



# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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TRIBAL BUSINESS COUNCIL

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## REGULAR MEETING MINUTES

JANUARY 11, 1996

01. CALL TO ORDER AND OPENING PRAYER. The Regular Meeting of January 11, 1996, of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 10:34 a.m. in the Tribal Council Chambers. A moment of silent prayer was held,
02. ROLL CALL. Secretary Spotted Bear called roll: Chairman Russell D. Mason, Sr., present; Vice Chairman Edwin Hall, absent; Treasurer Mark N. Fox, present; Secretary Daylon Spotted Bear, present; Councilman Austin Gillette, present; Councilman Ivan Johnson, present; Councilman George Fast Dog, present. Mr. Hall entered the meeting at 10:40 a.m. All members present.
03. ANNOUNCEMENTS AND REPORTS. Chairman Mason announced that Senators McCain and Stevens had influenced HR1358 in that provisions were made for funding all programs and services under the authority of P.L. 93-638, as amended, through the remainder of this fiscal year. He said he would be in Washington, DC, for a meeting with NCAI on January 18, and Mr. Lone Fight and Susan Fredericks would be meeting with Indian Health Service in DC on the same date. He has been invited to a meeting with the Indian Health Service Design Team in Albuquerque on February 5 and 6. Should he attend this meeting, it will not be at tribal expense. Chairman Mason also reported on a meeting he had with Governor Schafer on various issues.

Mr. Hall reported on his and Mr. Lone Fight's meeting in Billings with Western Area Power Association, and consultant work being done on a new lagoon system for Four Bears. Mr. Johnson said he would be going to Denver this week to check on the CDBG project for Mandaree. Mr. Fox reported on Marketplace 96 that he had attended in Bismarck and contacts that had been made. He stated he is on the Board of Directors for the North American Trade Corridor, and briefed the council on this. A Native American Juvenile Justice Summit will be held in Bismarck on February 5-8. Mr. Gillette reported on a meeting in Minot with a Uniband engineer regarding equipment needed. He said an agreement has to be finalized between the two councils. Mr. Spotted Bear said the Twin Buttes Community would still like to meet on their charter. Mr. Fast Dog reminded the council of the Water Buster Pow Wow on January 27.

04. APPROVAL OF MINUTES.

### A. Council Clarification on Twin Buttes Charter Action.

Clarification was requested by the recording secretary on council's action on the Twin Buttes Charter, as there appeared to be a

contradiction between the minutes of November 9 and November 22. After discussion, council advised that on November 9, motion was made and approved, to have the Legal Department prepare an amendment to all community charters. During the meeting of November 22, a resolution was presented only for the Twin Buttes Charter; and, by motion, based upon Mr. Quale's recommendation for approval, a condition to passing the resolution was that a community meeting be held, so that community members can be appraised. Mr. Fox said, as far as the Twin Buttes Community is concerned, it is incumbent upon them to schedule a community meeting to discuss it--this is specifically for them, to allow the increase in the charter to \$1 million.

B. December 21, 1995, Minutes.

Regular Meeting Minutes of December 21, 1995. Motion was made by Mr. Gillette for approval of minutes, with corrections, if any; second by Mr. Spotted Bear. Vote: 7 in favor. Minutes approved.

05. APPROVAL OF AGENDA.

Motion to approve agenda, with additions and deletions, made by Mr. Gillette. Second by Mr. Johnson. Vote: 6 in favor. Mr. Fast Dog not present for vote. Carried.

06. UNFINISHED BUSINESS.

A. Johnson Corner Christian Academy School (JCCA). Patsy Levang, Administrator, JCCA, gave a broad report on the achievements of the school, its students, and alumni. The school serves grades K-12 and has approximately 19% Native American enrollment. After questions, comments, and council discussion with Ms. Levang, Mr. Johnson entertained a motion that the Tribe, in some way, give the school \$5,000, in-kind, through excess property, or whatever, for a \$5,000 gift or donation to the school. Chairman asked Mr. Johnson if he could include in his motion that this would be to benefit the programs at the school that would enhance or benefit the Native American children. Mr. Johnson said, "yes". Second by Mr. Gillette. Discussion by Mr. Fox that equal opportunities for all segments needed to be kept in mind, and that if the Tribe is going to provide something to the school--that the motion be in line with this thought. Motion and second were changed from \$5,000 to \$4,000. Mr. Gillette said this has to come back as a resolution. Mr. Johnson then made a **new motion** to develop a resolution for approval at the next council meeting in the amount of \$4,000. Second by Mr. Gillette. Vote: 7 in favor. Carried.

