



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

REGULAR TRIBAL BUSINESS COUNCIL MEETING

SEPTEMBER 14, 1995, 10:50 A.M.

I. CALL MEETING TO ORDER & OPENING PRAYER.

Chairman Russell D. Mason, Sr., called the meeting to order at 10:50 a.m. A moment of silent prayer was held.

II. ROLL CALL.

Secretary Daylon Spotted Bear called roll as follows:

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

Six councilmen present, one absent. Quorum established.

Visitors: Edward C. Fox, Lisa Redford, Sherry King, Gilson Mandan, Bernice Three Irons, Irene Stevenson.

Employees: Marian Spotted Bear, Recording Secretary; C. J. Packineau, Sergeant at Arms; Whitney M. Bell, Phoebe Dixon, Iva Gillies, Ed Lone Fight, Thomas Bird Bear, C. A. Wolf Eyes, Christopher D. Quale, Bernadine Young Bird, Todd Hall, Tom Disselhorst.

III. ANNOUNCEMENTS & REPORTS.

Chairman Mason gave a report on the third White House Meeting that he had attended, and which had been coordinated by the National Congress of American Indians (NCAI). He commended Joann Chase, Executive Director of NCAI, and also an enrolled member, for all the work she put into this major issue. He commented on the United Tribes Meeting that had been held on September 8 on the federal budget, and mentioned that Delbert Brewer, Aberdeen Area Director, had been reassigned to the Pine Ridge Agency as Superintendent, for consulting with the tribes during the United Tribes' Meeting. He said he brought this out at the White House Meeting, that our Area Director had been punished for carrying out the President's Proclamation on working with the Indians, and told them the North Dakota tribes requested that Mr. Brewer be reinstated as Area Director.

Austin Gillette mentioned that at the United Tribes Meeting, the membership had placed their trust in our chairman to speak on behalf of the united tribes of North Dakota, and he was pleased with how the chairman did business for us. He said we come under alot of scrutiny from local opposition, but they don't know what we have to do on the outside negotiating for all our members, even those who oppose us. Mr. Gillette said he had an Exit Meeting on the scout cemetery, the work is complete, tribal ceremonies have been scheduled, along with a memorial service on October 7. Council members are invited.

Mark N. Fox said he attended several meetings and conferences during United Tribes, and reported on the meeting for the attempted formulation of a North Dakota Indian gaming association. Mr. Fox also thanked the White Shield Segment Representative and people for changing the date of their memorial service so it wouldn't conflict with Parshall/Lucky Mound's Celebration to be held on September 30th. Everyone is invited.

Daylon Spotted Bear said the minutes from the Housing Board should be all complete after the next scheduled housing meeting, and these minutes would then be disseminated to council.

Edwin Hall said the Natural Resources Department is compiling information on oil and gas leases.

George Fast Dog said he had attended a TERO Meeting while he was in Bismarck. He said he had been invited to the "General Assembly" Meeting held in Mandaree and had attended that.

Chairman Mason said he has asked that Personnel Only be allowed in the mailroom, and that the material being xeroxed in the mailroom will be screened from now on. John Danks and Ed Lone Fight will be setting something up on this.

IV. APPROVAL OF MINUTES.

A. May 01, 1995 (Special)

Motion: Mark N. Fox.
Second: Daylon Spotted Bear
Vote: 6 in favor, 1 absent.

B. August 31, 1995 (Special)

Motion: Austin Gillette
Second: Daylon Spotted Bear
Vote: 6 in favor, 1 absent.

C. September 05, 1995 (Special)

Motion: Mark N. Fox
Second: Edwin Hall
Vote: 6 in favor, 1 absent.

V. APPROVAL OF AGENDA.

A. Additions and Deletions.

1. Secretary Spotted Bear removed Joran Morsette and replaced with Gloria Eagle.
2. Mark N. Fox added Inez Baker family request; Gaming Commission Budget Support Resolution; and finance resolutions.
3. Vice Chairman Hall added assistant maintenance for Four Bears Community.
4. Treasurer Fox deferred Tribal Court Restructuring Plan to the next council meeting.

NOTE: At this time, council decided to schedule a Special Meeting for Wednesday, September 27, 1995, at 10:00 a.m.

5. Secretary Spotted Bear deferred FBHA Payroll Deductions.
6. Treasurer Fox deferred board/committee updates.

Motion to approve agenda with amendments made by Edwin Hall, **Second** by Mark N. Fox. **VOTE:** 5 in favor, 1 opposed, 1 absent. Agenda Approved.

