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MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation HC3 Box 2 • New Town, North Dakota 58763-9402

REGULAR MEETING MINUTES

DECEMBER 21, 1995

- 1. CALL TO ORDER AND OPENING PRAYER. The Regular Meeting of December 21, 1995, of the Three Affiliated Tribes Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 11:50 a.m. in the Tribal Council Chambers. A moment of silent prayer was held,
- 2. ROLL CALL. Secretary Spotted Bear called roll: 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, absent. Five members present. (Councilman Fast Dog entered the meeting immediately after roll call.)
- 3. ANNOUNCEMENTS AND REPORTS. Chairman Mason advised councilmembers of a letter he had received from Senator John McCain on reorganization of the Bureau of Indian Affairs. There will be a TERO meeting next week in Bismarck; a meeting Tuesday morning with the Governor; a meeting January 2nd with the Federal Bureau of Investigation and Office of Inspector General in Rapid City; the second week of January, Chairman Mason has been invited to a meeting with the Director of Office Management and Budgets at the White House; also on Tuesday morning, Chairman and Councilman Gillette will meet with United Tribes Technical College Board of Directors.

Councilman Fast Dog announced the Mid-Winter Pow Wow to be held New Years Eve and New Years Day at the North Segment Hall. Councilman Gillette said the waterline in White Shield would be hooked up this week; and gave an update on the Uniband project. Councilman Spotted Bear advised the Twin Buttes Community Meeting had been postponed to January. Councilman Hall announced the feasibility study and environmental review process for the Four Bears multi-purpose building under the Community Development Block Grant has been completed. Councilman Johnson thanked the council for distributing the senior citizens checks in time for Mandaree's Community Christmas Dinner.

- 4. APPROVAL OF MINUTES. Motion by Councilman Gillette to approve November 09 and November 22, 1995, minutes, with corrections, if any. Second by Councilman Hall. Vote: 6 in favor. Minutes of November 09 and November 22, 1995, are approved.
- 5. APPROVAL OF AGENDA. Motion to approve agenda, with additions and deletions, made by Councilman Johnson. Second by Councilman Fast Dog. Vote: 6 in favor. Carried.

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6. UNFINISHED BUSINESS.

Note: Administrative Assistant for Tribal Court was deferred until the arrival of Councilman Fox.

7. NEW BUSINESS.

Note: Head Start Parent Policy Committee was deferred to January 11, 1996.

- a. <u>Domestic Violence Annual Resolution for Federal Family Violence</u>
 <u>Grant Funds</u>. <u>Motion</u> to approve by Mr. Johnson, second Mr. Fast
 Dog. Vote: 6 in favor. Carried. R#95-239-DSB.
- b. Aging Services Resolution for Annual Title VI Funding from Administration on Aging. Motion by Mr. Fast Dog to approve, second by Mr. Johnson. Discussion by Mr. Gillette on which communities will be serviced from this funding. Motion amended by Mr. Fast Dog to include that this administration look into this program to assure that there is a decentralization of funding and program efforts, second by Mr. Johnson. Vote: 6 in favor. Carried. R#95-240-DSB.
- c. MR&I Survey Consultant Agreement with Fort Berthold Community

 College. Resolution presented by Councilman Gillette, who stated
 this was for Phase II in all the districts. Motion by Mr.
 Gillette to approve, second by Mr. Fast Dog. Vote: 6 in favor.
 Carried.

Note: The resolution for the Cattle Relending Payment Plan was deferred to January 11, 1996, along with the fuel assistance report.

d. Resolution for Declaration of Five Counties (Mercer, Mountrail, McLean, McKenzie and Dunn) within the Fort Berthold Reservation as Disaster Areas to Attempt to Secure Relief for Indian Farmers and Ranchers. Resolution presented by Councilman Hall, who made Motion for approval. Second by Mr. Fast Dog. Vote: 6 in favor. Carried. R#95-241-DSB.

