



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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TRIBAL BUSINESS COUNCIL
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SPECIAL MEETING MINUTES

NOVEMBER 22, 1995

1. CALL TO ORDER AND OPENING PRAYER.

The Special Meeting of November 22, 1995, of the Three Affiliated Tribes Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 10:55 a.m. in the Tribal Council Chambers. A moment of silent prayer was held, and attendees were asked to think of those who are less fortunate than we are, during the Thanksgiving season.

2. ROLL CALL.

Secretary Spotted Bear called roll: Chairman Russell D. Mason, Sr., present; Vice Chairman Edwin Hall, present; Treasurer Mark N. Fox, present; Secretary Daylon Spotted Bear, present; Councilman Austin Gillette, present; Councilman Ivan Johnson, present; Councilman George Fast Dog, present. All members present.

3. ANNOUNCEMENTS AND REPORTS.

Chairman Mason thanked Mr. Fox and Mr. Hall for participating in the Human Resources Committee Meeting on November 21, and thanked Mr. Fox also for the invitation to the dinner at the Parshall Benefit for Veterans and Community Thanksgiving Dinner. He also wished everyone a Happy Thanksgiving.

Secretary Spotted Bear invited council members to attend the Twin Buttes Community Meeting the evening of December 13, 1995. Treasurer Fox reported on the Intertribal Monitoring Association meeting/hearing held in Rapid City, SD, and a judicial meeting between the federal government, U.S. Attorney Office, Attorney General Office, and all the tribes in North Dakota. He congratulated Scott Eagle, Spencer Wilkinson, Jr., and Tom Disselhorst for helping put this together.

Mr. Gillette reported on the progress of the Uniband proposal for White Shield. He also announced that the water in White Shield would be turned on in two weeks. Mr. Fast Dog announced the Water Buster War Bonnet Dance to be held in North Segment on the weekend. He also said he would distribute a memo to the council regarding a trip he had taken to South Dakota.

4. APPROVAL OF AGENDA.

Motion to approve agenda, with additions and deletions, made by Mr. Fast Dog. Second, Mr. Fox. Vote: 7 in favor. Carried.

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5. CORRECTION OF MINUTES.

Motion by Mr. Spotted Bear to correct minutes of October 12, 1995, page 2, Section IV.B to reflect October 05 rather than October 12. Second, Mr. Fox. Vote: 7 in favor. Carried.

6. UNFINISHED BUSINESS.

- a. 4th Annual All Nations Indian High School Boys Basketball Classic.

On behalf of the Fort Berthold Indian School Board Association and the All Nations Indian High School Boys Basketball Fund-Raising Committee, Arby Little Soldier put forth a request for funding assistance from the Tribes to help sponsor the above tournament to be held in Bismarck in December.

Motion by Mr. Fox to approve for \$4,000. Second, Mr. Fast Dog. Discussion: This request is for the tournament and the Education Conference. Standing Rock and Fort Totten are involved also. A breakdown of estimated costs requested by Mr. Fox. Mr. Little Soldier said this would be provided. Vote: 7 in favor. Passed. R#95-228-DSB.

- b. Amendment to Agenda.

Motion by Mr. Fox to amend agenda to include Joe Gillis. Second by Mr. Hall. Vote: 5 in favor, 1 opposed. Mr. Fast Dog absent during vote. Carried.

Motion by Mr. Hall to amend agenda to include education members on indirect cost rates issue. Second, Mr. Johnson. Vote: 4 in favor, 2 opposed. Passed.

- c. Tribal Pumping Service.

Natural Resource Administrator Kyle Baker requested council to approve establishing a Tribal Pumping Service operation. He was advised to submit a business proposal or prospectus for financial people, attorneys, and council to review before any formal action is taken.

- d. Division of Environmental Quality Program.

Mr. Baker requested council to create a Division of Environmental Quality in the Natural Resources Department. He was advised to set up a work session the week of December 18, and to work with Mr. Lone Fight on this.

- e. Tribal Enrollment.

Resolution to correct enrollment number of a tribal member. **Motion** to approve by Mr. Fast Dog. Second, Mr. Johnson. Vote: 7 in favor. Carried. R#95-229-DSB.

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Resolution to approve enrollment of ten (10) applicants. **Motion** to approve, Mr. Gillette. Second, Mr. Fast Dog. Vote: 6 in favor. Chairman Mason absent during vote. Carried. **R#95-230-DSB.**

7. NEW BUSINESS.

a. Kelly Ann Cummings, Tribal Member.

Ms. Cummings presented a request for financial assistance to attend the National Youth Leadership Forum on Defense, Intelligence and Diplomacy in Washington, D. C., for which she had been selected. **Motion** by Mr. Fox to approve contribution of \$500.00. Second, Mr. Fast Dog. Vote: 7 in favor. Carried.

b. Appointments: Housing Board; Judiciary Committee; Human Resource Committee.