B. Resolution No. 96-001-DSB to Change Name of Fort Berthold Lumber, Supply and Construction Corporation to Fort Berthold Development Corporation. Motion to approve by Mr. Johnson, second by Mr. Fast Dog. Vote: 7 in favor. Carried.

Further discussion was held on Three Affiliated Tribes remaining as prime contractor for MR&I, and sub-contracting to the Fort Berthold Development Corporation. This matter was referred back to the Natural

Resources Committee to work out an agreement between MR&I and Fort Berthold Development Corporation, before bringing back to council.

Note: Meeting recessed at 12:35 p.m. and reconvened at 1:45 p.m.

C. Darla Fredericks Education Assistance Request. This matter is referred to Tribal Enrollment Officer and Legal Department for review of enrollment. Discussion held on conducting a future audit of past enrollments.

D. Resolution No. 96-002-DSB for Continuation of Consultant Agreements of Special Judge Frank Pommersheim and Judicial Assistant Consultant Cletus Medicine Crow. Motion by Mr. Johnson to approve. Second by Mr. Fox. Discussion that these costs shall be paid from tribal revenues, agreements shall continue through duration of range unit litigation, and the amount from tribal revenue funds shall not exceed \$5,000.00. Vote: 7 in favor. Carried.

E. Mandaree Health Care Contract. Deferred until the Human Resources Committee reconvenes to address this.

F. Fuel Assistance Report. Donald Dickens/Finance and Norma Staples/LIHEAP gave an update on fuel assistance applicants and funds available. Questions by Mr. Fox on the process used to verify income and to follow up on alleged misrepresentation of information. Program was advised to initiate additional follow-up procedures on false information provided by applicants. Mr. Johnson recommended the program look into contracting fuel in advance.

G. Resolution No. 96-003-DSB on Loan Agreement with Dr. Monica Mayer. Motion to approve by Mr. Fox, second by Mr. Hall. Vote: 5 in favor, 1 opposed, 1 abstained. Carried.

H. Range Units 405/97 Fence-Line Dispute. Mr. Thomas Disselhorst, Staff Attorney, discussed with council recommended action to be taken. This matter was referred back to the Natural Resources Committee for discussion with the permittees.

I. Range Unit Law Suit. Mr. Disselhorst updated council on this on-going litigation.

J. Extension of Consultant Agreement for Thomas J. Gunderson. Motion to extend/renew agreement for 120 days by Mr. Fox, second by Mr. Gillette. Vote: 6 in favor, 0 opposed, 1 abstained. Carried.

K. Resolution No. 96-004-DSB To Create a Tribal Pumping Service in the Natural Resources Department, and to Instate Lewis LeBeau as Operations Manager. Motion to approve resolution, subject to review by Treasurer and Financial Consultant for any hidden costs, made by Mr. Gillette, second by Mr. Fast Dog. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

07. NEW BUSINESS.

A. Motion to Add Gaming Commission to Agenda. Motion to add a resolution to the agenda for addition of new member to Gaming Commission was made by Mr. Fast Dog, second by Mr. Johnson. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.

B. North Dakota Department of Public Instruction, Indian Education Office. Cheryl Kulas and Dr. Jim Davis, addressed the council on Goals 2000, a State education-improvement plan. They were assured that the Three Affiliated Tribes would be involved in the objectives of this program.

C. Head Start Parent Policy Council. A position statement on the safety of children on the reservation was submitted to the council by Mr. James Fitzsimmons, legal representative, and Mariam LaFromboise, Vice Chairman of the policy council. (Copy attached.) The tribal council was asked by the policy council to develop an accident prevention program on the reservation to protect children being injured, sometimes critically, in preventable accidents. They were advised that the tribal council supported health/disease prevention, but that community members, themselves, have a responsibility to get involved in identifying and making potential, and/or ongoing problems, known to the proper authorities. The Parent Policy Council was asked to submit ideas, recommendations and/or suggestions to the council.

D. COPS/FAST Grant Program. A budget for expenses of \$2,994.95 for uniforms and supplies, over and above the Tribes' original in-kind match, was submitted by Captain Tex Fox and Lisa Redford, COPS/FAST grantwriter, who asked that this expense be paid by the Tribes. Motion for approval of the development of a resolution to provide the additional sum of \$2,994.95 to the COPS/FAST Grant Program made by Mr. Fast Dog, second by Mr. Johnson. Vote: 7 in favor. Carried.