Note: Councilman Gillette to have Natural Resources do a cover letter for the chairman's signature for transmittal of the above resolution to Senators Conrad and Dorgan, Secretaries of Agriculture and Interior Departments, and ND Secretary of Agriculture, Sarah Vogel.

e. Resolution for Three Affiliated Tribes to participate in the Western Area Power Administration's Energy Planning and Management Program under the Auspices of the Mni-Sose Intertribal Water Rights Coalition. Resolution presented by Paul Danks, TAT/GIS Coordinator. Mr. Johnson made Motion to approve for purposes of discussion. Second by Mr. Spotted Bear.

Discussion by Mr. Gillette that reference should be made to the Pick Sloan Act of 1949, which is specific to the Three Affiliated

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Tribes. Chairman Mason called for the vote. Vote: 5 in favor. Mr. Fast Dog absent during vote. Carried. R#95-242-DSB.

Note: Meeting recessed at 12:40 p.m. and reconvened at 12:50 p.m.

f. <u>Fuel Assistance Dollars</u>. Mr. Donald Dickens, Finance, was questioned in regards to fuel assistance dollars. Mr. Dickens advised an initial amount of \$80,000 was available, along with carryover of \$26,000. Mr. Dickens was requested to follow up on status of anticipated funds.

8. OTHER BUSINESS.

Note: The All Nations Youth Plan was deferred to January 11, 1996.

a. <u>Judith Coffey Medical Bill Request</u>. **Motion** made by Austin Gillette to authorize the Chairman and Treasurer to work on the request from Ms. Coffey, with the understanding that a grant would not be involved. Second by Mr. Fast Dog. Vote: 6 in favor. Carried.

Note: Mandaree St. Anthony's Catholic Church Request was deferred, as neither Inez Baker nor Connie White Bear were present. Mr. Mark N. Fox entered the meeting at 1:00 p.m.

- b. Dennis Water Well Drilling. Sidney Howard and Jim Dennis presented a request for payment of balance of water drilling bill for Pearl Howard's residence in White Shield. Motion for payment of \$8,000 to settle this debt for the well that was drilled and completed for the Howard family made by Mr. Gillette, who requested that the record show that this is a result of the failure of the Wilkinson Administration to complete a dulypassed authorization by the Tribal Council, and that this is the only well that has any bearing on the MR&I Project, itself. Second by Mr. Hall. Vote: 3 in favor, 4 abstained. Carried.
- C. Water Busters and Antelope Society Requests. Cletus Medicine Crow requested a donation to the Water Busters for their ceremony to be held on January 27, 1996; and also distributed some very interesting historical material he had obtained from the Minot Daily News regarding the Water Busters Clan. The Antelope Society, represented by Jerome Dancing Bull, also requested a donation for their mid-winter pow wow on December 31 and January 1. Motion by Mr. Fast Dog to give each group \$3,500 apiece. Second by Mr. Johnson. Vote: 6 in favor. Mr. Spotted Bear absent during vote. Carried.
- d. Mandaree Health Care. Tillie Walker, Rosemarie Mandan, Geraldine Van Dyke, Helen Baker and Ethel M. Reeves presented the council with a petition signed by 64 members of the Mandaree Community in support of a contract for health services from Med-Center 1, McKenzie County Clinic in Watford City (copy attached.) After lengthy discussion, Chairman Mason asked that Mr. Ed Lone Fight,

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Tribal Programs Manager; and Ms. Susan Fredericks, Tribal Health Planner; develop another contract for council to act on at their next scheduled meeting.

Note: Meeting recessed at 2:40 p.m. Reconvened at 2:50 p.m.

