



# 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

Fax (701) 627-3805

REGULAR COUNCIL MEETING

MARCH 14, 1996

- A. CALL TO ORDER AND OPENING PRAYER.** The Regular Meeting of March 14, 1996, of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 10:30 a.m. in the Tribal Council Chambers. A moment of silent prayer was held.
- B. ROLL CALL.** Secretary Spotted Bear called roll: Chairman Russell D. Mason, Sr., present; Vice Chairman Edwin Hall, absent; Treasurer Mark N. Fox, absent; Secretary Daylon Spotted Bear, present; Councilman Austin Gillette, present; Councilman Ivan Johnson, present; Councilman George Fast Dog, present. (Mr. Fox and Mr. Hall entered the meeting at 10:33 and 10:34 a.m., respectively.) All members present.
- C. CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.**

01. YouthBuild Policy Committee.

Chairman Mason introduced Jason Cummings of the YouthBuild Policy Committee; who, in turn, asked the other members of the committee who were present to introduce themselves. The committee presented a report entitled "Progress made in YouthBuild Program and Activities Accomplished, including important events and milestones". Naticia Hale explained that the YouthBuild Program is a community service program for out-of-school students to further their education, and provide on-the-job training and leadership skills.

02. Announcements & Reports.

(a) The National Indian Gaming Commission is scheduled to review the Tribes' Casino Management Agreement next week.

(b) If a councilman is going to make a presentation to a committee, a formal letter should be submitted to the committee.

(c) The Council needs to start thinking about some movement on the use of JTAC Funds, because expenditure of these funds is subject to approval by the Secretary of Interior, and the focus has to be on education, social welfare, economic development and other programs. Suggestions received so far will be submitted to the Credit & Finance Committee. Council needs to start having informal work sessions/hearings in every district. The Council's primary responsibility is to carry out the intent of this legislation, as well as to make sure that expenditures of every one of these dollars are accountable and that the impact is going

to be long term. Chairman will follow up with a memorandum to council on this.

(d) Natural Resources Committee. Today is the deadline for all permit holders to pay their lease fees. (Note: Mr. Hall announced later that this deadline has been extended to March 31.) Still discussing the oil and gas management agreement with the Legal Department.

(e) Credit & Finance Committee. Efforts to improve the Four Bears Lagoon are ongoing. Economic development projects are being proposed for the Four Bears peninsula. The need for a new detention facility is being addressed. Final payment has been made on the JTAC funding, and 149 million dollars has been appropriated to the Tribe and is earning interest. Beginning In October 1997, the Tribe will be able to spend the interest, but can never touch the principal. It is planned that the people, through community forums, surveys, etcetera, will be able to prioritize how to spend these monies. Presently working on recovering \$92,000 that the Tribe lost in interest--when the funds were first set aside through the WAPA sales, the BIA and Office of Trust Funds Management did not receive and invest the funds until many weeks later, which cost the Tribe about \$92,000 in lost revenue. Working on getting this money refunded to us. Working on getting grant money for more police officers on the reservation. Speaking with Department of Justice to assist in changing election system of school boards so Native Americans have an equal opportunity to be selected to school boards, such as in the Parshall area. Have been going over trust funds. United States Government/BIA is trying to reconcile amounts of monies lost during 1980's through mismanagement. There is an ongoing reconciliation process between BIA and Tribes across the Nation. Will be working on this to figure out how much the federal government owes us for mismanaging our trust funds. Next week, will be meeting in Washington on gaming issues and will follow up on the above.

**D. APPROVAL OF MINUTES OF LAST MEETING.**

Discussion by Mr. Fast Dog that he had opposed and not abstained in the vote on the criminal code amendment. **MOTION** to approve minutes, with corrections, made by Mr. Spotted Bear. Second, Mr. Fox. **VOTE:** 7 in favor to approve **February 08, 1996, Regular Meeting Minutes**. Note: The portion of the tape containing the vote on the criminal code amendment was later checked by the Recording Secretary, Secretary, and Chairman. The tape verified that Mr. Fast Dog had abstained on the vote, therefore, minutes were not changed.

**E. APPROVAL OF AGENDA.**

01. Additions: TAT Youth Council Resolution on Smoking; TAT Logo Change; Resolution on a Contract Proposal for Internal Controls Analysis on Casino; Committee Amendments; Northeast Segment Employment

Program; Wake Fund Resolution; District IV State Democratic Convention in Fargo; Four Bears Segment Employment Program; Other - Personnel.

02. Changes: Cook for Aging Services deferred to next meeting; HIP Report and Enrollment Status of Individual moved from Unfinished Business to Resolutions.

03. MOTION: Motion to approve agenda with additions and changes, made by Mr. Fox. Second Mr. Hall. VOTE: 7 in favor. Approved.

**F. UNFINISHED BUSINESS.**

01. Haskell Foundation Request for Contribution.

This request was previously deferred and then tabled until it was known how many students are attending Haskell. Information submitted by Carmen Eagle, 477 Program, shows there are presently eleven (11) students from Fort Berthold are enrolled at Haskell. Chairman and Treasurer were designated to respond to this request.

02. Discussion on Holding Persons Responsible for Repaying Grants That Are Not Used for Purposes Requested. Mr. Gillette reported an incident regarding a young person who had requested money to return to school, but is still around here. Mr. Fox stated that something could be drawn up whereby a grant recipient will have to sign a promissory note that if the monies received are not used for requested purposes, then they shall be responsible for paying this money back to the Tribe.