E. Resolution No. 96-005-DSB to Transfer TAT Employees' Pension Plan from Mass Mutual to Community First Bank in Dickinson. Motion to approve by Mr. Fast Dog, second by Mr. Gillette. Discussion by Mr. Fox, who asked that, if approved, this be subject to further review by himself and the Chairman. Vote: 7 in favor. Carried.

F. Resolution No. 96-006-DSB to Approve Application of Mandaree School for Continuation of their Youth Work Program. Motion for approval by Mr. Johnson, second by Mr. Fast Dog. Vote: 7 in favor. Carried.

G. Adrianna B. Bell Request for Transportation Funds to Return to School at SIPI in Albuquerque, NM. Motion to approve grant in amount of \$300 to Ms. Bell made by Mr. Johnson. Second by Mr. Fast Dog. Vote: 7 in favor. Carried.

H. Douglas Fox Request for Transportation Funds to Return to School at Haskell American Indian College in Lawrence, KS. Discussion on Haskell is a college, and different policies have been put into place for college students. Treasurer/Chairman to review this request.

I. Resolution No. 96-007-DSB for Renewal of Pouch Point, Bear Den, and Lost Bridge Recreation Area Leases from Corps of Engineers. Motion to approve, Mr. Fast Dog. Second to motion, Mr. Fox. Vote: 7 in favor. Carried.

J. Resolution No. 96-008-DSB to Support Hosting the 1999 North American Indigenous Games in Fargo-Moorhead. Motion to approve, Mr. Fox. Second, Mr. Hall. Vote: 7 in favor. Carried.

K. Approval of TAT Business License for Adrian Foote, Jr. dba Reservation Supply (gaming/janitorial). Motion to approve, Mr. Fox. Second, Mr. Hall. Vote: 7 in favor. Carried.

L. "Us Guys" Fund Raising Request. Mr. Gillette said this organization engages in fund-raising activities for armed forces personnel on leave, and requested the Treasurer and Chairman review their request for \$300.

M. Resolution No. 96-009-DSB to Appoint Matthew Mason to TAT Gaming Commission. Motion to approve, Mr. Hall. Second, Mr. Fast Dog. Vote: 7 in favor. Carried.

N. Education Issues. A Special Meeting was scheduled for Wednesday, January 31, 1996, to meet with the Education Department.

1. Resolution No. 96-010-DSB to Designate the TAT Education Department to Coordinate the Goals 2000 Project on the Reservation. Motion to approve, Mr. Fast Dog. Second, Mr. Johnson. Vote: 6 in favor. Mr. Fox not present for vote. Carried.

2. Resolution No. 96-011-DSB to Contribute \$4,000 for 1996 Education Week. Discussion held on budget items, cost factors, and that this is a tribally-sponsored event. Motion to approve, Mr. Fast Dog. Second, Mr. Johnson. Vote: 6 in favor, 1 abstained. Carried.

O. Letter of Support for City of Killdeer to Establish the North Dakota Cowboy Hall of Fame in Killdeer. Motion by Mr. Johnson that Chairman write a letter of support for the City of Killdeer. Second, Mr. Fast Dog. Vote: 6 in favor. Mr. Fox not present for vote. Carried.

08. PERSONNEL DEPARTMENT MATTERS.

A. Consultant for Natural Resources Committee. Mr. Gillette requested permission to proceed with a consultant agreement with Mr. Beeman Dockrey for the Natural Resources Committee. Motion for approval by Mr. Gillette, second, Mr. Hall. Vote: 5 in favor. Mr. Spotted Bear and Mr. Fox not present for vote. Carried.

B. North Segment Employment Program. Motion to hire Elgin White Body to paint and do whatever needs to be done in North Segment Hall made by Mr. Fast Dog. Second, Mr. Gillette. Vote: 5 in favor, 1 abstained. Mr. Fox not present for vote. Carried.

C. South Segment Employment Program. Motion to terminate two of his segment employees effective Friday, January 12, 1996, made by Mr. Spotted Bear. Second, Mr. Fast Dog. Vote: 6 in favor. Mr. Fox not

present for vote. Carried. **Motion** by Mr. Gillette to authorize Mr. Spotted Bear to hire his replacements. Second, Mr. Spotted Bear. Vote: 6 in favor. Mr. Fox not present for vote. Carried.

