



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

REGULAR MEETING MINUTES

APRIL 11, 1996

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

- A. CALL TO ORDER AND OPENING PRAYER.** The Regular Meeting of April 11, 1996, of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 11:05 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; Councilman George Fast Dog, absent; Councilman Mark N. Fox, present; Councilman Austin Gillette, present; Councilman Edwin Hall, present; Councilman Ivan Johnson, absent (medical); Councilman Daylon Spotted Bear, present. Five members present, quorum established. Mr. Fast Dog entered the meeting at 11:10 a.m.
- C. CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.** Mr. Fox reported on the council delegation's recent trips to Washington, D. C. and Minneapolis, MN. Primary objectives addressed were seeking construction costs for the jail detention facility; Casino Management Contract discussions with the National Indian Gaming Commission; the delay in payments and interest owed on JTAC recovery funds; discussion with Minneapolis attorneys on the gaming situation; and meeting with a manufacturing supply company in Minneapolis relative to the munitions plant in the Zap area. Mr. Gillette reported on Natural Resource Committee meetings with Gulf-Canada and Powers Fuel oil companies, which failed to meet the parameters established by the council, but they will return with a counter proposal. Amber Oil Company is also interested. Mr. Gillette gave an update on the Uniband project in White Shield, and stated the lease has yet to be signed.
- D. APPROVAL OF MINUTES OF LAST MEETING.**

MOTION to approve the minutes of March 14, 1996 (Regular Council Meeting) and April 01, 1996 (Special Council Meeting) was made by Mr. Gillette. Second to motion, Mr. Spotted Bear. **VOTE:** 6 in favor, 1 absent. Minutes approved.

E. DISTINGUISHED VISITORS AND VISITORS' COMMENTS.

1. BIA Aberdeen Area. Chairman Mason introduced BIA Aberdeen Area Office Director, Mr. Delbert Brewer, who addressed the council regarding selection of a Superintendent at Fort Berthold Agency and the BIA budget. He stated the bureau was in a downsizing mode because of the budget reductions, and there would be some shortfalls this year. He specifically mentioned welfare aid funds, stating all the money has been sent out of Washington--the funds in the area have been identified for distribution to the agencies on the contract programs, additional monies will not be available--they are gone. He said

a directive will be sent out from the area on this. As of now, there is no money in the Central Office, there is no money in the Area Office, and all the monies have been sent down. Any reprogramming of funds at the local level would be up to the Agency Superintendent and the Tribal Business Council. A 30-day extension on the selection of an agency superintendent was requested, and Mr. Brewer said he would request this from Central Office. Additional background information on the applicants will also be forthcoming, after which the TBC will submit a resolution showing their preferences in order. Discussion also held on Tribal Shares Funding. Mr. Brewer was thanked for his past and current support of Tribes, and asked to visit further with the Tribal Programs Analyst and others.

2. Indian Health Service. Next, Chairman Mason introduced Mr. Douglas Black, IHS HQ, Associate Director of Office of Tribal Activities, along with Mr. Dennis Renville, AAO/IHS/OTA; and Mr. Rick R. Sorensen, AAO/IHS/OTA. Mr. Black spoke on IHS 638 compacting, and distributed copies to council of the new 94 amendments to the 638 law, along with copies of notice of proposed rule making. He also went through the pros and cons of self-determination contracting for the benefit of the council. Mr. Black was thanked for his visit and asked to visit further with the Tribal Health Planner and others.

3. Veterans' Service Officer (VSO), Stanley. Gene H. "Skip" Wing, VSO, Mountrail County, and co-chairman of the Stanley Veterans' Home Committee, next addressed the council regarding support for a veterans' home in Stanley, and consideration from the Tribes for promotional funds. The construction of a veterans' home in Stanley will be on the State ballot on June 11. A "yes" vote will give authority to remodel the facility in Grafton as a veterans' home for the east, and to construct a veterans' home in Stanley for the west. It would also authorize a 1.5 million dollar loan from the Veterans' Post War Trust Fund, which can be used as matching funds for federal, state, or other funds. **MOTION** was made by Mr. Gillette for the Tribal Business Council to support the efforts for a veterans' home in Stanley, and to commit a sum of money after the Credit & Finance Committee reviews the request, and a proper resolution is drafted. Second, Mr. Fast Dog. **VOTE:** 6 in favor, 1 absent. Carried.