**G. NEW BUSINESS.**

01. Bureau of Reclamation Presentation. Mr. Bruce Laymon, Deputy Area Manager of the Bureau of Reclamation (BOR) Office in Bismarck, and Signe Snortland, BOR Area Archeologist, stated they wished to alert the council to some activities BOR is involved in that they thought may be of interest to the Tribes, including downsizing and possible title transfers of public areas, some of which include cultural resource sites. Mr. Laymon and Ms. Snortland were advised to work with Mr. Gillette, Chairman of the Natural Resources Committee, on these issues and concerns.

02. Three Tribes Youth Council, All Nations Youth Group, and New Town UNITY Group Resolution No. 96-033-DSB on No Smoking in Tribal Office Buildings. These three peer leadership groups, represented by Wayne Deegan, White Shield student, presented this resolution to abolish smoking within all areas and offices of the Tribal Administration Building. MOTION to approve resolution made by Mr. Fox, second by Mr. Hall. VOTE: 4 in favor, 3 opposed. Carried.

Note: Break at 12:20 p.m. Reconvened at 2:15 p.m.

03. Resolution No. 96-034-DSB for Continuation of Twin Buttes Paine Project. \$15,000.00 grant to continue alcohol and drug abuse services for 1996 for Twin Buttes Community. Motion to approve, Mr. Fast Dog;

second, Mr. Spotted Bear. Discussion on certification of counselor.  
VOTE: 6 in favor. Mr. Hall absent during vote. Carried.

04. MOTION to Change Agenda. **MOTION** by Mr. Fox to add Sharon Gravos, Tribal Court Grant Resolution, and Consultant Agreement for Clarence O'Berry to agenda; and to delete Audrey Davy's complaint on juveniles and the judiciary system, which shall be referred to the Judiciary Committee. Second by Mr. Fast Dog. VOTE: 6 in favor, 1 not voting. Mr. Hall not present for vote. Carried. (Note: At this time, Darryl Hall - Updating Tribal Code on Traffic Laws, was deleted from agenda, at Mr. Darryl Hall's request, per Mr. Spotted Bear.)

05. Fort Berthold Housing Authority Update. Mr. Terry Red Fox gave an update on the "Lazzio Bill". The Bill proposes to separate Indian housing from public housing, and to make funding available directly to the tribes (rather than regional HUD offices) for disbursement; however, it would also make tribes ineligible to apply for the "youth bill and other youth organizations" and ineligible to apply for the HOME Grant. This Bill would replace the 1937 Housing Act, and would only run for 5 years, with a plan to reduce the funding each year over this period of five years. Mr. Red Fox was asked to write a letter for the Chairman's signature regarding our position on this housing legislation, and he would handcarry it to our congressional delegation and Senate Committee on Indian Affairs members.

06. Fort Berthold Development Corporation Update. Mr. Ted Danks, Chairman of the Board of Directors, gave an update on the final stages of the LCM bankruptcy, as well as the current activities and plans of the new corporation. C. J. Packineau has been elected as Vice President and John Fox, Jr., Secretary-Treasurer, in addition to being a full-time employee of the corporation.

07. Prospectus for Development of TAT Oil and Gas Resources. Mr. Kyle Baker, Natural Resources Director, presented the proposed prospectus, along with Mr. Thomas Disselhorst, Staff Attorney, who reviewed the main points. **MOTION** by Mr. Gillette for approval of the prospectus as the position of the Tribe regarding a minerals management agreement (with corrections to Attachment A on tribal mineral acres). Second by Mr. Johnson. VOTE: 6 in favor. Mr. Fox absent during vote. Carried.

08. Social Services Program Funding. Social Services Director Janet Gunderson appealed to the council for funding and authorization to hire three additional social workers and two additional support staff. **Motion** for approval and support of budget submitted by Mrs. Gunderson was made by Mr. Johnson, second by Mr. Spotted Bear. Discussion by Mr. Gillette that council consider having all departments submit staff requests under one resolution. **Motion** and second **withdrawn**. **New MOTION** by Mr. Gillette that all departments be requested to put forth budgets whereby they will be fully staffed, and coordinate with Mr. Lone Fight, for presentation to council at next meeting, along with necessary resolution(s). Second to motion, Mr. Spotted Bear. VOTE: 5 in favor, 1 abstained. Mr. Fast Dog absent during vote. Carried.

09. Resolution 96-035-DSB, Social Services Title IV.B Grant Fund Application. **MOTION** to approve made by Mr. Johnson, second, Mr. Spotted Bear. VOTE: 5 in favor, 1 abstained. Mr. Fast Dog absent during vote. Carried.

10. Resolution 96-036-DSB, Social Services, on Utilizing the Native American Children and Family Services Training Institute. Mrs. Gunderson explained that the training institute is asking that any training involving children and families on the reservation go through the training institute. **MOTION** to approve made by Mr. Johnson, second, Mr. Spotted Bear. Discussion: For clarification, Mrs. Gunderson said this would apply to any entity attempting to work with children and families throughout the reservation, but would not apply to schools. VOTE: 6 in favor. Mr. Fast Dog absent during vote. Carried.

11. Adoption of New Tribal Logo. **MOTION** to approve adoption of new logo made by Mr. Johnson. Second, Mr. Gillette. VOTE: 6 in favor. Mr. Fast Dog absent during vote. Carried.

12. Approval of Stipend for Creator of Logo. **MOTION** by Mr. Fox to approve of Chairman and Treasurer to negotiate with Mr. Dennis Fox for a stipend under \$500.00. Second, Mr. Hall. VOTE: 5 in favor, 1 abstained. Mr. Johnson absent during vote. Carried.