VI. NEW BUSINESS.

A. Muriel Fox Education Assistance Request.

Mr. Ed Fox presented request. Treasurer Fox advised that a financial needs analysis must be submitted before any action is taken. Documentation is needed from the Financial Aid Office of the college showing budget and unmet needs of student. When this is received, the process can begin for a loan in the maximum amount of \$500.00.

B. Lawrin Hugh Baker Education Assistance Request.

A letter was submitted by Mr. Baker requesting a loan. Discussion was the same. Documentation is needed from the college's Financial Aid Office showing unmet needs of student.

Mr. Austin Gillette made a **Motion** that a loan in the maximum amount of \$500.00 be approved for Mr. Baker, with documentation. **Second** to motion by Mr. Edwin Hall. Discussion on loans for graduate students are presently limited to the fields of law, medicine, and engineering. Treasurer Fox said, when the finances get back on track, an attempt can be made to expand graduate school funding under the docket system to include other fields.

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

C. Gloria Eagle Education Grant Request.

Secretary Spotted Bear presented a letter that had been submitted by Mrs. Eagle for a grant in the amount of \$6,800.00 for her daughter to attend a co-educational boarding college prep school.

Discussion by Treasurer Fox indicated that assistance has been provided to high school students in the past for emergency transportation and travel needs; however, requests for clothes, tuition and fees have been routinely denied. After further discussion, council decided to defer any action on this and to have Chairman Mason call Mrs. Eagle personally.

D. Financial Request on Behalf of Elder.

Austin Gillette presented a written request from Connie Howling Wolf on behalf of her sister, Esther Perkins, who is presently in the New Town Nursing Home. Mr. Gillette said this is a grant and would be a one-time request.

Motion to approve grant request in the amount of \$400.00 was made by George Fast Dog. **Second** to motion made by Austin Gillette. **VOTE:** 5 in favor, 0 opposed, 0 abstained, 2 absent. (MNF stepped out.) **Approved.**

E. Medical Assistance Request, Inez Baker Family.

Kyle Baker stated that he and his brother, Jarrett Baker, would have payroll deductions made, i.e., wage assignments, if a loan for \$500.00 was approved to assist their mother and father.

Motion to approve made by Austin Gillette. **Second** to motion made by Daylon Spotted Bear. **VOTE:** 6 in favor, 1 absent. **Approved.**

VII. OTHER BUSINESS.

A. Aging Services Cook at New Town.

Phoebe Dixon requested temporary appointment of a cook for the meals program. Doreen Irwin has been filling this position on a volunteer basis, since it became vacant.

Motion to approve request of Phoebe Dixon was made by Treasurer Fox. **Second** to motion made by Councilman Gillette. **VOTE:** 6 in favor, 1 absent. **Approved.**

NOTE: Council recessed for lunch at 12:15 p.m. and reconvened at 1:45 p.m. Six members present, one member absent.

B. Indian Health Service FY96 Budget.

Tribal Programs Manager Ed Lone Fight and Contract Specialist Iva Gillies presented the IHS Budget for FY96.

Mr. Lone Fight said Susan Fredericks, Iva Gillies, Hazel Blake, and others were involved in the preparation of this budget. The budget had been approved by the Human Resources Committee.

Discussion: Treasurer Fox asked whether the amount budgeted for vehicle lease under the CHR portion of the budget was adequate. Iva Gillies advised there was \$25,000 in the present budget for this.

Chairman Mason thanked Susan Fredericks for the amount of work she has been doing for the tribes and stated she has accomplished alot in the short time she has been here. Ed Lone Fight and Iva Gillies were also thanked for their hard work.

Motion to approve the FY96 IHS Budget was made by Edwin Hall. **Second** to motion was made by Austin Gillette.

Treasurer Fox asked if the council was approving all the actions of the Human Resources Committee and the budgets that have been established, inclusive of layoffs, terminations and hirings? Chairman Mason responded, "yes". This budget will be effective October 1, 1995.

VOTE: 4 in favor, 1 opposed, 2 absent. (DSB stepped out.)
Approved.

NOTE: The request for transfer of TERO Fees from the Duncan Energy Escrow Account was deferred at this time.