(Meeting recessed at 1:15 p.m. for lunch, reconvened at 2:15 p.m.)

F. **APPROVAL OF AGENDA.** **MOTION** to approve agenda, with additions, deletions, and changes, made by Mr. Fox; second, Mr. Fast Dog. **VOTE:** 6 in favor, 1 absent. Carried.

G. **NEW BUSINESS.**

01. New Town High School (NTHS) Expansion. School Board President Marcus Wells, Jr., and Superintendent Dr. Edward Slocum, spoke to the

council on plans for construction of a new middle school facility, and submitted a proposal to the Tribes for JTAC financial assistance. Two students--Tyrell Spotted Bear and Vicky Alberts, spoke on the crowded conditions in school and the need for expansion. Chairman Mason said JTAC monies will be used for collective benefits--not for individual benefits through grants, and that it is to be spent in specific areas such as health care, education, social programs, law enforcement and economic development. The proposal was accepted with expressions of support, and recommendations for NTHS to explore temporary alternatives.

02. Mandaree Task Force. Rose Marie Mandan, member of the Mandaree Task Force, spoke on behalf of the Mandaree elders, and requested \$50,000.00 from the Tribes to be used for home repairs for the elderly in Mandaree and Independence. A resolution was presented, as well as results of a home repair needs assessment that had been conducted. Mr. Fox indicated he would prefer establishing/developing a home repair program for elders reservation-wide. Tillie Walker and Ted Lone Fight III then spoke on home-repair assistance for all elders on Fort Berthold, and Mr. Lone Fight presented a second resolution in regards to this. After discussion, Mr. Fox thanked the task force members for taking an interest and for their efforts, and invited them to attend and participate in future Credit & Finance Committee Meetings so this project can be discussed, developed and pursued further. **MOTION** by Mr. Fox to defer any action, until review and recommendations from Credit & Finance Committee. Seconded for discussion purposes, by Mr. Hall. Further discussion by council that they are committed to serving all segments equitably; they are in support of assisting the elderly with home repairs; estimates need to be obtained, and an overall action plan should be developed. **VOTE** on motion: 4 in favor, 2 opposed, 1 absent. Carried.

03. Tax Department Update. Tribal Programs Analyst John Danks spoke on behalf of the Tax Department, stating that an administrative assistant is badly needed for this department. Tax Attorney Thomas Bird Bear then proceeded with a brief monthly tax report, before presenting his request for council to consider transferring him to the Legal Department. Kip Quale, Supervising Attorney, Legal, explained they remain in need of a third attorney and their workload continues to increase. **MOTION** by Mr. Fast Dog to transfer Mr. Bird Bear to the Legal Department; seconded by Mr. Spotted Bear for purposes of discussion. Discussion on budget and funding concerns, and how important and essential the position of Tax Attorney is to the Tribes, at this time. **VOTE** on motion: 3 in favor, 3 opposed, 1 absent. Defeated.

04. Architectural Presentation. Mr. Denby Deegan, enrolled member, did a slide show presentation of various architectural and design projects he has completed during his career, and expressed an interest

in doing some projects for the Tribes in the future. NRC Chairman was asked to consider a resolution, Mr. Gillette said a resolution has been in place since 1979, whereby Mr. Denby's architectural firm is to be given first consideration on projects for the Tribes. Office of Secretary to locate resolution; and, if found, the resolution will be resurrected.

(Meeting recessed at 5:05 p.m., reconvened at 5:25 p.m.)