13. Northeast Segment Employment Program. **MOTION** to hire Merle Smith in Northeast Segment made by Mr. Fox. Second, Mr. Gillette. VOTE: 6 in favor. Mr. Johnson absent during vote. Carried.

14. Four Bears Segment Employment Program. **MOTION** to continue employment of Kerry Dukart made by Mr. Hall. Second, Mr. Fox. VOTE: 6 in favor. Mr. Johnson absent during vote. Carried.

Note: Break at 3:18 p.m. Reconvened at 3:40 p.m.

15. Additional Assistance Request. Sharon Gravos addressed the council regarding obtaining a \$7,000.00 loan to assist her with repairing the fire and smoke damage to her house so her family could move back in. Chairman Mason advised Mrs. Gravos that the council had adopted a policy of no loans (other than medical emergency and funeral) and that there was no Small Loan Program in place. Mr. Fast Dog made a **MOTION** to approve a \$7,000.00 loan for Mrs. Gravos. No second to motion. Motion defeated for lack of second.

16. Consultant Agreement, Mandaree Electronics Chief Executive Officer. **MOTION** to extend consultant agreement for one year, with no changes, made by Mr. Johnson, second by Mr. Fox. VOTE: 7 in favor. Carried.

17. Resolution No. 96-037-DSB, Enrollment of 41 Applicants. John Charging, Enrollment Officer, presented a resolution to enroll forty-one (41) new applicants. Mr. Charging advised council that all applicants were eligible for enrollment. **MOTION** to approve, Mr. Johnson. Second to motion, Mr. Fox. VOTE: 7 in favor. Carried.

18. MOTION for Enrollment Audit. **MOTION** was made by Mr. Gillette for the Tribal Business Council to take the following actions: (1) direct the Enrollment Clerk to conduct an audit of our enrollment from the last payment in 1982; (2) direct the Enrollment Clerk to present a budget to the council if temporary staff is needed; and, (3) if there are any findings of ineligible membership, that these be presented to the council for action. Motion seconded by Mr. Johnson.  
VOTE: 7 in favor. Carried.

Discussion: Mr. Charging advised council that the Tribe does not have an ordinance for disenrollment. The Legal Department has advised him that a person who has been enrolled is a member entitled to all benefits until disenrolled. Mr. Charging said he would work on this for presentation at the end of the audit.

19. Resolution No. 96-038-DSB, Comprehensive Tribal Preservation Plan Grant Application. Mr. Elgin Crows Breast presented the resolution for approval to submit an application to the National Park Service for grant funds to develop a Comprehensive Tribal Preservation Plan. **MOTION** to approve made by Mr. Johnson. Second to motion, Mr. Hall.  
VOTE: 7 in favor. Carried.

20. Resolution No. 96-039-DSB, Approval of Memorandum of Understanding (MOU) with New Town Ambulance Service, and Cash Contribution NTE \$15,000.00. This resolution authorizes a contribution to the New Town Ambulance Service of a maximum amount of \$15,000.00 during the next twelve (12) month period; offers to assist ambulance staff with collection efforts; and approves a memorandum of understanding whereby the ambulance service shall continue to provide service to areas west of the lake. The MOU is to be reviewed after one year. **MOTION** for approval of first resolution, which called for the Tribe to contribute up to \$21,000 was made by Mr. Fast Dog, second to motion made by Mr. Johnson. **Discussion** on ambulance service budget, possibility of Tribe having ownership rights in construction of a building or purchase of a new ambulance, and possibility of contracting emergency funds in current IHS budget. Mr. Fred Baker, SUD/IHS, advised there is no line item in their budget for "emergency" care--only for contract health care. After discussion, Mr. Fast Dog and Mr. Johnson **amended** their motion and second to a maximum cash contribution of \$15,000 (rather than \$21,000). VOTE: 7 in favor. Motion Carried.

21. Resolution No. 96-040-DSB, Fort Berthold Community College Rural Economic and Community Development Loan Closing. Resolution authorizes Chairman and Treasurer of TAT to execute all necessary documents in order to proceed with the closing of this loan. Discussion on USDA insistence that Tribes waiver application of TERO fees for this project. Mr. Thomas Disselhorst stated there is a limited waiver of sovereign immunity only to the amount of the loan, for collection purposes. Mr. Brendsel said the Tribe has committed funds from their IMS-701 Account for the annual installment of \$149,411.00. The college is going to provide the escrow, which amounts to one payment over a ten-year period of about \$14,000.00 per year. The closing is anticipated to be held on Friday, March 29, in the Tribal Chambers at 11:00 a.m. **MOTION** to approve resolution made

by Mr. Hall. Second to motion made by Mr. Fox. Further discussion by Mr. Gillette and Mr. Fox that the Tribe is being forced to waive their TERO fees by the Department of Agriculture. Mr. Fox said they are continuing to oppose the Department of Agriculture's stand on this, however, if the loan doesn't go forward at this time, the college could possibly lose this loan. It is noted in the resolution that the Tribes waive the TERO ordinance "under written protest".  
VOTE: 5 in favor, 1 opposed, 1 abstained. Carried.