Mr. Johnson presented a resolution and made a **motion** to replace the present tribal housing board representative from the Western Segment with Joletta Bird Bear. Second, Mr. Gillette. Discussion by Mr. Gillette on terms of board members according to charter. Mr. Spotted Bear to advise council at next meeting. Vote: 6 in favor. Mr. Fast Dog absent during vote. Carried. **R#95-231-DSB.**

Mr. Fast Dog made a **motion** to place Fred Baker on the housing board as the tribal representative from the North Segment. Second, Mr. Johnson. Vote: 7 in favor. Carried.

Mr. Fox made a **motion** to place Luther Grinnell on the Judiciary Committee. Second, Mr. Johnson. Vote: 7 in favor. Carried.

Mr. Spotted Bear made a **motion** to place Dr. Herbert J. Wilson on the Human Resource Committee. Second, Mr. Fox. Discussion on number of placements remaining to be filled on various committees. Vote: 7 in favor. Carried. **R#95-232-DSB.**

c. Reorganization: South Segment Employment Program.

Mr. Spotted Bear made a **motion** to approve the reorganization of the South Segment Employment Program and Budget. (Copy attached to minutes.) Second, Mr. Fast Dog. Vote: 6 in favor. Mr. Gillette absent during vote. Carried.

d. Recommendations from Human Resources Committee on Tribal Health Program. Recommendations presented to council by Tribal Health Planner Susan Fredericks and Tribal Programs Administrator Ed Lone Fight.

(1) Affiliation Agreement between Parshall Resource Center, TAT Alcohol Program, and North Central Human Services.

Motion for approval of the affiliation agreement was made by Mr. Hall. Second, Mr. Johnson. Discussion by Mr. Fox if the primary

purpose of the agreement is to combine the services that are available. Chairman Mason said it would be a comprehensive initiative. Ms. Fredericks said the intent is to integrate the services that were provided formerly at Parshall Resource Center. Vote: 7 in favor. Carried.

(2) Reorganization of Dialysis Center.

Ms. Fredericks reviewed the recommendations of the review team and the Human Resources Committee for reorganization of the Dialysis Center. **Motion** to approve recommendations by Mr. Spotted Bear. Second, Mr. Hall. Discussion by Mr. Gillette on immediate advertisement of positions and interim acting director. Ms. Fredericks said she was unsure at this time if the hiring of an interim acting director would be necessary. They are working with the State Health Department to maintain certification of the Dialysis Program, and, if approved, the proposed reorganization plan will be run by them to make sure it is in line with Medicare regulations. Vote: 6 in favor, 1 abstention. Carried. R#95-233-DSB.

NOTE: Meeting recessed at 12:15 p.m. Reconvened 12:50 p.m.
All members present.

(3) Vendor for Physician Extender Program.

Motion by Mr. Spotted Bear, second by Mr. Hall, to select UniMed, St. Alexius, as vendor for physician extender. Vote: 6 in favor. Mr. Fox absent during vote. Carried.

- e. Range Leases. (Amendment to R#94-40-DSB to decrease grazing rate on Tribal Lands from \$6.50 per AUM to \$6.00 in 1996 Grazing Period.)

(1) Reduction of AUM to \$6.00 on Tribal Land.

Council discussed recent action taken by the Bureau of Indian Affairs that reduced the grazing fee rate on allottee land from \$7.65 to \$6.50 per AUM; and increased the carrying capacity on range units--both done without tribal resolution. A resolution to amend R#94-40-DSB was brought forth by Mr. Gillette. After discussion, **motion** for approval of an AUM rate of \$6.00 was made by Mr. Fast Dog, seconded by Mr. Gillette. Vote: 4 in favor, 3 abstained. Carried. R#95-234-DSB.

(2) Case by Case Review.

Mr. Gillette then put forth an amendment to the above resolution to state that the Tribal Business Council requests the Bureau of Indian Affairs to review each range unit case by case to justify the 25% increase of carrying capacity. **Motion** to approve by Mr. Fast Dog. Second, Mr. Fox. Vote: 7 in favor. Carried.

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8. OTHER BUSINESS.

a. FY96 Docket Fund Withdrawal/Distribution Resolution.

Motion to approve by Mr. Johnson. Second, Mr. Fast Dog.
Vote: 6 in favor. Mr. Gillette absent during vote. Carried.
R#95-235-DSB.

b. Fort Berthold Lumber Supply and Construction Corporation.