- e. <u>Tribal Enrollment Relinquishments</u>. John Charging, Tribal Enrollment Officer, submitted five resolutions for relinquishment of enrollment for the following: Bert Owen White, Nellie Boyd Hall Youpee, Cory Ray Richardson, Tashina Leann Richardson and Skylar Brooke Stretches. **Motion** to approve made by Mr. Fast Dog. Second by Mr. Gillette. Vote: 5 in favor, 1 opposed, 1 abstained. Carried. R#s. 243, 244, 245, 246 and 247, respectively.
- f. Proposed Resolution to Prevent Re-enrollment of Relinquished Members. Mr. Hall made a Motion to adopt a resolution (to be prepared by the Tribal Enrollment Officer) that would prohibit members who relinquish their enrollment in Three Affiliated Tribes to be eligible for re-enrollment in the future. Second by Mr. Gillette. Motion was amended by both Mr. Hall and Mr. Gillette to state that this would be for adult members only, and not minors. Discussion: Mr. Charging to get an opinion from the Legal Department. Vote: 5 in favor, 1 opposed, 1 abstained. Carried.
- g. <u>Curt Danks' Request for Loan Against Settlement Funds</u>. Mr. Danks was advised that there would be no action on the settlement of any MR&I/LCM Funds until after the bankruptcy hearing. For purposes of discussion, **Motion** was made by Mr. Johnson to approve \$1,000 loan for Mr. Danks. Second by Mr. Fast Dog. After discussion, Mr. Fast Dog withdrew his second and Mr. Johnson withdrew his motion. Council <u>reiterated</u> that there would be no loans made except for funeral and medical emergencies.
- h. North Segment Van. Clorine Charging Driver addressed the council regarding the purchase of a new van for the North Segment. Discussion by Mr. Fox that these vans belong to the communities, and the Tribe is only responsible for the insurance. The Community Board in conjunction with the Council Representative decide what and how these vans will be used. If the community decides to trade these vans, either up or down; hopefully, they have the funds available to do so.
- i. ND Legal Services, Inc. Supplemental Funding. Mr. Gillette presented a resolution to provide a grant of \$35,812 to New Town Legal Services. Mr. Jim Fitzsimmons had been asked to prepare a budget for council's consideration. Mr. Gillette said Legal Services provides assistance not only for many of our people, but for others, as well; and we can show the State of North Dakota what we are doing with our money, and that we are attempting to help everybody. Mr. Fitzsimmons said their budget had been cut back about 40%, which means their services would have to be cut

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back, and he asked the council to provide input as to which areas should be given precedence. Discussion by Mr. Fox that if the Tribe chooses to support Legal Services, there be a limitation that, if other funding should come in, this funding would relinquish the Tribes' financial responsibility to contribute more. He said, in an indirect way, tribal members have paid for these services through taxation. Mr. Gillette then made motion to approve the resolution which would grant \$35,812 to New Town Legal Services, Inc. Second by Mr. Fox. Further discussion by Mr. Fox that this funding would be made as funds are available. Mr. Fitzsimmons said arrangements had been made with four area attorneys to come in and do work for legal services at one-half the going rate; and that any funding received would make a difference in increasing their services. Vote: 7 in favor. Motion Carried.

- FINANCIAL REQUEST, IVAN JOHNSON. Mr. Johnson spoke on behalf of the Christian Academy School at Johnson's Corner, which he said had 13 enrolled members in their student population. He said he thought it would be a good idea for the Tribe to donate some money to this school, since they receive no federal funds, and have Indian children attending. He felt a donation to them to help them out would look good on the Tribes' part. Mr. Johnson made a motion to contribute \$5,000 to this school to help them out. Second by Mr. Spotted Bear. Discussion by Mr. Fox that similar funds would probably be asked to be made available to other segments along similar lines. Mr. Gillette wondered if it would be possible to sponsor a project of the school's, rather than give them an outright cash donation. Mr. Fox indicated a plan or budget submittal for educational purposes could be submitted. Mr. Johnson said he would like it for the whole school, not just the Indian children. Chairman Mason asked if the motion and second could be withdrawn to allow Mr. Johnson to get a package together to be presented at the meeting on the 11th? Mr. Johnson and Mr. Spotted Bear withdrew their motion and second, respectively. Deferred.
- 10. SEGMENT EMPLOYMENT PROGRAM APPOINTMENTS.
 - a. North Segment. Mr. Johnson made motion to approve the temporary appointment of Catherine St. Pierre as office worker under the North Segment Employment Program from December 11 to December 31, 1995. Second by Mr. Fast Dog. Vote: 6 in favor. Chairman Mason not present during vote. Carried.
 - b. <u>Northeast Segment</u>. **Motion** by Mr. Fox to approve appointment of Mildred Garcia for Maintenance Assistant position at Parshall Community Building. Second by Mr. Fast Dog. Vote: 6 in favor. Chairman Mason not present during vote.
- 11. LEGAL DEPARTMENT MATTERS.
 - a. <u>Monica M. Mayer Proposal to Tribe</u>. Mr. Christopher D. Quale, Tribal Attorney, submitted a proposed Memorandum of Loan Agreement that had been submitted by Ms. Mayer. Agreement had