22. Resolution No. 96-041-DSB, North Dakota Indian Gaming Association. Appoints Mark N. Fox and Edwin Hall as official tribal representatives to the newly-established North Dakota Indian Gaming Association consisting of North Dakota tribes/nations with gaming enterprises; and contributes an initial quarterly expenditure of \$7,500.00 towards start-up and operation of the North Dakota Indian Gaming Association. **MOTION** to approve resolution made by Mr. Fox. Second by Mr. Hall. Discussion by Chairman Mason and Treasurer Fox that a strong Indian Gaming organization is needed right now, because of the continued efforts by various parties to shut down Indian gaming. VOTE: 5 in favor, 2 not voting. Mr. Fast Dog and Mr. Gillette absent during vote. Carried.

23. Resolution No. 96-042-DSB, Mandaree Tree & Park Committee. Deb Fox presented this resolution to proceed with the Northeast Shelter Belt project in the Mandaree community, at a cost of \$1,600.00 to the Tribe, which is 50% of the project. The project had been presented to, and approved by, the Natural Resources Committee. **MOTION** for approval by Mr. Fox; second, Mr. Johnson. VOTE: 7 in favor. Carried.

24. Natural Resources/Realty Resolutions, Land Sales: Miriam Smith, R#96-043-DSB; Elaine Smith, R#96-044-DSB, Gerald Irwin, R#96-045-DSB. **MOTION** to approve all three resolutions for the purchase of land, exclusive of minerals, made by Mr. Fox; second, Mr. Johnson. VOTE: 7 in favor. Carried.

25. Natural Resources/MR&I Resolution No. 96-046-DSB, Transfer of Four Bears, Mandaree, Twin Buttes, White Shield Water Supply Systems from IHS to BOR to be Held in Trust for the Tribes. **MOTION** to approve resolution made by Mr. Gillette; second, Mr. Hall. VOTE: 5 in favor, 2 abstained. Carried.

26. Natural Resources/G&F Resolution No. 96-047-DSB, TAT 1996-1997 Fishing Proclamation. Director, Fish & Game said the only change was that commercial fishing had been added into the proclamation. **MOTION** to approve by Mr. Fox; second, Mr. Fast Dog. VOTE: 6 in favor. Mr. Gillette not present for vote. Carried.

27. Housing Improvement Program (HIP) Update. Mr. Ed Lone Fight gave a brief oral report on the Housing Improvement Program for FY 1994 and FY 1995, and also submitted a written report. (See attachment.) Discussion on the HIP Funds for 1995 being used for purchase of a factory-built unit for one family. Mr. Lone Fight said this family applied for HIP assistance in 1993, and was ranked third for FY 1994

HIP improvements. In FY 1994, the first and second applicants were determined not to be residing in their dwellings; and this family was moved from third to first in priority; however, FY 1994 funds had been depleted. In July 1995, Aberdeen Area recommended change in category for this family, since dwelling was beyond adequate repair work, which resulted in the FY 1995 HIP funding being obligated to a factory-built unit. **MOTION** by Mr. Fox that the council recognize the FY 1994 top two applicants (May Coffey/Agnes Yellow Wolf) as being the priority for upcoming funding, assuming, after investigation, that they still have the need, and then subsequent applicants will be placed behind them, and spread funding out more. Second to motion, Mr. Hall. **VOTE:** 6 in favor, 1 abstained. Carried.

28. Resolution No. 96-048-DSB, Contract all IHS Physician Positions; Services, Functions, Activities Related to Recruitment and Retention of IHS Physicians. Mr. Lone Fight said this had gone through the Health and Human Resources Committee and had been approved. Chairman Mason stated there is a serious problem with IHS physicians continuously leaving, because of salary levels--under Civil Service Regulations and Commission Corps Regulations, salaries cannot be augmented. In order to recruit and retain physicians on our reservation, it is proposed to contract the funds from Indian Health Service and augment the physician salaries with judgment funds. **MOTION** to approve resolution made by Mr. Gillette; second, Mr. Spotted Bear. **VOTE:** 6 in favor, 1 opposed, 1 abstained. Motion Carried.

29. Resolution No. 96-049-DSB, Grant Application, Tribal Management Grant from Department of Health and Human Services. **MOTION** to approve by Mr. Hall; second, Mr. Johnson. **Vote:** 7 in favor. Carried.

30. Resolution No. 96-050-DSB, Consultant Agreement, Gary Leva and Rick Knorr, Benewah Medical Center, Plummer, ID. These consultants will be hired to conduct a comprehensive programs review of both IHS and tribal health care. **MOTION** for approval, Mr. Hall; second, Mr. Spotted Bear. Discussion: Susan Fredericks has done the preliminary work. These individuals have developed an integrated health delivery system, already in place, that benefits from third party payments and provides services to Indian and non-Indian communities. We are asking them to come down and help us develop our plans. Mr. Fox stated he would like it stated in the resolution what the maximum amount would be. Ms. Fredericks said the maximum amount would be \$18,528.00. **VOTE:** 5 in favor, 2 opposed. Carried.

31. Resolution No. 96-051-DSB, Payment of \$15,000.00 to Jiran Architects & Planners, Uniband Project. **MOTION** to approve, Mr. Johnson; second, Mr. Hall. Chairman Mason said this is an initiative for 40-60 jobs in the White Shield area that will probably provide for at least a million dollar payroll per year. This is an example of the Council's efforts to decentralize and revive the communities. Discussion and concern by Mr. Fox on total cost and commitment of Tribe, and the agreement that was signed with Turtle Mountain. **VOTE:** 6 in favor. Mr. Johnson not present during vote.



32. Resolution No. 96-052-DSB, Tribes to Seek a Loan of \$450,000.00 from Community First National Bank, Uniband Project. Loan will be used to renovate and furnish the Ralph J. Wells Community Center to accommodate the Uniband Project. **MOTION** for approval, Mr. Gillette; second, Mr. Hall. Vote: 6 in favor. Mr. Johnson not present during vote.

