

# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

## SPECIAL MEETING MINUTES

APRIL 25, 1996

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

- A. CALL TO ORDER AND OPENING PRAYER.** A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 1:40 p.m. in the Tribal Council Chambers. A moment of silent prayer was held for the recent accident victims and their family members.
- B. ROLL CALL.** Secretary Spotted Bear called roll: Chairman Russell D. Mason, Sr., present; Councilman George Fast Dog, present; Councilman/Treasurer Mark N. Fox, present; Councilman Austin Gillette, present; Councilman/Vice Chairman Edwin Hall, absent; Councilman Ivan Johnson, absent; Councilman/Secretary Daylon Spotted Bear, present. 5 members present; 2 members absent. Quorum established.
- C. CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.** The Council's Tour of Productivity, Incorporated in Minneapolis will take place on Monday, April 29, at 1:00 p.m. A meeting has been scheduled with Henry Buffalo, Gaming Attorney, at 4:00 p.m. the same day. On Saturday, April 27, Chairman Mason and Mr. Gillette (UTTC board members) will be meeting on United Tribes' business and tribal shares. Council members are invited to stop in at this meeting. Mr. Fox requested Chairman Mason to speak with some of the tribal leaders about the ND Indian Gaming Association.
- D. APPROVAL OF AGENDA.** MOTION to approve agenda, with additions, made by Mr. Fox. Second by Mr. Fast Dog. VOTE: 5 in favor, 2 absent. Carried.
- E. UNFINISHED BUSINESS.**
- North American Munitions Project Discussions and Proposed Resolution.  
Mr. Fox recommended to council that they not take action on the proposed resolution for the munitions project until after they had toured the facility in Minneapolis. The resolution also required some changes. No further action at this time.
- F. NEW BUSINESS.**
01. R#96-085-DSB. Fort Berthold Development Corporation (FBDC) TAT Fund Account. Mr. Brendsel, Financial Consultant, indicated this account would be established to keep track of the \$30,000.00 assigned to FBDC from tribal funds, with signatory authority to the Tribal Chairman, Tribal Treasurer and Ted Danks, Chairman of the Board. The intent is that two of these three must sign each and every check disbursed from this account. MOTION to approve, Mr. Spotted Bear; second, Mr. Fox. VOTE: 5 in favor, 2 absent. Carried.

NOTE: Mr. Fox informed the council that an auditing analysis of the casino operations had begun this week by Russ Andrews, and will continue into next week. Findings and recommendations will be submitted thereafter.

02. R#96-086-DSB. Petition for Certiorari to United States Supreme Court in A-1 Contractors Case. MOTION to approve, Mr. Fast Dog; second, Mr. Fox. VOTE: 5 in favor, 2 absent. Carried.

03. Consultant Agreement - Child Protection Attorney and Development of a Comprehensive Tribal Housing Code. Mr. Christopher D. "Kip" Quale presented a consultant agreement to continue to employ Mr. Thomas J. Gunderson as attorney for child welfare cases; and to retain Mr. Gunderson to develop a final draft of a comprehensive housing code to satisfy the requirements of Section 184 of the Housing and Community Development Act not later than May 24, 1996. MOTION by Mr. Fox to continue to retain Mr. Gunderson as Child Protection Attorney at \$2,400.00 per month; and to retain Mr. Gunderson at a flat rate of \$1,800.00 for the development of a comprehensive housing code. Second to motion, Mr. Fast Dog. VOTE: 4 in favor, 1 abstained, 2 absent. Carried.

04. R#96-087-DSB, Opposing Measure No. 5 on the State Primary Ballot, to Allow Slot Machine-like Gaming Devices in Every Bar in North Dakota. Mr. Thomas Disselhorst explained this resolution opposes Measure No. 5, and authorizes the two TAT delegates to the North Dakota Indian Gaming Association to participate in efforts to defeat this measure, and further authorizes not more than \$2,500.00 be spent on these efforts. MOTION to approve, Mr. Fast Dog. Second, Mr. Gillette. VOTE: 5 in favor, 2 absent. Motion Carried.