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previously been submitted to the Human Resource Committee, which had requested Susan Fredericks to obtain legal review. Mr. Quale said the agreement had been reviewed and reworked with Ms. Mayer, and he was submitting the final draft. Motion for pre-approval by Mr. Fox. Second by Mr. Fast Dog. Discussion by Mr. Fox that this agreement would be subject to availability of funds and would not be paid to Ms. Mayer in one lump sum; and a resolution would be needed to accompany this agreement. It was decided to present the resolution at the next scheduled meeting. Mr. Gillette cautioned council that this would open up a new area whereby professional students will make similar proposals in the future. Chairman Mason called for the vote. Vote: 5 in favor. Mr. Fast Dog and Mr. Johnson not present during vote. Carried.

Note: Mr. Fast Dog and Mr. Johnson left meeting at 4:00 p.m. due to other business. Meeting recessed at 4:04 p.m. Reconvened at 4:17 p.m.

- b. Plan by Corps of Engineers to Lease 15 Tracts of Excess Corps Land within the Northeast Quadrant of Reservation. Mr. Quale advised a reply was needed regarding the intention of the Corps to lease fifteen tracts within the northeast quadrant for agriculture and grazing. The leases expire December 31, 1995, and the Corps is proposing one-year leases, with four one-year renewal options. The Washington attorneys feel that the leases are unobjectionable, provided the Invitation for Bids and the leases themselves contain provisions to protect the Tribe's claimed rights in the leased tracts. Motion by Mr. Gillette to abide with Washington attorneys findings and not object to the leases. Second by Mr. Hall. Discussion by Mr. Fox that he would like to see the areas to be leased identified on a map, in case the Tribe/Community may wish to obtain these leases. After further discussion and withdrawal of second, motion was amended by Mr. Gillette that the Tribes withhold a response until Legal has been provided with a map of where these leases are, for review, and that we follow the recommendations of Mr. Roy regarding the one-year terms and to reserve the right of the Tribes to lease these tracts, if we so desire, for whatever purposes. Second by Mr. Hall. Vote: 5 in favor. Carried.
- c. <u>Election Contest Update</u>. Mr. Quale updated council on the election contest filed by Evangeline Red Feather etal. Mention was made of the fact that this election contest has cost the Tribes approximately \$55,000 to date, and is still not over.
- 12. UPDATE ON RECENT DIALYSIS CENTER CRISIS AND APPROVAL OF DIALYSIS STAFFING ACTIONS. Susan Fredericks and Ed Lone Fight were asked by Chairman Mason to update the council on the recent crisis at the Dialysis Center involving a threat by the State Health Department to shut down the facility, due to the Administrator notifying them that she had a staff shortage. As a result, a contingency plan had to be developed immediately by Doctor Dunnigan, Medical Director of the Dialysis Unit; and, accordingly, Chairman Mason was asked to approve

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the selection of back-up staff and two permanent staff hirings in order to be in compliance. Motion was made by Mr. Hall to approve the actions of Chairman Mason in appointing back-up staff, as follows: Karlea Lopez, RN, Supervisory Clinical Nurse; Laura Gullickson, RN; Jane Dobrovolny, RN; Del Rae Giesen, LPN; and hiring permanent staff, as follows: Linda Irwin, RN; Kami Boehm, RN. Second by Mr. Fox. Vote: 5 in favor. Carried.