33. Resolution No. 96-053-DSB, Grant Application to United States Department of Agriculture, Grant and/or Zero-Interest Loan for Uniband Project. **MOTION** for approval, Mr. Gillette; second, Mr. Hall. **VOTE:** 6 in favor. Mr. Johnson absent during vote.

34. Resolution No. 96-054-DSB, White Shield School Waiver of Indian Policies and Procedures for Impact Aid Application. **MOTION** for approval, Mr. Gillette; second, Mr. Hall. **VOTE:** 6 in favor, 1 abstained. Motion Carried.

35. Resolution No. 96-055-DSB, 1995-1996 Academic Year Waiver of Indian Policies and Procedures for Mandaree, Twin Buttes, and White Shield Schools; Tribal Reporting Requirements. **MOTION** to approve, Mr. Gillette; second, Mr. Johnson. **VOTE:** 6 in favor, 1 abstained. Motion Carried.

36. Resolution to Submit Language Preservation Grant Application to Administration for Native Americans (ANA). **MOTION** to approve, Mr. Johnson; second, Mr. Fast Dog. Question by Mr. Fox on the in-kind contribution of \$150,000.00. Bernadine Young Bird said this would be actual dollars, and that the grant was to be a collaborative effort between the Education Department and the Community College. After discussing with Mrs. Young Bird, who was the only one present, council decided not to take any action on the grant. Motion and second were withdrawn. No action. (Note: See Item H.03 for final action on this.)

#### **H. OTHER BUSINESS.**

01. Mandaree School Education Issue. Mary Finley, Mandaree resident, addressed council regarding her concerns about certain areas of the school system in Mandaree; after which, Ms. Finley was advised to submit formal documentation to the Chairman; and the Education Director was directed to attend a meeting with Ms. Finley scheduled for the 25th of March with one of the teachers. Chairman Mason stated that the Tribal Business Council is concerned about education, and they are going to start focusing on our schools. They will be taking a look at budget reports, narratives that are going to include personnel issues, credentials, dropout rates, disciplinary summary reports, facilities, parent/staff training, etcetra. Ms. Finley was assured that some action will be taken.

02. Women's Support Group - Mandaree. Kathy Young Bear stated she is a trained facilitator to do self-help groups, and she has started one in Mandaree. She requested \$50.00 per meeting to continue conducting these meetings. Mr. Fox inquired if this was a formal organization, with a governing board or directors. Ms. Young Bear said it was not.

Mr. Fox said it would be easier if there was a formal organization established; and, once a formal organization was composed, he would move for approval for the group in the amount of \$500.00. **MOTION** was then made by Mr. Fox to approve \$500.00 for the women's support group; second by Mr. Johnson. Discussion: Mr. Gillette requested clarification as to whether this was a one-time grant, as Ms. Young Bear's letter indicated a request for \$400.00 each month. Mr. Fox said, as a formal organization, they may come in for further requests. He further stated, "This is a one-time \$500.00 grant to the women's support group, and if there are further costs they want to develop in their program, they need to come back in with a separate proposal each time." VOTE: 4 in favor, 2 abstentions, 1 not voting. Carried.

03. Resolution No. 96-056-DSB, Language Preservation Grant Application, Administration for Native Americans (ANA). Chairman Mason stated Ms. Karen Gillis, FBCC Director, was requesting that this resolution be revisited, and that she was willing to submit the proposal without the \$150,000.00 in-kind contribution from the Tribe. **MOTION** to approve made by Mr. Gillette; second, Mr. Fast Dog. VOTE: 7 in favor. Motion Carried.

04. Housing/Medical Emergency. **MOTION** was made by Mr. Fox for a \$250.00 wage-assignment loan to Ms. Irwin, as an exception, based on her housing emergency and the medical consideration of her daughter. Motion was seconded by Mr. Hall. VOTE: 7 in favor. Carried.

NOTE: Meeting recessed at 6:45 p.m., and reconvened at 7:00 p.m.

05. Wellness Week. Delphine Baker presented an agenda and budget for 1996 Wellness Week, requesting \$2,600.00 in financial support from the Tribes. After discussion with council, it was decided to do the proclamation and resolution at the next meeting. Mr. Fox made a **MOTION** for approval to plan and conduct Wellness Week, with action on the proclamation and the resolution to be taken later. Second, Mr. Hall. VOTE: 7 in favor. Carried.

#### I. PERSONNEL DEPARTMENT MATTERS.

01. Police Officer, COPS FAST. **MOTION** by Mr. Johnson for the selection of Cornell Poitra; second, Mr. Gillette. VOTE: 6 in favor, 1 abstained. Carried. Appointment to be effective Monday, 03/18/96.

02. Social Worker. **MOTION** to hire Jayne Hammel on recommendation of Social Service Director, made by Mr. Johnson. Second to motion, for purposes of discussion, made by Mr. Spotted Bear. Discussion by council on availability of Indian applicants. VOTE: 5 in favor, 2 opposed. Carried. Mr. Fox requested a roll call vote. Roll call vote follows: Mr. Fast Dog - Nay; Mr. Fox - Nay; Mr. Gillette - Aye; Mr. Hall - Aye; Mr. Johnson - Aye; Mr. Mason - Aye; Mr. Spotted Bear - Aye.

