



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

Office (701) 627-4781

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REGULAR MEETING MINUTES

FEBRUARY 08, 1996

01. **CALL TO ORDER AND OPENING PRAYER.** The Regular Meeting of February 08, 1996, 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.
02. **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, present. Note: Mr. Fox entered the meeting at 11:03 a.m. All members present.
03. **CHAIRMAN'S ANNOUNCEMENTS & COMMITTEE REPORTS.** Chairman Mason announced that Congressman Earl Pomeroy was in town and had been invited to stop by the meeting later in the day. Senator McCain is to be in Bismarck tomorrow and a short meeting will be attempted to be held with him. The Human Resource Committee wishes to thank Mr. Ed Lone Fight and Susan Fredericks and compliment them for a job well done on their continuing efforts to work on the health programs. The Human Resource Committee is looking at the second and last Tuesdays of each month for their regular-scheduled meetings. Mr. Fox said a Judiciary Committee Meeting is scheduled for February 28 at 10:30 a.m.; a Credit Committee Meeting is scheduled for February 20, at either 10:00 or 10:30 a.m.; and on February 27, an Internal Revenue Service Training will be held at the Four Bears Casino. On Tuesday evenings, at 6:30 p.m., the Parshall Pow Wow Committee holds bingos. Mr. Hall reported on a WAPA Meeting, and said he would submit a summary report to the councilmen on this. Mr. Gillette said he would be attending a Mni-Sose Meeting in Rapid City on February 16.
04. **APPROVAL OF MINUTES.** After discussion and review of minutes, **Motion** was made to approve the Minutes of January 11 and January 31, 1996, with requested changes and corrections, by Mr. Fast Dog. Second to motion, Mr. Spotted Bear. Vote: 7 in favor. Carried.
05. **APPROVAL OF AGENDA.** After additions and changes to agenda, **Motion** was made by Mr. Gillette to approve the agenda, second by Mr. Fast Dog. Vote: 7 in favor. Carried.
06. **UNFINISHED BUSINESS.**
 - A. **FY96 Tribal Court Budget Adjustment.** Mr. Fox said the budget had been reviewed and recommended for approval by the Judiciary Committee. Mr. Fox made **Motion** to approve, second by Mr. Gillette. Vote: 7 in favor. Carried.

1. **Motion** to make Dixie Howling Wolf and Evan Burr, Jr., permanent employees, retroactive to 1996 Program Budget approval in November 1995. Second, Mr. Gillette. Vote: 7 in favor. Carried.

B. Head Start Memorandum of Agreement Amendment. C. A. Wolf Eyes explained that the amendment would allow the Head Start Director and Head Start Center Teacher to make temporary appointments in cases of resignation, firing, or job abandonment until positions are advertised and selected. **Motion** to approve, Mr. Fox. Second, Mr. Hall.
Vote: 6 in favor. Mr. Gillette not present for vote. Carried.

C. Resolution No. 96-016-DSB, COPS/FAST Additional Funding. (See Minutes of 01/11/96 Regular Meeting, wherein this was previously approved, but resolution needed.) **Motion** to approve resolution, Mr. Johnson. Second, Mr. Fast Dog. Vote: 6 in favor. Mr. Gillette not present for vote. Carried.

07. NEW BUSINESS.

A. North Dakota Division of Human Services. Sue Tohm (Project Manager, State Needs Assessment, ND Department of Human Services, Division of Alcohol and Drug Abuse) accompanied by Deborah Painte, ND Indian Affairs Commissioner, apprised the council on a State Needs Assessment Survey to be conducted regarding alcohol and other drugs, and the Tribes' option as to whether or not to participate in the survey. A follow-up meeting is planned sometime in March.

Note: Meeting recessed at 12:30 p.m. Reconvened at 1:40 p.m. All members present.

B. TAT Tax Commission/Department Monthly Report. Report presented by Thomas Bird Bear, Director; and James Danks, Presiding Officer of the Tax Commission. Discussion was held on approval of a second staff position to assist with the clerical functions of the Tax Department. Mr. Bird Bear and Mr. Danks were advised to submit a justification and proposal to the Human Resources Committee through the Personnel Department.

