. He said he would be going to Washington, D. C., on Sunday,

September 10, and would return on Wednesday evening, September 13, so he would be here for the regular meeting scheduled for Thursday, September 14.

Chairman Mason mentioned the breach of security that had occurred in Treasurer Fox's office. He cautioned the council members to keep an eye on any sensitive material that they may have, and stated that security had been tightened up so that people are not wondering in and out of the front offices.

Treasurer Fox added that it is upsetting to know that he has to lock his door every time he leaves his office when his assistant isn't there. He said its not that the documents are secret, its the idea of someone coming into his office and stealing off his desk. He said any information that relates to tribal finances and the Treasurer's Office will be a matter of record before council and the public, but the idea of someone literally stealing tribal property that does not belong to them, for whatever purposes, is unlawful and is a violation of the law. Anyone found to be associated with this will be prosecuted by the FBI and the United States Attorney.

Chairman Mason announced that there would be a Human Resources Committee at 10:00 a.m. on Wednesday. He requested that Edwin Hall sit in on this meeting, in case an alternate is needed sometime.

#### **IV. APPROVAL OF AGENDA.**

Chairman Mason added Jason Two Crow to the agenda; Mark N. Fox added a resolution on tribal vehicles, and Karen Simmons under Personnel. Austin Gillette added a resolution for MR&I. Mark Fox mentioned to the council members that if they change anyone in their segment employment program, or their administrative assistants, or two maintenance helpers, this has to be approved by full council. Austin Gillette also added security for the Old Scout's Cemetery project under personnel. Chairman Mason requested, at this time, that an update on boards be put on the agenda for September 14. Daylon Spotted Bear added a resolution for Twin Buttes Recreation Sites.

Chairman Mason asked for a report on the Mahto Bay Meeting. Austin Gillette said Tom Disselhorst had drafted a resolution for the council's consideration. This will be put on the agenda for September 14. An update from the Tax Department was also requested to be put on the agenda for September 14.

**MOTION** to approve the agenda, with additions, was made by Edwin Hall. Second to Motion was made by Mark N. Fox.

**Vote: 7 in favor. Agenda Approved.**

NOTE: Austin Gillette stated, at this time, that he had received a five-page memo from the Superintendent of the Agency on tribal land not leased that is owned 100% by the tribe. Edwin Hall said some of those unleased lands are because of access, he would like to see the Superintendent or authorized personnel identify those lands that are not being provided access.

**V. OLD BUSINESS.**

**A. USGS Litigation - Approval of Settlement.**

Treasurer Mark N. Fox said the Tribe had received funds, during the previous administration, for this water survey by USGS and had spent it for other purposes. Like many of the federal funds that were received in the last few years, payments were not made. Now USGS wants their money. The amount owing a half year ago was \$251 thousand plus. Mr. Quale has been in negotiation with Cameron Hayden, Ass't U. S. Attorney, and USGS has made an offer for settlement. This debt is part of the loan package the Tribe is attempting to borrow from Community First in order to pay these federal dollars back.

Treasurer Fox then made a **MOTION** to approve the settlement of \$221,906.13 with USGS. Motion was Seconded by Edwin Hall.

Discussion: Austin Gillette said he would like the record to reflect that this bill was incurred by the previous administration.

**Vote: 7 in favor. Motion Carried.**

Mr. Gillette added that this is the reason why we are having to borrow \$5 million is because of bills of this nature.

**B. Request from Thomas Disselhorst for Revision/Extension of his consultant agreement.**

Mr. Quale stated Mr. Disselhorst is requesting that his consultant agreement be extended until such time as he resigns his position as party-appointed arbitrator.

Discussion on whether this is really necessary. Chairman Mason suggested that Treasurer Fox meet with Mr. Disselhorst on this in the morning, when Mr. Disselhorst will be here.

**C. Resolution for Negotiation/Purchase/Sale/Lease/Trade of Tribal Vehicles.**

Treasurer Fox presented this resolution, which was addressed at the August 31 Special Council Meeting. This resolution will authorize the Chairman and the Treasurer to sign off on

contracts and take other necessary action involving tribal vehicles.