C. Tax Department Update.

Thomas Bird Bear presented an update on the Tax Department as far as what the tribes can do in order to begin benefitting from taxes and some of the issues and/or barriers the tribe is presently faced with. Mr. Bird Bear said the establishment of a Tribal-State Tax Agreement is a priority, which he has been researching. A written report was submitted for the council's review. Mr. Bird Bear was requested to provide the Tribal Business Council with monthly, progress reports identifying significant happenings in the Tax Department.

NOTE: Consultant Agreements for Dialysis Dietician and Social Worker were deferred at this time.

VIII. RESOLUTIONS.

A. Head Start Continuation Application for CY96.

Cathy Wolf Eyes presented and explained the resolution. **Motion** to approve made by George Fast Dog, **Second** by Austin Gillette.

Discussion: Treasurer Fox asked where the non-federal share of %10 or \$96,736 would come from. Ms. Wolf Eyes stated it

would come from community members, and she gave an example of the \$800 the Tribe contributed for back-ground checks. Chairman Mason asked if this was in-kind also, to which she replied it was the same thing. Treasurer Fox requested more detailed information as to how the 10% would be met. Ms. Wolf Eyes said these line items were projected in the budget, and 48% of this was projected as coming from community members who come in and help Head Start voluntarily. She said these hours were always documented at the centers and forwarded to Finance. Treasurer Fox asked about cash contributions from the tribe. Ms. Wolf Eyes said office supplies contributed by the tribe, such as stationery, envelopes, etcetera, would be identified as cash contributions. Treasurer Fox also asked about the indirect costs involved in this contract, and it was decided that this would have to be discussed with Finance. Chairman Mason asked Ms. Wolf Eyes to provide each of the council members with a copy of the budget for their review, and then called for the vote.

VOTE: 6 in favor, 1 absent. Approved.
Resolution No. 95-181-DSB

NOTE: The resolution on the Mahto Bay Agreement was deferred at this time.

B. Twin Buttes Parks & Recreation Sites.

Resolution was presented by Secretary Spotted Bear, who stated this project would not cost the tribes anything. He said he had been informed that this resolution had already gone through the Natural Resources Committee. Treasurer Fox asked if the resolution could be amended to restrict the lease only for those purposes proposed by the Twin Buttes Community. The resolution was then amended to include a paragraph authorizing the Chairman of the Tribal Business Council to negotiate this lease with the community.

Motion to approve the resolution with the proposed amendment by Austin Gillette, **Second** by Mr. Spotted Bear.

VOTE: 5 in favor, 2 absent and not voting. (GFD out.)
Approved. **Resolution No. 95-182-DSB**

NOTE: The resolution designating an administrator for the West Segment Community Building Project was deferred at this time.

C. Parshall Resource Center.

Treasurer Fox presented this resolution which has to do with coordinating the alcohol program with the State of North Dakota and Parshall Resource Center.

Motion to approve by Edwin Hall, **Second** by Treasurer Fox.

VOTE: 5 in favor, 2 absent and not voting.
Approved. **Resolution No. 95-183-DSB**

NOTE: Mark N. Fox recommended that resolutions containing more than one page indicate the number of pages on each page, i.e., "page 1 of 2, 2 of 2", etcetera, when they are submitted.

Also, at this time, Chairman Mason said the council would like to wish Mark Fox a Happy Birthday. Council then recessed at 3:02 p.m. and reconvened at 3:16 p.m.

D. Fort Berthold Education Summit.

Bernadine Young Bird, Education Administrator, presented this resolution which would authorize the Education Department "to facilitate and participate in the Second Annual Fort Berthold Education Summit to be held October 13", along with a contribution of \$1,000 from the Tribes.

Motion to approve by Mark N. Fox, **Second** by Austin Gillette.

Discussion on what would be on the agenda, and other issues concerning the functions of the reservation school boards.

VOTE: 5 in favor, 2 absent and not voting. (MNF out.)
Approved. **Resolution No. 95-184-DSB**

E. North Dakota Indian Education Conference.

Resolution presented by Ms. Young Bird. Resolution would authorize the TAT Education Department to Co-Host the 1995 ND Indian Education Conference in October 1995, and would contribute \$1,500 to this conference from the Tribe.

Motion for approval for purposes of discussion was made by George Fast Dog, **Second** by Daylon Spotted Bear.

Discussion: Education Administrator said this conference was for the professional development of Indian educators; school boards and students also attend this conference. Money will be used for speakers and conference costs, plus an ad in the brochure indicating support of the conference by the Three Affiliated Tribes.