C. Resolution No. 96-017-DSB for Payment of Direct Loan Balance of \$6,000.00 on Behalf of Adam T. Mandan. Mr. Mandan informed the council that an agreement had been made between himself and the former chairman of the Three Affiliated Tribes that, in return for Mr. Mandan to relinquish his lease on the 4-Bears Convenience Store, the Tribe would assist him in settling his debts with the TAT and the BIA Direct Loan Program. Mr. Mandan presented documentation and requested the Tribe honor this agreement by assisting him in paying off the balance of his direct loan, which he had negotiated down to \$6,000.00, and which was due and payable on February 15, 1996. Discussion was held on various issues and concerns, after which a **Motion** to approve the resolution was made by Mr. Fast Dog, and seconded by Mr. Johnson. Vote: 6 in favor, 1 opposed. Carried. Mr. Fox asked the council to understand that efforts will be made to have Bruce H. Lien pay 40% of these costs. Mr. Gillette requested a roll call vote, which follows: Mr. Fast Dog, Aye; Mr. Fox, Aye; Mr. Hall, Aye; Mr. Johnson, Aye; Chairman Mason, Aye; Mr. Spotted Bear, Aye; Mr. Gillette, Nay.

Note: Meeting recessed at 2:50 p.m. and reconvened at 3:08 p.m.

D. Contract Physician Extender Program at Mandaree. Chairman Mason reported on the current status of this program and the apparent patient satisfaction, so far. Motion for approval to continue the contract was made by Mr. Spotted Bear. Second, Mr. Johnson. Vote: 5 in favor, 1 abstained. Mr. Gillette not present during vote. Carried.

E. Resolution No. 96-018-DSB Regarding Class II Gaming on Fort Berthold Reservation. Resolution presented by Mr. Fox, who explained that IGRA law requires non-tribal Class II Gaming entities to submit 60% of their net revenues to the tribe. This puts a strangle hold on these entities. This resolution will take the 60%, deduct NIGA fees, tribal administrative costs (15 to 20% of the 60%), and return the balance to the fund-raising entities. Motion to approve, Mr. Spotted Bear. Second, Mr. Fox. Vote: 6 in favor. Mr. Gillette not present during vote. Carried.

F. Carol Good Bear Comments. Ms. Good Bear commented on the recent restructuring of her position, and thanked the council for the action taken.

G. Resolution No. 96-019-DSB to Contract Roads. Motion to approve, Mr. Johnson. Second, Mr. Fast Dog. Vote: 7 in favor. Carried.

Motion to add Marilyn Yellow Bird Baker and Michelle Ross Grey Bull to agenda made by Mr. Fox. Second, Mr. Gillette. Vote: 6 in favor. Mr. Johnson not present during vote. Carried.

Motion to add Bernie Fox to agenda made by Mr. Fast Dog. Second, Mr. Fox. Vote: 5 in favor, 1 opposed, Mr. Johnson not present during vote. Carried.

H. Temporary Workers for Roads Department in Mandaree and New Town. Motion by Mr. Fast Dog to hire Kelly Spotted Bear and Ron White Owl as temporary full-time workers for roads in Mandaree and New Town, for a period of 90 days, utilizing the unused appropriated funds in the 1996 Tribal Budget for the roads position that was vacated in August 1995. Discussion that this position will be advertised during this time period, and filled after the 90 days. Second by Mr. Johnson. Vote: 7 in favor. Carried.

I. Roads Payloader. Discussion that a payloader could be leased by the Roads Department for at least a month and a half, if necessary-- with the understanding that, if needed longer, the Tribal Business Council would consider the cost-share proposal.

J. Levi Bruce Request. Mr. Bruce asked for a loan of \$1,000.00 for personal reasons, to be paid back with his income tax return. Motion by Mr. Fast Dog to approve. Second by Mr. Johnson. Discussion on loan policy. No vote on first motion. Motion changed to state that the Chairman will write a letter on Mr. Bruce's behalf to the electric company; and, if the company is not in agreement, then the Tribe will pay part of the bill. Vote: 7 in favor. Carried.

Note: Congressman Earl Pomeroy and Bismarck aide, Ross Keyes, stopped by the council meeting and visited with the Tribal Business Council Members for approximately 20 minutes.

K. Resolution No. 96-020-DSB to Establish Credit Finance Committee. Motion to add to agenda, Mr. Gillette. Second, Mr. Hall. Vote: 7 in favor. Carried. Resolution read by Chairman Mason. Discussion by Mr. Johnson on proposed membership of committee. Discussion by Mr. Fox on why this resolution is necessary, but stated he didn't have a problem with it. Motion to approve, Mr. Johnson. Second, Mr. Hall. Vote: 6 in favor, 1 abstention. Carried.

L. Resolution No. 96-021-DSB for Education Committee Appointment. Motion to appoint Alex Guinn to Education Committee made by Mr. Johnson, seconded by Mr. Hall. Vote: 7 in favor. Carried.