05. R#96-062-DSB, Alcohol Program - Policy & Procedures Manual.

MOTION to approve the adoption of the revised Alcohol "Circle of Life" Program Policy and Procedures Manual was made by Mr. Hall, seconded by Mr. Fast Dog. VOTE: 5 in favor, 1 not voting--Mr. Fox not present during vote, 1 absent. Motion Carried.

06. MSW/Dialysis Consultant Agreement Contract. **MOTION** to approve amendment to the consultant agreement contract of Evadne Gillette from \$10,000.00 to \$15,000.00 made by Mr. Hall, seconded by Mr. Spotted Bear. Discussion: This is upon recommendation of the Human Resources Committee, and monies are available in the Dialysis Budget. VOTE: 4 in favor, 2 abstained, 1 absent. Motion Carried.

07. Three Affiliated Tribes Economic Recovery Fund Committee Objective Action Plan, Part I. A copy of this JTAC action plan was distributed to the council members by Chairman Mason for their review and comments.

08. 1995 Tribal Audit, Joseph Eve & Company. **MOTION** made by Mr. Fox to approve Joseph Eve & Company to conduct the annual audit for 1995, seconded by Mr. Hall. VOTE: 6 in favor, 1 absent. Motion Carried.

09. Range Units/Tribal Leases. **MOTION** by Mr. Gillette to put RU's 23, 39, 208 and 211, and tribal leases T538A-B, T549A, T1853-B/Taken Area out on bid. Discussion: Motion amended to go with the first four range units (23, 39, 208, 211) for bid, and to continue to retain the tribal leases for the Cattle Relending Holding Area. Seconded by Mr. Hall. VOTE: 6 in favor, 1 absent. Motion Carried.

10. Property Procurement Consultant. **MOTION** made by Mr. Gillette to authorize the Chairman, Treasurer, and Tribal Programs Analyst to develop a plan to include a job description and budget for a Property and Procurement Consultant, seconded by Mr. Hall. Discussion that Mr. Gillette will work with Mr. Danks on this. VOTE: 6 in favor, 1 absent. Motion Carried.

H. RESOLUTIONS.

01. R#96-063-DSB, Mandaree Electronics Marketing Assistance Funds. **MOTION** by Mr. Gillette to approve CEO/MEC Clarence O'Berry's marketing

plan for MEC in the amount of \$8,280.00. Seconded by Mr. Fox.
Discussion: A detailed line-item budget for the request was requested from Mr. O'Berry. VOTE: 4 in favor, 1 opposed, 1 not voting--Mr. Fast Dog not present during vote, 1 absent. Motion Carried.

02. R#96-064-DSB, Fort Berthold Housing Authority (FBHA) Board of Commissioners Membership Size. Resolution amends the FBHA Tribal Ordinance 1-62 to change the number of commissioners from five (5) members to seven (7) members. MOTION to approve resolution made by Mr. Gillette, seconded by Mr. Hall. VOTE: 5 in favor, 1 not voting--Mr. Fast Dog not present during vote, 1 absent.

03. R#96-065-DSB, FBHA Request to Reduce TERO Fees on Three Housing Projects. Mr. Red Fox requested to waive the TERO fees on TAT/FBHA ND Projects 5-26, 5-27 and 5-28. Discussion was held on the possibility of reducing the fees, rather than eliminating them altogether. MOTION by Mr. Hall, second by Mr. Spotted Bear, to approve resolution to waive the TERO fees on the housing projects. VOTE: 2 in favor, 4 opposed, 1 absent. Defeated. New MOTION by Mr. Fox that the present proposal be amended to a reduction of the TERO tax commensurate to \$12,000.00 and interest. Second to motion, Mr. Spotted Bear. Discussion by Mr. Gillette to add "plus any other discretionary funds that become available". Mr. Fox agreed to AMEND his motion that the reduction be commensurate to whatever percentage at \$12,000.00, but that be dependent upon a raise back to its normal 2.5% if funding becomes available. Amendment to motion concurred by Mr. Spotted Bear. VOTE: 6 in favor, 1 absent. Motion Carried.