VOTE: 3 in favor, 2 abstained, 2 absent. (GFD stepped out)
Approved. **Resolution No. 95-185-DSB**

F. Three Affiliated Tribes Childfind Month - September.

This resolution designates the Month of September as the Three Affiliated Tribes Child Find Month each year hereafter.

Motion to approve by Austin Gillette, **Second** by Mark N. Fox.
Vote: 5 in favor, 2 absent.
Approved. **Resolution No. 95-186-DSB**

G. Game and Fish Proclamations.

Austin Gillette stated that the Natural Resources Committee had approved the Game and Fish Proclamations for the 1995-96 Deer Bow, Deer Gun, Small Game and Furbearer, and Fishing proclamations, being submitted for full council approval. **Motion** by Mr. Gillette for approval, **Second** by Edwin Hall. **VOTE:** 5 in favor, 1 abstained, 1 absent. **Approved.**
Resolution No. 95-187-DSB

IX. OLD BUSINESS.

A. Corps Litigation (License/Lease Renewal Matters).

1. Tribal Attorney Christopher D. Quale informed the council that the McKenzie Bay Marine Club had applied to the Corps of Engineers for a 25-year renewal of its lease, and the Watford City Park Board had applied for a 25-year renewal of its associated license.

Motion by Mark N. Fox to go with the lease option of a 90-day extension. **Second** to motion by Edwin Hall. **Vote:** 6 in favor, 1 absent. **Approved.**

2. Mr. Quale requested the council take action regarding the potential additional 90-day extension of the easement for right-of-way that the council previously requested that the bureau grant. The current extension that the council last granted is due to expire at the end of this month.

Motion by Austin Gillette to approve 180 days extension, **Second** by Edwin Hall.

Discussion: Treasurer Fox inquired as to the difference between these two motions. Mr. Quale said the first motion dealt with the lease that the Corps would grant to the McKenzie Bay Marine Club and the license the Corps would grant to the Watford City Park Board. The second motion deals with the easement for right-of-way that the tribe would grant to the McKenzie Bay Marine Club. Mr. Hall asked if these shouldn't be consistent.

Motion amended by Mr. Gillette to 90 days. **Second** by Edwin Hall. **VOTE:** 6 in favor, 1 absent. **Approved.**

B. Gaming Management Agreement and Arbitration (Issues Update).

Mr. Quale provided an update on the Gaming Management Agreement and arbitration.

C. Consultant Agreements with Tom Disselhorst.

Mr. Quale said the initial consultant agreement with Tom Disselhorst appointing him and retaining him as our party-appointed arbitrator is due to expire September 15, and needs to be extended for at least one month. Tom Disselhorst said he thought these consultant agreements

could be combined into one at this time.

Motion by Mark N. Fox to continue the second consultant agreement for the next 30 days with the inclusion of the arbitration work. **Second** by Edwin Hall.

VOTE: 6 in favor, 1 absent. Approved.

D. Mni Sose Tribal Rights Coalition Board Resolution.

Resolution designates Kyle Baker as the official tribal representative on the Mni Sose Tribal Rights Coalition Board, and Austin Gillette and Harley "Texx" Lone Bear as alternates.

Motion by Austin Gillette to approve, **Second** by Mark N. Fox.

VOTE: 6 in favor, 1 absent. Approved.

Resolution No. 95-188-DSB

X. **PERSONNEL.**

A. Head Start Bus Driver for New Town.

B. Pending Selections.

C. Social Services Positions.

D. Resignation of Tribal Enrollment Clerk.

E. Temporary Appointment for Buffalo Project.

F. Assistant Maintenance/Security at Four Bears Segment.

XI. RECONSIDERATION OF TRIBAL BUSINESS LICENSE FOR ANITA AND TITUS HALL PEMICAN LODGE.

Sherry King, IHS Sanitation Aide, reported to the council on her findings after inspection of the Pemican Lodge. George Fast Dog made motion to approve. No second. Motion died. After discussion, George Fast Dog made **Motion** to grant the license until November 1, **Second** by Austin Gillette.

Mark Fox said he would like to see the motion amended to be in compliance at least with the issue of preparation of food on site, at least until October 15.

George Fast Dog **amended** his **motion** to grant the license until October 15, 1995, with the requirements of food preparation to make sure they are in compliance with the sanitation aide.

Austin Gillette **amended** his **second** to the motion also.