M. Resolution No. 96-022-DSB for Parshall Dive & Rescue Team. Motion to approve grant of \$1,000.00 made by Mr. Fox. Second, Mr. Gillette. Vote: 7 in favor. Carried.

08. OTHER BUSINESS.

A. Haskell Foundation Request for Contribution. Tabled until find out how many students from Fort Berthold presently attend Haskell.

B. Resolution No. 96-023-DSB for Parshall/Lucky Mound Community Development Board & Corporation Charter. Resolution introduced by Mr. Fox, who made Motion to approve. Second, Mr. Hall. Vote: 7 in favor. Carried.

Note: At this time, Chairman Mason stepped out, turning the meeting over to Vice Chairman Hall.

C. Arlie Knight Request. Mr. Knight requested a loan from the Tribes to bring his house payments up to date. Discussion on loan policy, followed by Motion of Mr. Fast Dog to approve a loan of \$500.00 for Mr. Knight. Seconded by Mr. Johnson for purposes of discussion. Discussion continued regarding the policy of the council regarding loans. (Note: Chairman Mason returned to the meeting.) Acting Chairman Hall called for the vote. Vote: 1 in favor, 3 opposed, 2 abstained, Acting Chairman Hall not voting. Motion Denied. Further discussion by Mr. Gillette and Mr. Fox on whether the finance company had a license to do business on the reservation.

D. Carol Good Bear Request. Motion to approve loan of \$500.00 for funeral expenses made by Mr. Johnson for purposes of discussion. Second, Mr. Fast Dog. Discussion and comments on loan policy of council. Vote: 1 in favor, 2 opposed, 4 abstained. Motion Denied.

Note: Meeting recessed at 5:30 p.m. and reconvened at 5:40 p.m.

E. Melda and Elgin Lambert Request. Motion to approve grant of \$1,000.00 made by Mr. Fox. Second, Mr. Fast Dog. Discussion between council and Mr. and Mrs. Lambert that this request is being made on

behalf of their ministry, and that these monies will be applied on equipment that is being used for public service. Vote: 7 in favor. Carried.

F. Resolution No. 96-024-DSB for Old Scout Society; and Resolution No. 96-025-DSB for Dead Grass Society Grants. Motion to approve both resolutions for grants of \$3,500.00 for each society, made by Mr. Johnson. Second, Mr. Fast Dog. Vote: 7 in favor. Carried.

G. Resolution No. 96-026-DSB for Mandaree AA Sobriety Awareness & Prevention Grant. Motion to approve grant of \$500.00 made by Mr. Fast Dog. Second, Mr. Fox. Vote: 7 in favor. Carried.

H. Appointment of Representative from Mandaree to Housing Board of Directors. Motion by Mr. Johnson to appoint Abigail J. Bingen to Housing Board as representative from Mandaree. Second, Mr. Fast Dog. Vote: 7 in favor. Carried.

I. Resolution No. 96-027-DSB for Appointment to Fort Berthold Community College Board of Directors. Motion to place John Danks on FBCC Board of Directors as representative from Four Bears made by Mr. Hall. Second, Mr. Fast Dog. Vote: 6 in favor, 1 abstained. Carried.

J. Margaret Bearstail Grant. Motion by Mr. Fox to approve grant up to \$1,000.00 for Margaret Bearstail medical emergency. Second, Mr. Johnson. Vote: 7 in favor. Carried.

K. Funeral Grant Authority Limit Change. Motion by Mr. Fox to change funeral grant authority of Chairman and Treasurer from \$500.00 to \$1,000.00 in special circumstances. Second, Mr. Fast Dog. Discussion that the amount would be based on need, and on a case-by-case basis. Vote: 7 in favor. Carried.

L. State Delegate to Kennedy Center Anniversary. Motion to authorize the Chairman and the Treasurer to approve the amount to be granted to Keith Bear to help defray his costs as a State delegate to the Kennedy Center Anniversary, made by Mr. Gillette. Second, Mr. Hall. Vote: 7 in favor. Carried.

M. Marilyn Yellow Bird Baker. Motion to approve \$1,000.00 education grant to graduate student, Marilyn Baker, made by Mr. Fox. Second, Mr. Johnson. Vote: 7 in favor. Carried.

N. Michelle Grey Bull. Motion to approve \$250.00 grant and \$250.00 loan to Michelle Grey Bull for medical emergency, made by Mr. Gillette. Second, Mr. Hall. Vote: 5 in favor. Mr. Johnson and Mr. Fast Dog not present during vote. Carried.