03. Two Full-Time Oil & Gas Pumper Positions. **MOTION** by Mr. Spotted Bear for the selection of C. J. Packineau and Vincent Chapin; second, Mr. Johnson. VOTE: 7 in favor. Carried.

04. Two Part-Time Oil & Gas Pumper Positions. **MOTION** by Mr. Fox for the selection of Donovan Dixon and Monte Packineau; second, Mr. Hall. Vote: 2 in favor, 3 opposed, 2 abstained. Defeated. **MOTION** by Mr. Hall to select Monte Packineau for one temporary oil and gas pumper; second, Mr. Gillette. Vote: 6 in favor, 1 abstained. Carried. **MOTION** by Mr. Gillette to select Manuel Chase for one temporary oil and gas pumper; second, Mr. Fast Dog. Vote: 4 in favor, 3 abstained. Carried. **MOTION** by Mr. Gillette, second by Mr. Fox, to select Donovan Dixon as third alternate. VOTE: 6 in favor, 1 abstained. Carried. Discussion: Starting date will be April 01, 1996.

05. Construction Inspector. **MOTION** to select Shane Johnson made by Mr. Hall; second, Mr. Fox, for purposes of discussion. Discussion with Personnel Director on number of applicants, and how applicants were rated. Council inquired as to whether or not a supervisor's report had been filed on the performance of the temporary worker in this position, and whether or not Mr. Baker/Mr. Lone Bear had submitted a recommendation. Mr. Fox withdrew his second until the supervisor(s) make a presentation. Mr. Hall withdrew his motion. Temporary appointment will remain in position until this is worked out.

06. Temporary Dialysis Driver Position. Due to budget reviewal and reorganization of the Dialysis Project, recommendation was made to the Health and Human Resources Committee to discontinue the temporary driver position of Howard Wilkinson. The committee approved the recommendation, to be effective March 29, 1996. As a cost-saving measure, the dialysis patients in Twin Buttes and Mandaree will be transported by the Community Health Representatives in those areas. **MOTION** to approve, Mr. Fox; second, Mr. Spotted Bear. Discussion: Inquiry by Mr. Johnson as to the reason for this action. Mr. Fox explained the Dialysis Budget is being restructured, and this is to be a cost-saving measure, plus this was a temporary position to begin with. VOTE: 5 in favor, 1 opposed, 1 abstained. Carried.

07. Day Care Director. The Personnel Director stated there had been another recommendation to the Health and Human Resources Committee, for the termination of the Day Care Director, and the committee had approved it. Proper documentation and letters were submitted by the supervisor. Discussion: Council was advised that the director wished to address the council at this time, however, council stated there is an appeal process that can be followed. **MOTION** to approve recommendation of Health and Human Resources Committee to terminate the Day Care Director was made by Mr. Fox. Second to motion, Mr. Hall. Further discussion on the number of instances that have occurred, and the fact that council has a responsibility to assure the most effective, efficient, accountable work performance of its employees. VOTE: 5 in favor, 2 opposed. Carried.

08. Compensation to Dallas Dickens. **MOTION** by Mr. Hall; second, Mr. Fox, to reaffirm payment and compensation of 50 hours to Mr. Dickens. VOTE: 6 in favor, 1 abstained. Carried.

09. Head Start Selections. **MOTION** by Mr. Fast Dog; second, Mr. Gillette, to approve the selections of the Parent Policy Committee, as follows: Norma Wolf, Tiny Tots Teacher Aide Assistant; Hugh Drags Wolf, Black Lodge Bus Driver; Kay Driver, Little Lodge Teacher Aide; Michaela Bacon, Black Lodge Teacher Assistant; Shannon Mann, Little Lodge Cook. VOTE: 7 in favor. Carried.

MOTION to add North Segment Employment Program to the Agenda. **MOTION** was made by Mr. Gillette that Mr. Fast Dog's employment question be allowed on the agenda. Second to motion, Mr. Fox. VOTE: 7 in favor. Carried.

10. North Segment Employment Program. **MOTION** by Mr. Fast Dog to lay off two of his segment workers, Kathleen Finley and Lorry Little Swallow, and in their place to hire Herbert White Owl, Jr. and Wayne White Body, Jr. Motion seconded by Mr. Johnson. VOTE: 7 in favor. Carried.

11. Blue Cross-Blue Shield Benefits. **MOTION** by Mr. Fox that we go for a quarter with BC-BS; second, Mr. Fast Dog. VOTE: 6 in favor, 1 abstained. Carried.

**J. ADDITIONAL BUSINESS.**

01. Resolution No. 96-057-DSB, Contract Proposal for Internal Controls at 4 Bears Casino. Authorizes \$18,000.00 to employ an accounting firm to analyze operations at the casino, and establish a system of reporting. **MOTION** to approve, Mr. Fox; second, Mr. Fast Dog. VOTE: 7 in favor. Carried.

02. Resolution No. 96-058-DSB, District 4 Tribal Delegates to State DNPL Convention in Fargo. Authorizes travel and other expenses for tribal delegates to be paid for by the Tribe. **MOTION** to approve, Mr. Gillette; second, Mr. Fast Dog. VOTE: 6 in favor. Mr. Johnson absent during vote.

03. Resolution No. 96-059-DSB, Consultant Agreement with Dennis Edward Johnson, Ltd., Watford City, ND, Special Prosecutor for the Tribe. **MOTION** to approve, Mr. Fox; second, Mr. Hall. VOTE: 6 in favor, 1 abstained. Carried.