05. R#96-088-DSB, Kidney Dialysis Unit (KDU) Telemedicine Agreement. Resolution approves St. Alexius Medical Center to provide telemedicine equipment to the KDU for a period of two years at no cost to the Tribes. MOTION to approve, Mr. Gillette. Second, Mr. Fast Dog. VOTE: 5 in favor, 2 absent. Carried.

06. R#96-089-DSB, to Confirm Appointment to TERO Commission. MOTION to confirm the appointment of Whitney Bell to the TERO Commission on March 14, 1996, was made by Mr. Gillette. Second, Mr. Fast Dog. VOTE: 5 in favor, 2 absent. Carried.

07. MOTION for \$2,000.00 on Consultant Agreement for Housing Code. MOTION made by Mr. Gillette for payment of \$2,000.00 to Mr. Gunderson for Housing Code. Second to motion, Mr. Spotted Bear. VOTE: 2 in favor, 2 opposed, 1 abstention, 2 absent. Tie Vote.

08. South Dakota Trust Land Case and Reservation Telephone Case. Updates on these two cases were provided by Mr. Quale.

09. Roads/Transportation, Cattle Guard on 223 in South Segment. Mr. Virgil Eagle, Roads Administrator, informed the council of an illegal cattle guard that had been installed on Route 22 west, the turn off to 223, on the Mossett Bay Road. MOTION made by Mr. Gillette that the Tribal Business Council draft a letter for the Chairman's signature stating to Mr. Pete Fredericks that the cattle guard that is currently in place is illegally there, and that the Tribal Business Council has instructed the Roads Department to install a legal cattle guard that will meet all safety requirements. Second to motion, Mr. Spotted Bear. VOTE: 5 in favor, 2 absent. Carried.

10. Intertribal Agriculture Council (IAC), Billings, MT, Letter of Support. Mr. Gillette made a MOTION, based on Mr. Kyle Baker's request, to send a letter of support to IAC for refunding of their cooperative development project, which includes funding to develop agricultural cooperatives on reservations, and partial funding to these cooperatives to assist in small developmental expenses. Second to motion, Mr. Spotted Bear. VOTE: 5 in favor, 2 absent. Carried.

**G. PERSONNEL DEPARTMENT MATTERS.**

01. Alternate OMR, Assistant Foreman. MOTION by Mr. Gillette to select Mr. Hollis Blake as the Alternate OMR Assistant. Second to motion, Mr. Fox. VOTE: 5 in favor, 2 absent. Carried.

02. Appointment of New Sergeant at Arms. MOTION by Mr. Gillette to appoint Kermit F. Heart as Sergeant at Arms to replace Mr. C. J. Packineau, if and when he leaves. Second to motion, Mr. Fast Dog. Discussion on qualifications of job and job performance. VOTE: 4 in favor, 1 opposed, 2 absent. Carried.

03. Summer Alternate Position for Museum Staff. Mr. John Danks advised the Museum Board has requested that the summer staff (2) be reactivated, and that an alternate also be appointed, i.e., Gail Baker. Discussion that these salaries are paid by the Tribes. MOTION by Mr. Fast Dog to approve the appointment of Mr. Gail Baker as a summer alternate for the museum staff. Second, Mr. Fox. VOTE: 5 in favor, 2 absent. Carried. Discussion by Mr. Fox that he had a written request and a purchase order for \$1,000.00 for clean-up, equipment and repairs from the museum. If this is not part of the budget, it needs to be recognized and affirmed by the council. If it is a part of the line item, then the expenditure will be made. Mr. Danks said he would check this.

04. Social Services, Temporary Clerical Appointment. MOTION by Mr. Fox, second by Mr. Gillette, to affirm the temporary clerical appointment of Lynette Dixon, effective April 09, 1996. VOTE: 5 in favor, 2 absent. Carried.

05. Dialysis Administrator Selection. Personnel Director Florence Brady said this position has been advertised since January (open until filled); Mr. Ed Lone Fight has recommended Linda M. Yourczek be hired, as she is the only qualified applicant, and was the head of the Dialysis Unit at Bemidji, MN, for five years. Mr. Gillette asked whether or not a background check had been made. Mr. Lone Fight said this had been done, and was favorable. **MOTION** for approval made by Mr. Gillette, seconded by Mr. Fast Dog. VOTE: 4 in favor, 1 opposed, 2 absent. Carried.