Motion to place two resolutions (Housing and John Sitting Crow) on agenda made by Mr. Spotted Bear. Second, Mr. Gillette. Vote: 6 in favor. Mr. Johnson not present during vote. Carried.

O. Resolution No. 96-028-DSB for Land Purchase from John Sitting Crow. Motion to approve resolution made by Mr. Gillette, seconded by Mr. Fast Dog. Discussion by Mr. Gillette that this land purchase was approved in 1973, however, no action had been taken on it; and that this is a special circumstance resolution. Vote: 6 in favor, 1 abstained. Carried.

Motion to place two resolutions pertaining to tribal cost shares on agenda, made by Mr. Hall. Second, Mr. Fox. Vote: 7 in favor. Carried.

P. Resolution No. 96-029-DSB on FBHA Admissions & Occupancy Policy. Motion to approve, Mr. Spotted Bear. Second, Mr. Johnson. Discussion on possibility of segment residents having housing preference in their segments. Vote: 5 in favor, 2 abstained. Carried.

Q. Resolution No. 96-030-DSB for IHS Tribal Shares Funding; and Resolution No. 96-031-DSB for BIA Tribal Shares Funding. Motion to approve both resolutions made by Mr. Fox. Second, Mr. Hall. Vote: 7 in favor. Carried.

09. PERSONNEL DEPARTMENT MATTERS.

A. Workmen's Compensation. A motion was made by Mr. Fox to pay one more quarter of workmen's compensation premium (approximate amount - \$26,000.00) to State of North Dakota, and that there be a directive to staff to do everything within their means to get the Tribe switched over to the self-insurance plan before the next quarter. Second, Mr. Hall. Vote: 7 in favor. Carried.

B. Clarification of Employment Status of JTPA Employee. Motion by Mr. Fast Dog to make Angela Karen Poitra a permanent employee. Second, Mr. Fox. Discussion that this will be retroactive to October 1, 1995. Vote: 7 in favor. Carried.

C. Clarification of Employment Status of Roads Employee. Personnel Director Brady advised that Mr. James Mossette had been selected as a temporary roads worker at the June 29, 1995, Tribal Council Meeting; (later) the Tribe picked up two permanent roads positions under the General Fund, one of which was Mr. Mossette's position (the other being Matthew Foolish Bear's position). Clarification requested was whether Mr. Mossette was a permanent or temporary employee. Mr. Fox said he had discussed this earlier with Mrs. Brady, i.e., when the two positions were advertised and selected, there was an agreement by the council to continue these two positions, along with the other 638 positions. Mr. Fox said the question Mrs. Brady had was did the council, when they approved of them, make them full-time permanent, and his opinion was that they did because they were advertised, they were selected by full council, and they were intended to be full-time permanent at that time, last June 29. Motion by Mr. Fox to clarify that Mr. James Mossette was made a full-time/permanent employee on June 29, 1995. Second, Mr. Gillette. Vote: 7 in favor. Carried.

D. Clarification of Employment Status of Historical Cultural Preservation Officer. Motion by Mr. Gillette that Elgin Crows Breast was hired permanent, full-time on January 26, 1995, and that he is eligible for all fringe benefits. Second, Mr. Fox. Vote: 7 in favor. Carried.

10. LEGAL DEPARTMENT MATTERS.

A. Range Unit Lawsuit. Mr. Thomas Disselhorst updated the council on this lawsuit filed against the Tribe by Mr. Tex Hall etal.

B. Resolution No. 96-032-DSB for Criminal Code Revision. Motion to approve this resolution concerning an assault on any elected tribal official, made by Mr. Gillette. Second, Mr. Fox. Discussion on types of offenses and penalties. Vote: 6 in favor, 1 abstained. Carried. Any discussion on expansion of this code shall be referred to the Judiciary Committee.

11. PART-TIME SECURITY POOL. Motion by Mr. Fox that the Chairman be delegated the authority to approve the selections for a part-time security pool. Second, Mr. Hall. Vote: 7 in favor. Carried.

Note: Mr. C. J. Packineau, Sergeant at Arms, and the Security Department were commended and congratulated for a job well done.

12. NEXT MEETING. The next regular-scheduled council meeting is Thursday, March 14, 1996, at 10:00 a.m.

13. ADJOURNMENT. Motion to adjourn, Mr. Spotted Bear. Second, Mr. Fox. Vote: 4 in favor, 1 opposed, 2 abstained. Carried. Meeting adjourned at 7:05 p.m.