Staff Attorney Thomas Disselhorst answered council's questions, during a general discussion of the LCM bankruptcy plan and the proposed new corporation of the Fort Berthold Lumber Supply and Construction Corporation. A resolution to grant a business charter to the Fort Berthold Lumber Supply and Construction Corporation, along with the initial board of directors for the new corporation was submitted. Mr. Johnson moved for approval of the resolution. Second, Mr. Hall.
Vote: 5 in favor, 1 abstained. Mr. Fast Dog absent during vote. Carried. R#95-236-DSB.

Further discussion by Mr. Gillette that council should consider putting in a provision (during the revision of the constitution) that wards and corporations that the Tribe charters shall be autonomous up to a point where there is no political interference, but a basic check and balance system is in place.

c. Three Affiliated Tribes Snow and Ice Removal Policy.

Motion for approval by Mr. Johnson, of the TAT Snow & Ice Removal Policy. Second, Mr. Spotted Bear. Discussion by Mr. Ted Danks that the new policy specifically mandates maintenance people that have to be out at least one-half hour before school buses go out; and outlines a procedure to let the traveling public know what kind of (road) conditions exist in the district. Vote: 7 in favor. Carried.

d. Ken Hall Education Assistance Loan Request.

Mr. Hall would like to make a loan and use 80 acres as collateral; Mr. Fox said some assistance could be provided under the graduate scholarship set up through docket funds; however, this is limited to \$500 each semester dependent upon grades. Chairman Mason said he would get in touch with Mr. Hall and advise him of these limits and that the Small Loan Program is not in place for other than medical and funeral situations.

e. Austin Gillette Delegated as Authorized Council Representative to Assist White Shield School Board with Negotiations on Construction Project Overruns.

Mr. Gillette gave brief background information and requested to be authorized to be delegate from council to assist the White Shield School Board. **Motion** to delegate Mr. Gillette as authorized representative from Tribal Business Council to assist the White Shield

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School Board made by Mr. Hall. Second, Mr. Johnson. Discussion by Mr. Fox that, on behalf of the council, Mr. Gillette is going to help the school board negotiate the cost overruns under construction. Mr. Gillette said this would be with the Plant Management in Albuquerque. Mr. Fox clarified that this would involve no cash contribution from the Tribe. Vote: 6 in favor. Mr. Johnson absent during vote. Carried.

f. Diane J. Avery, Tribal Court.

Ms. Avery asked for clarification whether half of her salary would come out of the Indirect Cost pool, as has been done in the past. She advised Tribal Court is severely crippled financially. Both the Financial Consultant and Acting Comptroller were consulted, whereupon it was noted that this has not been changed.

Judge Avery reviewed the major changes that have occurred in the court system since moving Tribal Court to New Town. The court system has seen dramatic increases in both civil and criminal cases, and juvenile and custody-related cases have doubled. The opening of the gaming facility has influenced this, along with lawsuits against the Tribe. Tribal Court budget limitations were discussed in length, along with the problem of limited staff, which is only eight people.

Judge Avery inquired about hiring an administrative assistant. Mr. Fox suggested a Judiciary Committee Meeting be held within the next two weeks to address this before coming back before council.

Mr. Gillette inquired of Judge Avery as to what action would be taken on the break-in at the convenience store in White Shield three months ago. Judge Avery invited Mr. Willard Yellow Bird to return to Tribal Court with her to meet on this, and Mr. Yellow Bird was also invited to check back with the council on this matter.

9. LEGAL DEPARTMENT MATTERS.

a. Requested Amendment to Twin Buttes Community Association Charter to Increase Community's Debt Limit to One Million.

Tribal Attorney Christopher D. Quale advised he had concluded there would be no liability on the part of the TAT/Tribal Council per se. His position was that the Tribal Business Council is, in effect, acting as does the Secretary of State for North Dakota in simply issuing articles of incorporation as the state does; and, obviously, if a business which has a State articles of incorporation is sued on a debt, the Secretary of State and the State of North Dakota would not assume any liability. He recommended to approve. Chairman asked for motion for approval of the resolution. Motion made by Mr. Spotted Bear. Second, Mr. Johnson. Mr. Fox said council has responsibility to make sure they are mindful of the wishes of all enrolled members on and off the reservation; one of the things requested by council, as a stipulation to approving, was that the community have a community meeting and give the members an opportunity to respond to the

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requested increase from 1/4 million to 1 million. Mr. Gillette said a copy of the community minutes had also been requested. After discussion, the motion and second were withdrawn, and Mr. Spotted Bear said he would present this at the community meeting scheduled for December 13. **Deferred.**

- b. **Withdrawal of Previous Request for National Indian Gaming Commission to Review Proposed Gaming Management Agreement with Little Soldier Casino, Inc.**