**MOTION** to approve was made by Ivan Johnson. Second to Motion was made by Edwin Hall.

**Vote: 7 in favor. Motion Carried.**  
**Resolution No. 95-179-DSB**

D. Twin Buttes Recreation Sites.

Secretary Spotted Bear presented this resolution for development of recreation sites by the Twin Buttes Community. **MOTION** by Ivan Johnson to approve. Second to Motion made by Austin Gillette.

Discussion: Since there were several questions the council had that could not be answered at this time, motion and second were withdrawn respectively by Mr. Johnson and Mr. Gillette, and decision was made to table this until the Regular Meeting scheduled for September 14.

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

This resolution had been addressed at the last meeting, and council deferred until Mr. Lone Bear could be present to answer questions. Chairman Mason advised Mr. Lone Bear that the council had passed a resolution wherein LCM would be prime contractor on the MR&I Project, and asked Mr. Lone Bear to justify his recommendation of Olander Construction to do this work. Mr. Lone Bear said they had a problem "getting out of the block with LCM, being they were in bankruptcy."

He said the Natural Resources Committee had went on record to bid the project in order to expedite the program. He said LCM was present when the motion was made, and they didn't show any indication that they wanted to pursue a bid on it. Bids were then solicited.

Another big reason, he stated, was the bonding requirement. Bureau of Reclamation has strongly suggested that the contractor for this project be bonded to protect the tribes' interest and insure completion of the work. He also said he would like to get some work done on this, so when they go into Phase 2 and ask for more appropriations, they can show that something has been done.

He said Olander has completed two intake projects on this program already, and their work has been proven to us.

After further in-depth discussion involving John H. Danks and Ted Danks (LCM Board Member), a **MOTION** was made by Ivan Johnson to approve this resolution awarding the bid to Olander Construction. Motion was Seconded by Austin Gillette.

Further discussion was that all TERO requirements will apply to this. Edwin Hall said, in the future, he would like to see more involvement by LCM, as far as submitting bids, etcetera.

**Vote: 5 in favor, 0 opposed, 2 abstained.**  
**Motion Carried.**  
**Resolution No. 95-180-DSB.**

F. Material Resources Well Applicant List.

Mr. Fast Dog had requested this be readdressed. He wanted to know why some people had gotten their wells drilled more than once. Norma Staples, Material Resources Administrator, explained the applications are forwarded to Indian Health Service, and they do not drill more than once. Council also had some questions about some of the homes on the list that are presently unoccupied. Ms. Staples said Jack Sorum and Butch Jarsky know who are going to be living in these homes. She also stated electricity has to be on the site before any work is done. Mr. Hall said he was concerned that there may be homes on the list which will serve as second homes for some participants. Ms. Staples requested names, but none were given. Ms. Staples also explained that HUD homes are ineligible for this service, unless they are owned by the occupant.

Ms. Staples said she had some more applicants that she would like to have council approval on. These applicants were Larry Dye, Edward Hale, Wilhelmina McNutt, Debbie Danks, and Lynette Reed.

After discussion, **MOTION** was made by Ivan Johnson to approve the addition of these applicants to the list. Second to Motion was made by Edwin Hall.

**Vote: 7 in favor. Motion Carried.**

Ms. Staples was asked to send over an updated list of approved applicants.

At this time, Ms. Staples said she had forgotten to include Julie Necklace Stubstead to the list just approved.

**MOTION** to approve addition of Julie Necklace Stubstead to the list was made by Austin Gillette. Second to Motion was made by George Fast Dog.

**Vote: 6 in favor, 0 opposed, 1 abstained,**  
**0 absent. Motion Carried.**

**VI. PERSONNEL.**

A. Jason Two Crow Compensatory Time Request.

B. Karen Simmons Salary Authorization.

C. Hiring of Security for Old Scouts Cemetery Project.

D. Maintenance Technician for North Segment Hall.

- E. Appointment of Consultant for Tribal Ceremonies for the Old Scouts Cemetery Project.

**VII. ADJOURNMENT.**

**MOTION** to adjourn meeting was made by Ivan Johnson. Second to Motion was made by Austin Gillette. Meeting adjourned at 5:07 p.m. Next scheduled meeting is the Regular Council Meeting to be held on Thursday, September 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. 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 members opposed, no members 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

Russell D. Mason  
Russell D. Mason, Chairman