- 13. ADDITIONAL LEGAL DEPARTMENT MATTERS. Mr. Quale updated the council on the arbitration proceedings with Bruce H. Lien Company. He also informed the council of a request he had received from another tribal gaming commission and its principal legal counsel for the TAT Legal Department and TAT Tribal Business Council Gaming Committee to work with them in developing more comprehensive regulations for licensing and regulating class II gaming, and suggested that the council may want to limit the number of organizations authorized to conduct class II gaming, along with several other issues involving class II gaming.
 - A. Further Development of Class II Gaming Regulations on Reservation. Mr. Quale requested that, by motion, the council direct the Legal Department, TBC Gaming Committee, TAT Gaming Commission, and its legal counsel to <u>further</u> develop proposed regulations that would set forth more comprehensive regulations of class II gaming, to be presented at a later date to the full council for review and consideration. Motion was made by Mr. Fox, seconded by Mr. Hall. Vote: 5 in favor. Carried.
 - b. Development of Criminal Offense of Stalking Provision in Tribal Criminal Code. Mr. Quale also requested a motion to direct the Legal Department to develop a criminal offense provision entitled "Stalking" for inclusion in the Tribal Criminal Code for potential adoption by the full council at a later date. Motion by Mr. Gillette. Second by Mr. Spotted Bear. Request by Mr. Fox that, along with the stalking provision, an accelerated punishment and fines for assault on elected government officials be included in the motion. Further discussion that the motion would also include changes in penalty classifications of crimes. Vote: 5 in favor. Carried.
 - C. Native American Rights Fund (NARF) Invitation to Join Amicus Brief of South Dakota v. United States Department of the Interior. Documentation and explanation was provided by Mr. Quale. Motion by Mr. Fox for Three Affiliated Tribes to join NARF in the filing of this brief, which contests the Eighth Circuit Courts ruling that 25 U.S.C. 465 is unconstitutional and the Secretary has no authority to take land into trust for Indians under that statute. Second by Mr. Spotted Bear. Vote: 5 in favor. Carried.

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- d. Approval of Business Licenses for City Laundry & Dry Cleaners,
 Inc. and Dakota Fire Extinguishers. Motion to approve by Mr.
 Gillette. Second, Mr. Spotted Bear. Discussion by Mr. Gillette
 on whether or not Bacon Signs had ever applied for a business
 license on the reservation. Legal Department instructed to
 follow up on this. Vote: 5 in favor. Carried.
- Proposed Three-Year Renewal of Washington Attorneys' Contract.
 Mr. Quale explained that this contract had expired December 31,
 1994, and Hobbs-Straus was proposing a new 3-year contract at
 \$145 per hour for attorney time and \$100 per hour for legislative
 specialists and law clerks. After discussion, Mr. Fox made a
 motion for Mr. Quale to propose to Hobbs-Straus the rates of \$140
 per hour for attorney time, and remain at \$90 for legislative
 specialists and law clerks, and that the newsletter subscription
 be struck from the contract. Second by Mr. Hall. Discussion
 also on Legal Department to issue a directive to tribal employees
 that any phone calls to the Washington attorneys must go through
 the Legal Department first. Vote: 4 in favor, 1 opposed.
 Carried. Note: Resolution pre-approved; to be amended to
 indicate Mr. Fox's motion. R#95-249-DSB.
- f. Resolution to Establish Three Affiliated Tribes Equipment and Vehicle Leasing, Inc. Charter and Board of Directors. Motion to approve by Mr. Fox. Second by Mr. Hall. Vote: 5 in favor. Carried. R#95-250-DSB. Motion by Mr. Fox, second by Mr. Hall, to give authority to Chairman Mason to select the initial five (5) board of directors that will serve, so that we can fulfill the obligations of listing them on the charter. Vote: 5 in favor. Carried.
- g. Range Unit Fenceline (RU405/97). Mr. Quale read a memorandum from Thomas M. Disselhorst, Staff Attorney, on this dispute. After general discussion, council decided to defer this to the next scheduled meeting in order that Mr. Disselhorst could be present during discussion.