04. R#96-066-DSB, Mandaree Streets Project. Resolution to rescind R#94-028-MW and to 638 contract the construction phase of the Mandaree Streets Project to include design and construction of a pedestrian crossing. Mr. Fox made a MOTION to approve, with amendment ". . . does rescind R#94-028-MW as it pertains to the Mandaree Streets Project". Second to motion, Mr. Hall. VOTE: 5 in favor, 1 not voting--Mr. Gillette not present during vote, 1 absent. Carried.

05. R#96-067-DSB, NRD/Division of Environmental Quality, Environmental Camps. Resolution to provide \$700 to send four (4) students to "hands-on" environmental camps in Washburn and Amidon this summer, for one week. MOTION to approve, Mr. Hall. Second to motion, Mr. Fast Dog. VOTE: 5 in favor, 1 abstained, 1 absent. Carried.

06. R#96-068-DSB, NRD/Solid Waste, Compactor Truck. Original resolution was to authorize the purchase of a new compactor truck and payloader using tribal funds. MOTION to approve, Mr. Hall. Second, Mr. Gillette. Discussion: Chairman and Treasurer to review and approve the final lease/purchase agreement. The truck is most needed at this time. MOTION AMENDED by Mr. Hall for purchase of compactor truck only, NTE \$120,000.00, and Chairman and Treasurer to have final

authority action. Amendment concurred by Mr. Gillette. VOTE: 6 in favor, 1 absent. Motion Carried.

07. R#96-069-DSB, Resolution to Support United Tribes Technical College (UTTC) Carl D. Perkins Vocational and Applied Technology Grant Application and Operation under Public Law 93-638. MOTION to approve resolution, Mr. Fox. Second, Mr. Hall. VOTE: 5 in favor, 1 not voting--Mr. Fast Dog not present during vote, 1 absent. Carried.

08. R#96-070-DSB, Resolution for NCAI Membership Dues & Delegates. Resolution to authorize payment of \$1,000.00 for yearly membership dues, and to name Russell D. Mason, Sr., as tribal delegate to NCAI, with Edwin Hall and Mark Fox as alternates. MOTION to approve resolution, Mr. Gillette. Second, Mr. Fox. VOTE: 5 in favor, 1 not voting--Mr. Fast Dog not present during vote, 1 absent. Carried.

09. R#96-071-DSB, Resolution to give Authority to the TAT Gaming Commission to Determine Rehabilitation and Waive Criminal Histories of Gaming Employee Applicants. MOTION to approve, Mr. Fox. Second to motion, Mr. Hall. VOTE: 5 in favor, 1 not voting--Mr. Fast Dog not present during vote, 1 absent. Carried.

I. LEGAL DEPARTMENT MATTERS.

NOTE: Updates on NARF Amicus Brief (SD v. USDOJ); and RTC Cases were given by Supervising Attorney (SA) Kip Quale.

01. Memorandum of Understanding (MOU) Between TAT and National Indian Gaming Commission (NIGC) re Criminal History Information. Criminal histories on key personnel in gaming operations may be obtained from the FBI by NIGC and disseminated to the Tribe. MOTION to approve MOU made by Mr. Fox. Second, Mr. Gillette. VOTE: 6 in favor, 1 absent.

02. TAT Business License Approvals. Michelle Jaeger @ Country Clippers and Michael and Michelle Jaeger @ Broken Spoke. MOTION to approve made by Mr. Gillette. Second, Mr. Spotted Bear. VOTE: 4 in favor, 2 abstained, 1 absent. Carried.

03. North Segment Employment Program. Council had a closed-session discussion with SA Quale on a job issue in the North Segment Employment Program. MOTION was made by Mr. Fast Dog to freeze everything and leave it the way it is, until he talked to one of the individuals involved. After a short discussion, Mr. Fast Dog withdrew his motion. Mr. Fast Dog was directed to provide additional documentation at the next council meeting. Mr. Fast Dog then made a MOTION that the situation remain as it is right now, and by the next council meeting he would have either a voluntary agreement for lay off from the individual or a basis for termination. Seconded by Mr. Gillette. VOTE: 4 in favor, 1 opposed, 1 abstained, 1 absent. Roll

Call Vote requested by Mr. Fox: Mr. Fast Dog, Aye; Mr. Gillette, Aye; Mr. Mason, Aye; Mr. Spotted Bear, Aye; Mr. Fox, Nay; Mr. Hall, Abstain, (Mr. Johnson, Absent).