(Meeting recessed at 3:00 p.m., and reconvened at 3:20 p.m.)

H. **TRIBAL PROGRAMS' UNMET NEEDS**. Tribal Programs Manager, Mr. Ed Lone Fight, coordinated the presentations to the council by the various Department Administrators.

Tribal Court = 2 clerks, 1 paralegal, 1 magistrate (consultant basis). The critical immediate need is \$8,000.00 initially for 3 or 4 jury trials, of which 20 are pending. Other unmet needs are a new electronic court recorder and computer programming. (\$95,000.00)

Roads Department = Gravel for Twin Buttes and Mandaree; access roads funds; 3 tandem trucks, 1 street sweeper, 1 front-end loader; new culverts; snow removal funds; heated shop facility for Little Shell/Four Bears (\$686,100.00). NOTE: Mr. Lone Fight was asked to meet with Ted Danks on availability of federal highway DOT funds.

Adolescent Health = IHS grant funding for this program will end September 30, 1996. Request is to continue funding for this program (\$50,045.00). Director was asked to give a copy of this contract to the Chairman so he can inquire about future funding from IHS.

Natural Resources = Natural Resources Attorney; immediate critical need is for a Surveyor (\$12,000.00). NOTE: Mr. Lone Fight was asked to get a report on those functions that have been contracted, with the dollar amount, so these can be studied. Mr. Fox noted that if every program would line item \$5,000.00 each for legal costs, this would support two additional attorneys in the Legal Department. NOTE: Mr. Lone Fight was asked to take a look at this during the next two years.

Education = Immediate critical need is a budget shortfall (\$9,533.00) to cover salary and fringe for 3 positions through 09/30/96, travel, supplies, telephone, equipment/computer maintenance, and community meetings.

Head Start = The greatest unmet need area is salaries and facilities (\$1,552,079.00). Mr. Danks noted that if the minimum wage is increased, this would immediately impact the Head Start and Day Care Programs. Discussion on federal responsibility.

Aging Services = Critical need is for another cook, a new van, travel and training (\$49,325.00). Discussion on changing age requirement for meal services to 60+ to be in compliance with Association on Aging; and involving dieticians in meal planning. NOTE: The director was requested to submit a proposed budget for meal services for all of the communities.

Social Services = 3 social and 2 clerical workers, travel/training, telephone, vehicle maintenance/gas, computer maintenance/software, supplies (\$170,300.00).

NOTE: Mr. Lone Fight was requested to arrange the Tribal Program Budget Needs into a standard format for future budget use and review.

**I. ADDITIONAL AGENDA ITEMS.**

**MOTION** by Mr. Fox, second by Mr. Gillette, to add Fort Berthold Communication Enterprises to the agenda. VOTE: 5 in favor, 2 absent. Carried. **MOTION** by Mr. Fast Dog, second by Mr. Gillette, to add North Segment Office Move to the agenda. VOTE: 4 in favor, 1 opposed, 2 absent. Carried.

01. Fort Berthold Communication Enterprises Board of Directors Appointment. **MOTION** by Mr. Spotted Bear to approve the appointment of Whitney M. Bell to the Fort Berthold Communication Enterprises Board of Directors. Second, Mr. Fast Dog. VOTE: 5 in favor, 2 absent. Carried.

02. North Segment Office Move. **MOTION** by Mr. Fast Dog for council to approve of him renting office space in Main Lanes. No second to motion--defeated.


**J. NEXT MEETING.** Regular Meeting, May 10, 1996.

**K. ADJOURNMENT.** **MOTION** to adjourn, Mr. Fox. Second, Mr. Gillette. Meeting adjourned at 5:20 p.m.

**CERTIFICATION OF MINUTES**

I, the undersigned, as Executive Secretary of the TBC of the TAT, Fort Berthold Reservation, hereby certify that the TBC is composed of 7 members, of whom 5 members constitute a quorum. Seven members were present at a Regular Meeting held on the 10th day of May 1996, whereupon the foregoing minutes were presented for approval by the TAT Recording Secretary. Said minutes were duly approved by the affirmative vote of 7 members. Dated and signed this 10th day of May 1996.

Daylon Spotted Bear  
Daylon Spotted Bear  
Office of the Secretary

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



# 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

April 25, 1996

CHAIRMAN  
Russell "Buddy" Mason, Sr.