04. TERO Commission Appointment. **MOTION** by Mr. Spotted Bear to appoint Whitney M. Bell to the TERO Commission in place of Terrance Fredericks, to be effective this date. Second to motion, Mr. Fast Dog. VOTE: 5 in favor, 2 abstained. Carried.

05. Three Affiliated Tribes' Gold Star Mother. **MOTION** by Mr. Fox to approve travel expenses for Eloise Johnson to attend the 25th anniversary and reunion of Myron B. Johnson's company in Kentucky. Second to motion, Mr. Hall. VOTE: 6 in favor, 1 abstained. Carried. Note: Chairman Mason asked Mr. Gillette to write a proclamation for Mrs. Johnson to read at the memorial service.

**K. LEGAL DEPARTMENT MATTERS.**

01. Range Unit Case (Hall etal vs. TAT). **MOTION** by Mr. Gillette to schedule request for continuance of appeal hearings for the 23rd of April; second, Mr, Fast Dog. **VOTE:** 4 in favor, 1 opposed, 2 abstained. Carried.

02. Proposed Garrison Diversion Legislation. Update on this legislation was provided by Mr. Thomas Disselhorst, Staff Attorney. Chairman Mason indicated this information would be presented to the ND congressional delegation when council delegates go to Washington next week.

03. En Banc Decision of Eighth Circuit Court of Appeals on A-1 Contractors Case. Tribal Attorney Christopher D. Quale informed the council of the decision that had been reached in this case and advised a determination needed to be made as to whether the Tribes should pursue this case beyond the circuit court level, due to the significance of the sovereignty issue that is involved. After discussion, council decided that they would make a decision on this after they met with Mr. Don Wharton from NARF on Monday, March 18, 1996.

04. Approval of Two TAT Business Licenses. **MOTION** to approve business license for Arlene's 4 Winds Enterprise (catering, retail sale of crafts and Indian sauce) made by Mr. Gillette; second, Mr. Spotted Bear. **VOTE:** 6 in favor, 1 abstained. Carried. **MOTION** to approve business license for Dakota Dust-Tex, Inc. (carpet cleaning/supplies) made by Mr. Fast Dog; second, Mr. Spotted Bear. **VOTE:** 5 in favor, 2 abstained. Carried.

**L. OTHER MATTERS.**

**MOTION** by Mr. Spotted Bear to add another resolution to the agenda; motion seconded by Mr. Fox. Second to motion withdrawn by Mr. Fox. Motion seconded by Mr. Gillette. **VOTE:** 4 in favor, 3 opposed.

01. Resolution No. 96-60-DSB, Amendment to Resolution No. 96-33-DSB, to Designate Smoking Area. **MOTION** to approve resolution to designate a smoking area within the Tribal Administration Building made by Mr. Spotted Bear; second, Mr. Fast Dog. **VOTE:** 4 in favor, 3 opposed. Carried.

02. Disaster Payment. **MOTION** by Mr. Gillette to authorize a \$1,000.00 disaster payment to Mr. Edwin Hall for the hay that he lost in a fire. No second to motion. Motion died. Resolution to be submitted at next meeting.

**M. NEXT MEETING.** The next regular-scheduled meeting is Thursday, April 11, 1996.

**N. ADJOURNMENT.**

**MOTION** to adjourn meeting at 9:20 p.m. was made by Mr. Fox. Second to motion was made by Mr. Hall. Meeting adjourned.

**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.


Six members were present at a **Regular Meeting** thereof duly called, noticed, convened, and held on the **11th day of April 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 **6** members, **0** members opposed, **0** members abstained, **1** member absent; and that these minutes have not been amended in any way, except as noted by council when approved.

Dated this 11th day of April, 1996.

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

ATTEST:

  
\_\_\_\_\_  
Russell D. Mason, Sr., Chairman  
Tribal Business Council

## HOUSING IMPROVEMENT PROGRAM UPDATE

Although priority listing for FY 1995 placed Clyde Brady and Rhoda Starr as having first and second priority, respectively, FY 1995 Housing Improvement Program funds were allocated to meet the housing needs of Gladys Black Hawk. Gladys had applied for HIP assistance in 1993. She ranked third in priority and improvement to her dwelling was to be done in FY 1994.

For FY 1994, two other applicants, Mrs. May Coffey and Agnes Yellow Wolf, were determined as ranking first and second, respectively. Neither applicant, however, resided in the dwellings for which applications had been submitted. (CFR regulations 256.4(b)(4) require that applicants reside in the dwellings to be repaired). Because of the ineligibility of the first and second ranking applicants, Gladys Black Hawk succeeded to first priority ranking for FY 1994.

FY 1994 funds were depleted. Housing improvement needs of Mrs. Black Hawk were left unmet. Cost to repair was estimated at the highest level under the repair (regulatory) category.

Inspections of housing were conducted in July, 1995. Report dated July 13, 1995, and submitted by Gilbert Kills Pretty Enemy, Aberdeen Area Office Housing Specialist, recommended category be changed in order to construct a dwelling. Aberdeen Area would not approve expending \$20,000 for what they determined to be an unsafe and hazardous dwelling. Area reported that \$20,000 would be wasted on a dwelling that was beyond adequate repair work; therefore, Area Office recommended change in Category to new construction for Gladys

Construction cost of \$61,000 (at the least) exceeded FY 1995 available program funds. Only other alternative that would meet housing need of the applicant while staying within available funds was a factory-built unit. Waiver at Central Office level was required; formulated; submitted and approved. FY 1995 HIP funding obligated to double-wide unit for Gladys Black Hawk.