CERTIFICATION OF MINUTES

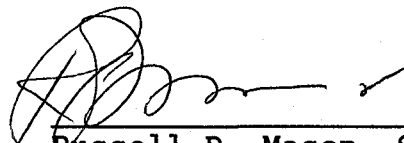
I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum.

Seven (7) members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of March 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, 0 members opposed, 0 members abstained, 0 members absent; and that these minutes have not been amended in any way, except as noted by council when approved.

Dated this 14th day of March 1996.

ATTEST:



Daylon Spotted Bear
Daylon Spotted Bear, Executive Secretary
Three Affiliated Tribes

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

TAX COMMISSION
Three Affiliated Tribes

Tribal Administration Building
P.O. Box 1058
New Town, North Dakota 58763
(701) 627-3226

*attachment to
Feb 08, 1996
minutes*

FEBRUARY 8, 1996

MONTHLY REPORT
TO THE

TRIBAL BUSINESS COUNCIL

THREE AFFILIATED TRIBES

SUBMITTED BY:

EXECUTIVE DIRECTOR
TAX DEPARTMENT
THREE AFFILIATED TRIBES

**THOMAS BIRD BEAR
ATTORNEY AT LAW**

INTRODUCTION:

This monthly report of the Tax Department of the Three Affiliated Tribes is presented pursuant to the requested Tribal Business Council action of September 14, 1995 that a monthly report be presented by the Tax Department to the Tribal Business Council. See minutes of Regular Tribal Business Council Meeting, September 14, 1995.

In conformity with this request, the following report is submitted for discussion and other review. The contents of this report have been prepared for Tribal Business Council update.

PROJECTS:

Conduct of the following projects have either been completed or are yet ongoing:

1. Discussion with BLM Office in Billings, MT regarding the planning for a proposed tribal cooperative agreement with BLM which would cover Oil and Gas Inspection and Enforcement activities on Fort Berthold. Tax and Natural Resources Departments coordinating.

2. Oil and Gas Gross Production Tax receipts and monitoring. Ongoing basis.

3. Coordination with Natural Resources Director and Natural Resources Committee regarding tribal oil and gas joint venture.

4. Discussion with Indian Voter coalition to contact ND legislators to request ND Attorney General opinion. Tribal request for AG opinion was recently rejected (December 7, 1995).

5. Attendance at Tribal Taxation Representatives meeting in Dec. in Rapid City, SD. Gathering of useful secondary materials from other tribes for use in tribal-state tax agreements.

6. Possessory Income Tax For tax year 1995. Forms and Instructions redrafting completed and forms to be mailed soon.

7. RTC v. Three Affiliated Tribes. For the moment, the Tribes have "prevailed." However, if RTC wishes to continue the challenge in the tribal forum they may proceed before the Tax Commission (hearing process) and the tribal court (Montana analysis), and depending upon the outcome thereafter, federal court.

Telephone (701) 627-3226 for any questions/comments.


Thomas P. Bird Bear, Esq.

TAX COMMISSION
Three Affiliated Tribes

Tribal Administration Building
P.O. Box 1058
New Town, North Dakota 58763
(701) 627-3226

February 8, 1996

Deborah Painte
Executive Director
ND Indian Affairs Commission
State Capitol
600 E Boulevard Ave
Bismarck, ND 58505-0040

Dear Deborah:

I am writing on behalf of the Three Affiliated Tribes Tax Commission to request the assistance of your office in developing a possible agreement between the Tribes and North Dakota concerning taxation.

Under current North Dakota law, your office "may propose agreements entered into pursuant to this chapter and may assist, at the request of any tribe affected by such an agreement, in the negotiation and development of such agreements. NDCC 54-40.2-02 (1995).


As you know, any taxation agreement would require and should include input from as many sources as possible. Therefore, it is our request at this time for you to review the following listed topics to determine points of reference from which we can proceed.

-) Request ND Tax Department to update its Red Book pronouncements on Indian/Tribal taxation;
-) Review of enacted tribal-state tax or other agreements; and
-) Review of historical data to reveal any previous agreements between Three Affiliated Tribes and ND.

The Tax Commission hopes that this endeavor will be a beginning in helping better define the incidence of state and tribal taxation in North Dakota for all people concerned.

Please contact this office for further information or comments.

Sincerely,


Thomas P. Bird Bear
Executive Director
Tax Department
Three Affiliated Tribes

cc: Tax Commission (3)
Tribal Business Council (7)