VICE CHAIRMAN  
Edwin Hall  
Four Bears  
(701) 627-4781

SECRETARY  
Daylon Spotted Bear  
Twin Buttes  
(701) 938-4403

TREASURER  
Mark N. Fox  
Parshall/Lucky Mound  
(701) 862-3842

COUNCIL MEMBER  
Austin Gillette  
White Shield  
(701) 743-4244

COUNCIL MEMBER  
Ivan Johnson  
Mandaree  
(701) 759-3377

COUNCIL MEMBER  
George Fast Dog  
New Town / Little Shell  
(701) 627-3484

**Intertribal Agriculture Council**  
100 North 27th Street  
Suite 500  
Billings, Montana 59101-2054

**Dear Council:**

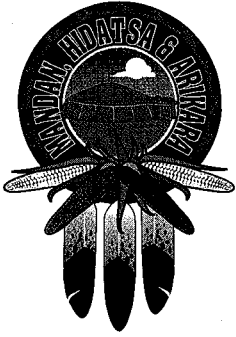
The Three Affiliated Tribes strongly support your proposal to continue your cooperative development project. It is our understanding that this project includes funding to develop Agricultural Cooperatives on Reservations and includes partial funding directly to the local cooperatives to assist them in meeting small, developmental expenses which have been one of the barriers to full, operational success.

The Tribes also firmly believe that this grant will help you to continue your invaluable effort to unify and increase operator marketing efforts, decrease expenses, and in turn, enhance Native American lifestyles. We also believe funding for this project parallels the IAC's mission ... Use of Indian Resources.

Once again, we emphasize our strong support of this grant and wish to thank you for helping Indian Tribes in understanding the ever more complicated world of agriculture.

Sincerely,

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



# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

## SPECIAL MEETING MINUTES

APRIL 22, 1996

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

- A. CALL TO ORDER AND OPENING PRAYER.** A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 10:10 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, present; Councilman/Treasurer Mark N. Fox, absent; Councilman Austin Gillette, present; Councilman/Vice Chairman Edwin Hall, absent; Councilman Ivan Johnson, absent for medical reasons; Councilman/Secretary Daylon Spotted Bear, present. 5 members present; 2 members absent. Quorum established. NOTE: Mr. Fox entered the meeting at 10:43 a.m.
- C. CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.** United Tribes Technical College Graduation is Thursday, May 9, 1996; therefore, the Regular Tribal Council Meeting for May will be held on Friday, May 10, 1996, at 10:00 a.m. Natural Resource Committee Meeting is scheduled for Tuesday, May 7, 1996; Education Committee Meeting is scheduled for Thursday, May 16, 1996, 10:00 a.m.
- D. APPROVAL OF AGENDA. MOTION** to approve agenda, with additions, made by Mr. Gillette. Second by Mr. Fast Dog. VOTE: 5 in favor, 2 absent. Carried.
- E. NEW BUSINESS.**
01. R#96-079-DSB, McKenzie Bay (Rescinds R#96-077-DSB). Resolution was explained, presented, and read by Supervising Attorney (SA) Kip Quale. (Resolution gives brief history of McKenzie Bay Marine Club easements, and explains why the recent action taken by Council on the 25-year easement is being rescinded.) **MOTION** to rescind R#96-077-DSB and approve R#96-079-DSB was made by Mr. Fast Dog. Seconded by Mr. Gillette. Discussion by Mr. Gillette and Mr. Hall that, hereafter, Mr. Quale shall present all future resolutions dealing with land transfers to the Natural Resource Committee. VOTE: 5 in favor, 2 absent. Carried.
02. MOTION for Extension of Easement to McKenzie Bay Marine Club. The following motion recommended by SA Quale was "so moved" by Mr. Hall: **MOTION** to request that the Fort Berthold Agency/BIA grant an additional extension of the easement for right-of-way granted to the McKenzie Bay Marine Club for ingress to and egress from the McKenzie Bay Area--said extension to expire either on July 31, 1996, or on the

date on which the U. S. Army Corps of Engineers (COE) grants a lease or lease renewal to the McKenzie Bay Marine Club, whichever date precedes the other. Further, that, should the COE so grant a lease or lease renewal, as mutually agreed to by the COE and the TAT, the Fort Berthold Agency/BIA is requested to prepare a grant of easement for right-of-way to the McKenzie Bay Marine Club with a term precisely comparable to the term set for in the COE lease or lease renewal document, together with any conditions or circumstances affecting the length of the term as set forth in the COE lease or lease renewal document.