D. Clarification of Permanent Status of Employees. Mr. Gillette requested clarification of the status of segment workers. He asked the Personnel Director if they were accruing leave? Mr. Fox said all employees approved in the budget are considered to be permanent employees--the only ones that are not permanent, are those employees that the Tribal Council has said are to remain temporary, by appointment, and those employees that are subject to advertisement and final selection. Mrs. Brady is to work this out with the Treasurer, in accordance with the budget.

E. Temporary Appointments for Head Start. **Motion** to approve Shannon Mann as Head Start Cook for Little Lodge; Donald Mann as Teacher's Aide for Black Lodge; and Janelle Fox as Teacher Assistant for Tiny Tots, made by Mr. Hall, second, Mr. Fast Dog. Discussion as to whether or not these temporary appointments had been reviewed and approved by the Parent Policy Council, which Mrs. Brady said they had. **Motion** and second changed to approve contingent upon approval by Parent Policy Council. Vote: 7 in favor. Carried.

F. Cattle Relending Specialist. **Motion** to select Manuel Chase made by Mr. Fast Dog, second by Mr. Johnson. Vote: 3 in favor, 4 opposed. Defeated. **Motion** to select Delores White made by Mr. Fox, second, Mr. Hall. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

G. Field Aide. **Motion** to select Darren Myrick made by Mr. Hall, second, Mr. Fox. Vote: 2 in favor, 4 opposed, 1 abstained. Defeated. **Motion** to select James Baker made by Mr. Gillette, second, Mr. Fast Dog. Vote: 4 in favor, 3 abstained. Carried.

H. Clerk-Typist, Law Enforcement. **Motion** by Mr. Fast Dog to select Darlene Whitman, second, Mr. Hall. Vote: 7 in favor. Carried.

I. Clerk-Typist, Dialysis. **Motion** by Mr. Gillette to readvertise this position at recommendation of Supervisor and Personnel Director, due to non-qualified applicants. Second, Mr. Fast Dog. Vote: 7 in favor. Carried.

J. Amendment to Resolution No. 96-002-DSB, to include "Be it finally resolved that the amount the tribe shall be obligated to pay is not to exceed \$5,000.00". **Motion** by Mr. Fox to include the above paragraph at the end of this previously-approved resolution. Second, Mr. Gillette. Vote: 7 in favor. Carried.

09. OTHER BUSINESS.

Note: Meeting recessed at 6:30 p.m. Reconvened at 6:43 p.m.

A. Resolution No. 96-012-DSB for Parshall Resource Center Grant. Mr. Fox introduced resolution and briefly explained the need of the center. Mr. Gerald Irwin and Mary Coffey further explained the needs of the program, and presented information pertaining to the accomplishments of the program, thus far. **Motion** to approve grant of \$50,000 to the Parshall Resource Center for an 18-month period made by

- Mr. Fox. Second by Mr. Fast Dog. Vote: 7 in favor. Carried.
10. NEXT MEETING. The next regularly-scheduled meeting of the Tribal Business Council will be Thursday, February 8, 1996. A Special Meeting on education issues is scheduled for Wednesday, January 31, 1996.
  11. ADJOURNMENT. Motion to adjourn meeting made by Mr. Fox. Second to motion made by Mr. Spotted Bear. Vote: 7 in favor. Carried. Meeting adjourned at 7:00 p.m.
  12. RECONVENEMENT AND ADJOURNMENT. Meeting was called back to order by Chairman Mason at 7:05 p.m., with five members present. Purpose for reconvenement was to address the hiring of a temporary Construction Inspector for the MR&I program. Motion by Mr. Hall to select Shane Johnson temporarily until position is advertised. Second, Mr. Fox. Vote: 4 in favor, 1 abstained. Mr. Gillette and Mr. Fast Dog not present during vote. Carried. Motion to adjourn by Mr. Spotted Bear. Second, Mr. Fox. Vote: 5 in favor, 2 absent. Meeting adjourned at 7:10 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 members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8th day of February 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, and have not been amended in any way, except as noted by council when approved.

Dated this Eighth day of February 1996.

ATTEST:



Russell D. Mason, Sr., Chairman  
Three Affiliated Tribes

Daylon Spotted Bear  
Daylon Spotted Bear  
Executive Secretary