Due to moratorium in June 1995 on further consideration of any proposals for the establishment of additional Class III gaming facilities on the reservation for a period of nine months, Mr. Quale recommended the previously-submitted request for National Indian Gaming Commission to review the proposed gaming management agreement with Little Soldier Casino, Inc., be withdrawn by resolution. **Motion** to approve by Mr. Johnson. Second, Mr. Fox. Vote: 6 in favor. Mr. Fast Dog absent during vote. Carried. **R#95-237-DSB.**

- c. **Appointments to North Dakota Reinterment Committee and Native American Graves Protection Rights Association Committee (NAGPRA).**

Motion by Mr. Fox to leave the same members on the North Dakota Reinterment Committee and NAGPRA Committee. (Ronald Little Owl, Pemina Yellow Bird, and Elgin Crows Breast) Second, Mr. Johnson. Discussion on travel limitations and prerogative of council to remove members if the need arises. Vote: 7 in favor. Carried.

- d. **Pending Personnel Grievance Hearings.**

Mr. Tom Disselhorst advised council of two pending grievance hearings which need to be addressed, and a date set for the hearings. Chairman Mason said he would get with the grievance committee members to set up a date.

- e. **Range Unit Allocation Matter.**

A special meeting will be set up by Mr. Disselhorst on December 18 on this issue. Mr. Disselhorst to give council some briefing papers before then.

10. JOE GILLIS.

Mr. Gillis had a contract with LCM, which was not fulfilled, causing him to wait and lose money. Since LCM has since gone into bankruptcy, he feels he has a legitimate claim against the tribe, who owns LCM. Financial Consultant David Brendsel said they (Ted Danks, John Danks, Texx Lone Bear and himself) have come up with a recommendation to the committee to bring before the council for a fair settlement for each of three companies, i.e., KB Electric, Gillis Construction and CJ Construction. They have been given a preferential state as far as creditors, and all three companies have provided information. **Deferred.**

[REDACTED]

(2) Enrollment Clerk.

[REDACTED]

(3) Clerk/Typist, Tribal Health.

12. **LOAN REQUEST FOR \$200 FOR EMERGENCY TRAVEL.**

Motion by Mr. Fast Dog for a loan for \$200 to a family waiting outside. Second, Mr. Gillette. Discussion by Mr. Fox on loan limitations in place that are only for funeral and medical, which have to be documented; except, one instance for disaster relief for an elder. Further discussion by Mr. Johnson that other families have been turned away for the same thing. Motion and second withdrawn. Denied.

13. NORTH SEGMENT EMPLOYMENT FUND.

14. FY96 TRIBAL SUMMARY BUDGET AND REVENUES.

The proposed tribal budget for Fiscal Year 1996 was reviewed with council by Mr. Fox and Mr. Brendsel, during which a question and answer session was held. Overall emphasis is on reducing the spending of tribal government funds and building the reserves of the Tribes. The only employment situations affected will be the Veterans Office and the Cultural Preservation Office, which will no longer have assistants.

Motion by Mr. Fox to allow \$121,000.00 as part of the tribal budget for the payment to senior citizens. Second, Mr. Fast Dog. Discussion by Mr. Gillette that he originally wrote the plan for the senior citizen payout; and, prior to that, elders received zero payments. They have been getting this payment for ten years now. Vote: 4 in favor, 2 abstained. Carried.

15. TREASURER'S REPORT. Mr. Fox reported on tribal enterprises, programs, activities and funds, and answered questions directed by various council members.

16. CASINO/TRIBAL LIAISON.

17. SEGMENT EMPLOYEES TO BE MADE PERMANENT EMPLOYEES AND RECEIVE FRINGE BENEFITS. The Tribal Council determined that segment employees can now become permanent employees and receive fringe benefits, effective PP#25, beginning Monday, December 4, 1995.

18. APPROVAL OF 1996 TRIBAL BUDGET. **Motion** for approval of 1996 Tribal Budget made by Mr. Fox. Second, Mr. Fast Dog. Vote: 6 in favor. Approved. R#95-238-DSB.

19. NEXT MEETING. The next meeting is scheduled for Thursday, December 14, 1995.

20. ADJOURNMENT. **Motion** to adjourn by Mr. Fox. Second, Mr. Fast Dog. Vote: 6 in favor. Meeting adjourned at 4:45 p.m.

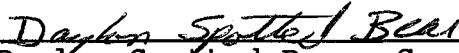
CERTIFICATION OF MINUTES

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.

Six members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 21st day of December 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 members, 0 members opposed, 0 members abstained, 1 members 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 21st day of December, 1995.



Daylon Spotted Bear, Secretary
Tribal Business Council

ATTEST:



Russell D. Mason, Sr. Chairman
Tribal Business Council