SECOND to MOTION: Mr. Spotted Bear. VOTE: 5 in favor, 1 abstained, 1 absent. Carried.

03. MOTION Regarding Plan by COE to Renew McKenzie Marine Club Lease (TAT v. West et al, No. 94-CV-1086 (D.D.C.)). The following motion recommended by SA Quale was "so moved" by Mr. Fast Dog: **MOTION** to accept the proposal made by James Upton (Attorney, U.S. Department of Justice) in his March 26, 1996, letter, to Hobbs-Straus (TAT Washington attorneys), with the two added provisions set forth on page two of the draft letter from Michael L. Roy (Hobbs-Straus) to James Upton dealing with (1) Neither the issuance nor any extension of the lease, nor any improvements being placed on these tracts by the McKenzie Bay Marine Club shall, in any way, cause these tracts to be excluded from the excess lands that are being considered for return to the Tribes; and (2) if the lands are transferred, the Secretary of the Interior shall have the option to revoke this lease by giving the lessee written notice 180 days prior to the effective date of such revocation, and shall exercise this option if requested to do so by the Tribal Business Council of the Three Affiliated Tribes. (Copies of subject letters attached to official minutes.) SECOND to MOTION made by Mr. Gillette.

Discussion: Mr. Fox inquired if there was a resolution for the above motion, but SA Quale said there is no resolution, and this has been done by motion previously. He said, "We have a resolution rescinding the prior resolution, then we have a motion planning an additional, temporary kind of easement; the reason for a motion as opposed to a resolution is because we don't know what the COE and our legal counsel in D.C. are going to work out with regard to the license and the lease, therefore, when COE issues the license, then, presumably, the council would pass a resolution more formally requesting the Bureau to grant a more specific easement." VOTE: 6 in favor, 1 absent. Motion Carried.

04. McKenzie Bay Marine Club. Club members DuWayne Schwindt, Wally Samuelson, Roger Huffman and Dolph Harris were present to address the council on the lease for the McKenzie Bay Marine Club. Chairman Mason informed the club members of the council's error in not having all the



information when they passed R#96-077-DSB, and the action that had been taken to correct this. SA Quale further explained the predicament faced by the Tribes in granting any long-term leases to lands that are at issue in litigation. Mr. Harris explained the Club's predicament as far as making necessary long-term improvements to McKenzie Bay. Mr. Huffman addressed the right-of-way issue, questioning why this would have to be rescinded. SA Quale stated the council simply would like the term of the lease, license and easement to be comparable. If the land reverts back to the Tribes, the Tribes are going to deal with the cabin owners and the land in the same manner as they are the easement. If they got title back for the land, and there is a termination of the corps lease, the relationship between the easement in, and the lease of the land itself, whatever council is going to be in power at that time, so to speak, is going to be dealing with both the access to the area and the area, in the same manner. Mr. Huffman expressed his apprehension at having a different council to deal with five years from now. SA Quale said the rationale is for the lease and the easement to be comparable. Chairman Mason requested SA Quale to continue the meeting with the Club members; and, if there were any further questions, they could bring them back to the council. The club members thanked the council for their time, and departed with SA Quale.

05. R#96-080-DSB, Buffalo Project Loan. Resolution presented by Financial Consultant David Brendsel, to assign and transfer the note and all existing documentation (including the existing BIA Loan Guarantee) from the First International Bank of Watford City to the Community First National Bank & Trust Company of Dickinson; and to secure an operating line of credit in the amount of \$114,950.00 from Community First. Discussion that this is a reassignment. **MOTION** to approve, Mr. Hall. **SECOND** to **MOTION**, Mr. Fox. **VOTE:** 4 in favor, 1 opposed, 1 not voting (Mr. Gillette absent during vote), 1 absent. Further discussion that the Tribes are paying 12.75% with First National, and will be paying a fixed rate of 11% with Community First.