FY 1996 funding under the HIP contract will be allocated to those appearing on a priority listing approved by Council. Applications from which listing is being formulated are outdated. Many of the names appearing on past priority listing from which FY 1996 ranking would be drawn, are not eligible or are no longer requiring improvement to their homes.

Applications need to be updated; and a listing formulated from the update is needed in order for the Council to consider a ranking of eligible applicants in accordance with HIP regulations. The Council-determined priority listing to be submitted for FY 1996 funding allocation.



# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

## Inter-Office Memorandum

To: Christopher "Kip" Quale  
Legal Department

From: Thomas Bird Bear  
Contract Administration

Subject: Tribal Tax Commission Analysis

Date: 3-6-95

Based upon a summary review of the Tribal Tax Code, the following items would appear to require further development.

- ) Review of existing tax administration to possibly simplify filing process, appeals, etc.
  - Tribal Finance, Former Tax Executive Director, Tax Commission, and other relevant parties would be needed to conduct review.
- ) Clarification/delineation of functions between the Executive Director and the Tax Commission.
  - Former Tax Executive Director and Tax Commission.
- ) General/Special Revenue Fund(s).
  - Establish Fund types in Tribal Financial Accounting System with corresponding permissible uses enumerated if Special Revenue designation is made.
  - CPA to conduct assessment and implement changes if necessary.
  - Internal financial controls in Tribal Finance to address bond requirements of commission/executive director. Revenue deposits.
- ) Tribal Tax/Policy Body.
  - Possible initiation of Tribal Business Council Revenue Committee.
  - Refinement of the role of Tax Commission and Executive Director (possibly a "Commissioner" designation with staff to collect revenues).
- ) Tribal Tax Court.
  - Under Constitution of Three Affiliated Tribes, Article VI, Sec. 3, Powers, the Tribes may want to discuss the possibility of establishing a special court to handle tax cases. Under Constitution, the people granted Tribal Business Council "all necessary sovereign authority - legislative and judicial," (to exercise the jurisdiction granted by the people in Art. I).

The foregoing is by no means exhaustive and further work is needed, if the Tribes choose to modify its tax system. Immediate concerns could be met by tribal tracking of revenue receipts currently received and ensuring their deposit in the proper tribal account as designated by the Tax Code.



REGULAR TRIBAL BUSINESS COUNCIL MEETING  
March 14, 1996

S I G N I N S H E E T

V I S I T O R S

Verdell Smith  
Richard Pease  
Susan Cummings  
Justin Zwick  
Natica Hale  
Elizabeth Fox  
Arnold Docking  
Emerson Chase  
Justin Morin  
KC Huel  
Zelinda White Brady  
MIKE Cross  
Signe Snatland  
Bruce Laymon  
John Red Fox  
Karissa Howard  
Desiree Monaghan  
Wayne G. Deegan  
Spotted Eagle Lockwood  
Irene Lockwood  
Nicholas Rabbithead  
Mark Little Owl  
Velva Cross Breast  
Rosemarie Mander

visitors &

T A T E M P L O Y E E S

Janet Gundersen (visitor)  
John Two Crow (visitor)  
Janet Gundersen (visitor)  
Rosi White Owl (visitor)  
C.J. Padina - Sgt. at Arms  
Zlue Walker (visitor)  
John Fox Jr  
Sharon Gravois  
Karen Gillis  
Fred Baker  
Margie Falty  
Kelly Fox  
Nancy White Owl  
Twila White Owl  
Alva Irwin  
Susan Fredericks  
Tom Diselhorst  
Dave Brendel  
Ted Danker  
Kyle Baker  
Janet Gundersen  
Elgin Cross Breast  
John Chargin  
Ed Lone Light  
James Heckman  
Florence Brady  
Janet Gundersen  
R. Baker

Section 110.4 of the Three Affiliated Tribes Criminal Code shall be amended as follows:

**SECTION 110.4                    Classification of Offenses - Penalties**

1.    Class A Misdemeanor, for which a maximum penalty of one year imprisonment, a fine of \$1,000, or both, may be imposed.
2.    Class I Misdemeanor, for which a maximum penalty of six months imprisonment, a fine of \$500, or both, may be imposed.
3.    Class II Misdemeanor, for which a maximum penalty of 90 days imprisonment, a fine of \$300. or both, may be imposed.
4.    Class III Misdemeanor, for which a maximum penalty of 30 days imprisonment, a fine of \$100, or both, may be imposed.

Section 220.1 of the Three Affiliated Tribes Criminal Code shall be amended as follows:

**Article 2.                    Assault, Reckless Endangering:**

**SECTION 220.1                Simple Assault.**

A person is guilty of assault if he:

- A.    Attempts to cause or purposely, knowing, or recklessly causes bodily injury to another; or
- B.    Negligently causes bodily injury to another with a deadly weapon; or
- C.    Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a Class ~~II~~ Misdemeanor if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury. Recklessness and danger shall be presumed where a person knowingly points a firearm at or in the direction of another, whether or not the actor believed the firearm to be loaded.

Simple assault is a Class A Misdemeanor if the victim is an elected tribal official. An elected tribal official is any person elected at any election held pursuant to the authority of the Three Affiliated Tribes.

Section 220.3 of the Three Affiliated Tribes Criminal Code shall be amended as follows:

**SECTION 220.3**

**Assault and Battery**

A person is guilty of a Class ~~IA~~ Misdemeanor if that person:

1. Willfully causes substantial bodily harm or injury to another human being; or
2. Negligently causes substantial bodily harm or injury to another human being by means of a firearm, destruction device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.