VOTE: 4 in favor, 2 abstained, 1 absent and not voting. Passed.

XII. COUNCILMAN FAST DOG ON UNAUTHORIZED EMPLOYMENT OF KAREN SIMMONDS.

George Fast Dog submitted a resolution and made a **Motion** to approve the resolution. which stated that "Karen Simmonds shall be formally hired under the maintenance line item at the lower rate of pay of \$8.00 per/hr, as opposed to the current \$10.00 per/hr, in order to satisfy the over-payment of \$12.00 per/hr, she was previously receiving." Austin Gillette **Seconded** the motion for purposes of discussion.

Both Chairman Mason and Mark Fox reiterated to Mr. Fast Dog that the issue was the unauthorized funds paid out to this employee, and how and when these funds would be paid back to the Tribe.

After discussion, a vote was called for on the resolution.

VOTE: 1 in favor, 4 opposed, 1 abstained, 1 absent.
Motion Defeated.

NOTE: At this time (5:00 p.m.), Mr. Fast Dog exited the meeting.

Motion by Austin Gillette that council defer any action on the North Segment Maintenance position until September 27, and at that time, all documentation should be given to council. **Second** by Daylon Spotted Bear.

Discussion: Mr. Hall inquired if this was to include all the deficiencies that may be incurred in overpayment. Mr. Fox said this information already exists, and council has to decide what kind of action to take, if any.

VOTE: 5 in favor, 2 absent. Motion Carried.

XIII. GAMING COMMISSION RESOLUTION.

Treasurer Fox introduced this resolution which would provide a tribal financial contribution to the TAT Gaming Commission in the amount of \$47,877.96 for income tax purposes, purchase of a fax machine, salaries and other expenses.

Motion for approval was made by Mark N. Fox, **Second** by Edwin Hall.

Discussion on this will primarily be paid from casino revenues.

VOTE: 5 in favor, 2 absent. Approved.
Resolution No. 95-189-DSB

XIV. LIMITED WAIVER OF SOVEREIGN IMMUNITY AS PART OF LOAN PACKAGE FROM COMMUNITY FIRST.

Treasurer Fox said the loan documents call for a specific limited waiver of sovereign immunity to enable the lenders to collect the loan in the event of default, and he believed it to be in the best interests of the Tribes to authorize this waiver limited to the amount of the loan transaction.

Motion to approve by Mark N. Fox, **Second** by Edwin Hall.

VOTE: 5 in favor, 2 absent. Approved. Resolution No. 95-190-DSB

XV. INTERPRETATION OF REFERENDUM PROCESS UNDER ARTICLE VI, SECTION 1, AND ARTICLE VIII OF THE TRIBAL CONSTITUTION.

Treasurer Fox said this resolution was also necessary to facilitate the loan process, and he moved for approval, Second by Edwin Hall.

Discussion: Austin Gillette said he did not believe this resolution was necessary and stated his position, although he said he could understand why the bank was asking for this. Treasurer Fox said this resolution states when the tribe deals with outside parties in contractual agreements, they have the authority to obligate the tribe to pay for this loan, and that if the people, by referendum, retroactively choose not to assume this loan, the Tribal Council would still be obligated to repay amounts owed by that loan. Mr. Fox said, "For the record, I am for the people myself, and I am working for the Tribe, and I certainly support the people and their right to a referendum." Tribal Attorney Christopher D. Quale said, "Normally, this wouldn't be necessary, however, the bank's attorneys are requesting this; and, for some reason, they are being extremely cautious now."

Chairman Mason called for the vote, after the discussion.

VOTE: 3 in favor, 2 abstained, 2 absent. Motion Carried.
Resolution No. 95-191-DSB

XVI. ADJOURNMENT.

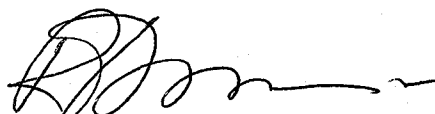
Motion to adjourn by Edwin Hall, Second by Mark N. Fox. Meeting adjourned at 5:37 p.m. Next scheduled meeting will be a Special Meeting on Wednesday, 27th of September, 1995, at 10:00 a.m.

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.

Seven members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 27th 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 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 27th day of September, 1995.

Daylon Spotted Bear
Daylon Spotted Bear, Secretary
Tribal Business Council



Russell D. Mason, Sr. Chairman
Tribal Business Council