06. North American Munitions Proposed Employment Project, Zap, ND. Mr. Brendsel said Baron Deschauer, President of North American Munitions, would be coming in to meet with the council and to give them some background information on his plans to open a munitions plant at the old Indian Head Mine in Zap. Discussion was held on the council's scheduled tour of the production facility that would be making the equipment for the munitions plant. The tour is set up for Monday, April 29, at 1:00 p.m. The Tribal Council will have to decide if the Tribe should become investors in the munitions plant, thereby bringing jobs to the Twin Buttes area. Council decided to have a special meeting on this Thursday, April 25, at 1:00 p.m. Mr. Deschauer then entered the chambers and met with the council, providing background information and answers to questions posed by various members of the council. He was advised that council would be

meeting further on this and a decision would be forthcoming.

(Meeting recessed for lunch at 1:00 p.m.; reconvened at 2:15 p.m.)

07. Proclamation for "Week of the Young Child". **MOTION** by Mr. Spotted Bear to approve a proclamation for April 21 - 27 as "Week of the Young Child". **SECOND** to **MOTION**, Mr. Fox. **VOTE:** 6 in favor, 1 absent. Carried.

08. R#96-081-DSB, WIC Account. Resolution to transfer the WIC Food Account to the Community First Bank, and names the individuals responsible for the internal controls of the account. **MOTION** to approve resolution made by Mr. Fast Dog. **SECOND** to **MOTION**, Mr. Fox. **VOTE:** 6 in favor, 1 absent. Carried.

09. R#96-082-DSB, Four Bears Sewage System. Resolution to request Indian Health Service and the Natural Resources Department to do all things necessary to obtain a plan of action and to remedy the existing lagoon problem. **MOTION** to approve resolution made by Mr. Hall. **SECOND** to **MOTION**, Mr. Fox. Discussion on source of funds, which indicated "casino revenues" in last paragraph. Mr. Fox indicated the Tribe should not tie itself down to one source of funds, and that if federal funds could be obtained, this should be done. He also said there was no actual cost or figure shown in the resolution. Chairman Mason indicated the resolution does commit the Tribe. Mr. Fox said a new resolution with cost figures could be presented later on, and requested that the resolution be amended to strike the last paragraph. Mr. Hall concurred. Motion was amended to exclude the last "Be it further resolved", which indicated "casino revenues". **VOTE:** 6 in favor, 1 absent. Carried.

10. Consultant Agreement (\$4,682.00) with Armon A. Weiss to prepare Indian HOME Grant Program Application in conjunction with Helping HAND Program Grant Application and TAT HIP. **MOTION** to approve made by Mr. Hall. **SECOND** to **MOTION**, Mr. Spotted Bear. Discussion on eventual costs to Tribe. HOME Grant is a matching grant. **VOTE:** 6 in favor, 1 absent. Carried.

11. Oil and Gas Proposals. An update was given by Natural Resources Director Kyle Baker on proposals received from oil companies thus far. A decision will be made soon on this.

12. R#96-083-DSB, Fort Berthold Development Corporation (FBDC) Financial Request of \$30,000.00. Resolution to grant/loan \$30,000.00 to FBDC, and has been approved by the Credit & Finance Committee. **MOTION** to approve resolution, made by Mr. Hall. **SECOND** to **MOTION**, Mr. Gillette. Discussion by Mr. Fox that it hasn't been worked out yet as to whether this \$30,000.00 will be a loan or a grant or a combination of both. **VOTE:** 6 in favor, 1 absent. Motion Carried.

13. R#96-084-DSB, Resolution to add Drags Wolf Village Streets to the Bakersfield Project. Amends TIP List (R#95-205-DSB) to combine Drags Wolf Village Streets Addition (#8 on list) with Bakersfield Streets Project (#5 on list). **MOTION** to approve resolution made by Mr. Hall. **SECOND** to **MOTION**, Mr. Gillette. Discussion: Projected cost is between \$160 and \$250 thousand, at no cost to the Tribe. **VOTE:** 6 in favor, 1 absent. Motion Carried.