04. Motion to Amend Personnel Policies. **MOTION** at this time by Mr. Gillette that the Personnel Policies be amended specifically to address employees of the Segment Employment Program, and their status as full-time is dependent upon council appointment. Second, Mr. Fast Dog. Discussion: This would address the status of Segment Employment Program employees as being "conditional" employees, "political" employees, and/or "at-will" employees, who are entitled to health, leave and unemployment benefits, and who may be terminated with or without cause. VOTE: 5 in favor, 1 opposed, 1 abstained, 1 absent. Carried.

J. OTHER BUSINESS.

01. R#96-072-DSB, FBCC Phase II Construction Account, Lakeside State Bank. Resolution establishes a TAT/FBCC Construction Account to fulfill financial obligations of the expansion construction project of Phase II for FBCC, and designates Lakeside State Bank as depository of funds. **MOTION** to approve, Mr. Gillette. Second, Mr. Fox. VOTE: 6 in favor, 1 absent. Carried.

02. R#96-073-DSB, Wake Fund Increase to \$3,000.00. **MOTION** by Mr. Fox to increase the wake fund to \$3,000.00, in lieu of the present \$2,500.00 wake fund, and a family member loan of \$500.00. Discussion that the wake fund is all the family will get. If a qualified family member is eligible for the loan procedures established, they must go through the regular loan options in Small Loan and Credit. Second, Mr. Gillette. VOTE: 5 in favor, 1 not voting--Mr. Fast Dog not present during vote, 1 absent. Carried.

03. R#96-074-DSB, Council Committee Assignments (Amends R#95-178-DSB). **MOTION** to approve resolution showing changes in committee assignments was made by Mr. Fox. Second, Mr. Hall. VOTE: 5 in favor, 1 abstained, 1 absent. Carried.

04. R#96-075-DSB, Adoption of Declaration of Policies and Plan of Operation/Tribal Small Loan Program. **MOTION** to approve, Mr. Fox. Second, Mr. Hall. VOTE: 6 in favor, 1 abstained, 1 absent. Carried.

05. R#96-076-DSB, Dialysis Services. Resolution to also deliver services to non-Indian, non-beneficiary dialysis patients and to charge/bill these patients or third party carriers for services provided. **MOTION** to approve, Mr. Hall. Second, Mr. Spotted Bear. VOTE: 6 in favor, 1 absent. Carried.

06. R#96-077-DSB, McKenzie Bay 25-Year Lease. Resolution to provide a 25-year easement "right of way" to the McKenzie Bay Marine Club.

MOTION to approve, Mr. Hall. Second, Mr. Gillette. VOTE: 4 in favor, 2 abstained, 1 absent. Carried.

07. R#96-078-DSB, Mandaree/White Shield Water Treatment Plants, Construction Contract Awarded to Capital City Construction, Bismarck.
MOTION by Mr. Gillette to approve resolution. Second, Mr. Hall. VOTE: 6 in favor, 1 absent. Carried.

08. Housing Emergencies, North Segment.

a. Clorine Driver presented a request to the council for donation of funds to skirt the trailer of an elderly person in the North Segment. Mr. Fast Dog made a **MOTION** to approve the amount of \$274.00 for this purpose. Second, Mr. Spotted Bear. Discussion held on exhaustion of other sources, inspection of premises, and other background information. Mr. Fast Dog noted that his segment workers would perform the labor. VOTE: 5 in favor, 1 abstained, 1 absent. Carried.