Note: Meeting recessed at 5:33 p.m. Reconvened at 5:45 p.m.

- 14. PERSONNEL DEPARTMENT MATTERS.
 - a. Head Start Temporary Appointments.
 - b. <u>Credit Office</u>.

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- c. <u>Health Insurance Contract with Blue Cross-Blue Shield</u>. Approval requested to extend this contract through March 31, 1996. **Motion** to approve extension of contract by Mr. Gillette. Second by Mr. Fox. Vote: 5 in favor. Carried.
- d. Shelley Yellow Bird Request.

- e. <u>Medical Records Clerk in Mandaree</u>.
- f. Cook for Aging Services in New Town.
- g. Traffic Safety Manager.
- h. <u>Natural Resources Production Specialist</u>.
- i. Criminal Investigator.
- j. Construction Superintendent for MR&I Project.
- k. Four Bears Day Care Center Caregiver Positions.

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- 1. Game Warden.
- 15. NEXT MEETING. The next regularly scheduled meeting will be the Regular Meeting on Thursday, January 11, 1996, at 10:00 a.m. in the Tribal Council Chambers.
- 16. ADJOURNMENT. Motion to adjourn by Mr. Gillette. Second by Mr. Hall. Meeting adjourned at 6:17 p.m.

CERTIFICATION OF MINUTES

I, the undersigned, as Executive 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 (7) members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of January 1996, 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 members, no members opposed, no members abstained, no members absent; and that these minutes have not been amended in any way, except as noted by council when approved.

Dated this 11th day of January 1996.

Daylon Spotted Bear, Executive Secretary
Three Affiliated Tribes

ATTEST:

Russell D. Mason, Sr., Chairman

Tribal Business Council

WE, THE UNDERSIGNED MEMBERS OF THE MANDAREE COMMUNITY, FULLY SUPPORT A CONTRACT FOR HEALTH SERVICES FROM MED CENTER I MCKENZIE COUNTY CLINIC OF WATFORD CITY, NORTH DAKOTA. Jandan ena 33. 35. 37. 41. 42. 45. 46. 47. _{2,7} 51. 52.

WE, THE UNDERSIGNED MEMBERS OF THE MANDAREE COMMUNITY, FULLY SUPPORT A CONTRACT FOR HEALTH SERVICES FROM MED CENTER I MCKENZIE COUNTY CLINIC OF WATFORD CLYY, NORTH DAKOTA.

1. Jew Hall	27. Delia Baker
2. Joan young Bird	28. Jone Bleckhawl
3. Lefty Braden Do	29. Lillie Millbank Chace
Words Baker	30 Joe Wounds Jace
5. Verpa Lone Bear	31. Geroldine Van Dyke
6. Nopen Gorge Buil	32. Helen Baker
7. Willand Rught	33 allie Hacker
8. Carelia Bo tox	34.
9. Opleen R. Fox	35.
10. John Standisk	36.
11. Jours Ly Line Fight	37.
n. Jorna Junt Clong.	38.
13 Strena J. Baker Midorley	7 39.
14. Sulm Beach South	40.
15. Wanda Walf	41.
16. Pamila Stack Hawk	42
17. Arline Charging	43.
18. Made p Black Haul	44.
19. Frances Smith	45.
20. Derald Amoch	46.
21. Myga Kincoln	47.
22. 6 aroly oung bear	48.
23/Monty Antist	49
24. Kina Lowk	50.
25 Kalberine Klinn	51.
26. Ettel m Keenes	52