**NOTE:** Physician Resolution was taken off agenda.

**F. PERSONNEL DEPARTMENT MATTERS.**

**NOTE:** Aging Services Cook Position was referred to the Health and Human Resources Committee.

01. Selections/Actions.

a. Janitor/IHS. **MOTION** made by Mr. Fox, seconded by Mr. Fast Dog, for the selection of Tom Alberts. **VOTE:** 4 in favor, 1 opposed, 1 abstained, 1 absent. Carried.

b. Social Worker. **MOTION** made by Mr. Fox, seconded by Mr. Hall, for the selection of Kerry Baker. **VOTE:** 5 in favor, 1 opposed, 1 absent. Carried.

c. Youth Counselor. **MOTION** made by Mr. Gillette, seconded by Mr. Fast Dog, for the selection of Douglas Hennagir. **VOTE:** 5 in favor, 1 abstained, 1 absent. Carried.

d. OMR Assistant Foreman. **MOTION** made by Mr. Fast Dog, seconded by Mr. Gillette, for the selection of Alfred L. Driver. **VOTE:** 3 in favor, 2 opposed, 1 abstained, 1 absent. Carried.

e. MR&I Construction Superintendent. **MOTION** made by Mr. Gillette, seconded by Mr. Spotted Bear, for the selection of Maynard Demaray. **VOTE:** 6 in favor, 1 absent. Carried.

f. OMR Foreman. **MOTION** made by Mr. Gillette, seconded by Mr. Hall, for the selection of Shane Johnson. **VOTE:** 5 in favor, 1 abstained, 1 absent. Carried.

g. Personnel Assistant. **MOTION** made by Mr. Gillette, seconded by Mr. Fast Dog, for the selection of Helena Mahsetky. **VOTE:** 6 in favor, 1 absent. Carried.

h. Dialysis Secretary (P/T). **MOTION** made by Mr. Fast Dog, seconded by Mr. Spotted Bear, for the selection of Carla Wilson. **VOTE:** 5 in favor, 1 abstained, 1 absent. Carried. **MOTION** by Mr. Gillette to select Joyce Rave as Alternate. **Second**, Mr. Fast Dog. **VOTE:** 5 in favor, 1 abstained, 1 absent. Carried.

NOTE: Fire Technician Positions (3) are being readvertised.

i. Director, Four Bears Day Care. **MOTION** made by Mr. Fast Dog, seconded by Mr. Gillette, for the selection of Abigail Bingen. **VOTE:** 3 in favor, 2 opposed, 1 abstained, 1 absent. Carried. After the vote, discussion was held on the requirements of this position. Suggestion was made by Mr. Gillette to interview the top three applicants. Motion and second were withdrawn. **NEW MOTION** was made by Mr. Gillette to interview the top three candidates for this position at the Regular Council Meeting on May 10. **VOTE:** 6 in favor, 1 absent. Motion Carried.

j. Comptroller. **MOTION** made by Mr. Fast Dog for the selection of Mr. Paul Good Iron. No second to motion. Defeated. **MOTION** made by Mr. Fox to continue to advertise, seek applicants, and make additional efforts to get the information out there. **SECOND** to **MOTION** made by Mr. Hall. Discussion: Mr. Gillette thought the salary of this position should be raised in order to attract applicants. Mr. Fox said the position required an MBA/CPA. **VOTE** on the **MOTION** to continue to advertise: 6 in favor, 1 absent. Motion Carried. **MOTION** made by Mr. Gillette to direct the Treasurer and the Chairman to arrive at a salary that will attract a qualified finance officer. **SECOND** to **MOTION** made by Mr. Fast Dog. **VOTE:** 6 in favor, 1 absent. Motion Carried.

k. North Segment Employment Program. Mr. Fast Dog said he had talked to Timothy Rozelle (White Body), and Mr. Rozelle was in agreement to a lay off. **MOTION** was made by Mr. Fast Dog to lay off Timothy Rozelle (White Body). **SECOND** to **MOTION**, Mr. Spotted Bear. **VOTE:** 5 in favor, 1 abstained, 1 absent. Motion Carried. **MOTION** then made by Mr. Fast Dog to employ Ron Rabbithead at \$5.00 per hour. **SECOND** to **MOTION**, Mr. Gillette. **VOTE:** 4 in favor, 2 abstained, 1 absent. Motion Carried.

(Meeting recessed at 3:30 p.m.; reconvened at 3:50 p.m.)