b. Mrs. Driver presented a further request for the Sharon Gravos family for \$500.00 towards the cost of rewiring their house. Social Services Director Janet Gunderson said she had committed \$500.00 from her budget, due to the desperate situation of this family, and recommended additional assistance from the council. **MOTION** was made by Mr. Fast Dog for a maximum amount of \$500.00. Seconded by Mr. Spotted Bear. Discussion: It was noted this family had not received the family support usually extended in circumstances such as this. Council asked that the check be made out to KB Electric. **MOTION AMENDED** by Mr. Fast Dog, seconded by Mr. Spotted Bear, for a maximum amount of \$500.00 to be made payable to KB Electric. VOTE: 6 in favor, 1 absent. Motion Carried.

09. KMHA/MHA Enterprise. Update on 1995 Audit and other matters of the communications enterprise was provided by Glenda Embry. Inventory was discussed--typewriter and records are still missing. Mr. Fox stated any purchase orders submitted by the communications enterprise are to be signed off by a board member, before being routed to the Chairman and himself. He also requested a plan from Ms. Embry on how to reduce up to 30% of the operations, if necessary. She is to work with the board to get this done.

10. Restructuring of the Small Loan/Credit Program Policies and Procedures. Mr. Fox said the Credit & Finance Committee had voted on, approved, and recommended that the position of Credit Program Director be reclassified and advertised. **MOTION** was made by Mr. Fox to approve the recommendation of the Credit & Finance Committee to reclassify and advertise the position of Credit Program Director. Second, Mr. Hall. VOTE: 6 in favor, 1 absent. Motion Carried.

- K. **NEXT MEETING.** Special Council Meeting, April 22, 1996.
- L. **ADJOURNMENT.** **MOTION** to adjourn made by Mr. Spotted Bear. Second to motion made by Mr. Fox. Meeting adjourned at 8:30 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.

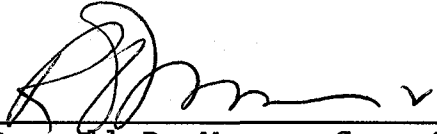
Seven members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10th day of May 1996, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

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 10th day of May 1996.

Daylon Spotted Bear
Daylon Spotted Bear, Executive Secretary

ATTEST:



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



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Fort Berthold Agency
PO Box 370
New Town, North Dakota 58763

IN REPLY REFER TO:

April 11, 1996

Tribal Business Council
Attn: Mr. Russell Mason
Tribal Chairman
HC3 - Box 2
New Town, North Dakota 58763

Dear Mr. Mason:

This is to advise the Tribal Business Council that the following leases and range units have been cancelled for non-payment of rentals for 1995 & 1996 based upon lessees and permittees' requests for extensions granted by this Agency:

<u>RANGE UNITS</u>	<u>PERMITTEES</u>
1. 23	Theresa Charging (1996)
2. 39	Theresa Charging (1996)
3. 211	Dale McGrady (1996)
4. 208	Faye Moberg (1996)

<u>TRIBAL LEASES</u>	<u>LESSEE</u>
5. T538A-B, T549A, T1853-B/Taken Area	Edwin A. Hall (1995 & 1996 rentals)

The following individuals did not submit their payments as agreed upon and cancellation notices will be sent no later than April 12, 1996 so that the range units can be advertised accordingly:

<u>RANGE UNITS</u>	<u>PERMITTEES</u>
6. 42	Jim & Jeff Baker
7. 100	Edwin A. Hall

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We are suggesting that your Natural Resources Department prepare a lease sale bid within the next week to allow for a 30 day advertisement of tribal tracts available for leasing purposes.

Any questions that you have may be directed to our Branch of Farm Leasing or Land Operations at telephone no. (701) 627-3741.

Sincerely,


Acting Superintendent

cc: Daylon Spotted Bear, Secretary
Mark Fox, Treasurer
Edwin A. Hall, Vice-Chairman
Austin Gillette, Council Member
Ivan Johnson, Council Member
George Fast Dog, Council Member
Kyle Baker, Adm. Nat. Res. Dept.
Myrna Jacobs, Nat. Res. Dept.