NOTE: Tribal Programs' Unmet Needs to be addressed on Thursday, April 25, 1996.

G. **NEXT MEETING.** Special Meeting, Thursday, April 25, 1996.

H. **ADJOURNMENT.** **MOTION** to adjourn made by Mr. Gillette. **SECOND** to **MOTION** made by Mr. Spotted Bear. **VOTE:** 6 in favor, 1 absent. Meeting adjourned at 3:55 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.

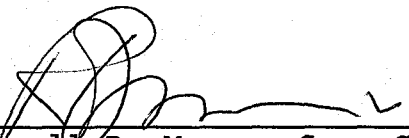
Seven members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10th day of May 1996, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

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

DRAFT

April \_\_, 1996

BY TELECOPY & MAIL

Mr. James M. Upton  
U.S. Dept. of Justice  
Environment and Natural  
Resources Division  
General Litigation Section  
P.O. Box 663  
Washington, D.C. 20044-0663

Re: The Three Affiliated Tribes of the Fort Berthold  
Reservation v. West et al. No. 94-CV-1086 (D.D.C.)

Dear Mr. Upton:

We write in response to your letters of March 26 and April 18, 1996, regarding the plan by the Corps of Engineers to renew the McKenzie Marine Club Lease and the Watford City Park Board license. The Tribal Business Council has met and considered the requests, and has directed us to inform you of its decision.

First, the Council objects to the long-term renewals proposed in your letter of April 18, on the grounds that long-term leases or licenses to lands at issue in this litigation are inappropriate and unnecessary. The Council's April 11 resolution which appears to have been the basis for your proposal was rescinded by the Council at its April 22 meeting, and the Bureau of Indian Affairs has been notified of the rescission. (In fact, the Tribe's Legal Department informed the BIA and the McKenzie Bay Marine Club on April 12 that that resolution would be reconsidered at a later meeting, and that neither the BIA nor the Marine Club should act on such resolution.)

The Council does not object to the shorter-term extensions proposed in your March 26 letter, however, provided that the following conditions are met.

James M. Upton, Esq.  
April \_\_, 1996  
Page 2

First, the extensions should provide that the following provision is added to the lease or license:

Neither the issuance or any extension of the lease [or license (as appropriate)], nor any improvements made by the lessee [or licensee], shall in any way cause the lands to be excluded from lands excessed to the Tribe as the result of a decision or settlement of the lawsuit The Three Affiliated Tribes of the Fort Berthold Reservation v. West et al, No. 94-CV-1086 (D.D.C.), or under regulations governing the excessing of project lands within the Fort Berthold Reservation.

The Corps agreed to a similar clause in your February 8, 1996 letter (We have shown proposed changes to the language the Corps agreed to earlier), except that the Corps wanted to use the clause only in the request for bids. Here, there will be no request for bids, so the clause will have to go in the lease or license renewal.

Second, you propose that the provision for revocations used in the agricultural leases (meaning, apparently, paragraphs a. "Term" and b. "Transfer of Lease Premises," in your February 8 letter) be used in both the McKenzie Marine Club lease and the Watford City Park Board license, except that you propose a 180-day term instead of a thirty-day term. The Tribal Council believes that the 180-day period you propose is excessive if notice must be given prior to the annual anniversary date (January 1), but does not object to a 180-day notice period if notice can be given at any date, with cancellation 180 days from that date. Therefore, the Tribal Council consents to either (a) 30-day notice of cancellation prior to the anniversary date (i.e., para. b., "Transfer of Lease Premises," used in the agricultural leases), or (b) 180-day notice at any time. Under this latter option, the second sentence of paragraph b. would be amended to read as follows:

If the lands are transferred, the Secretary of the Interior shall have the option to revoke this lease by giving the lessee written notice ~~thirty (30)~~ **one-hundred-eighty (180)** days prior to the ~~anniversary date (January 1) of the lease~~ **effective date of such revocation** and shall exercise this option if requested to do so by the ~~tribal council~~ **Tribal Business Council** of the Three Affiliated Tribes.

James M. Upton, Esq.  
April \_\_, 1996  
Page 3

We would appreciate a response to this letter, indicating the Corps' intent as to the requested leases. Thank you for your attention to this matter.

Sincerely yours,

HOBBS, STRAUS, DEAN & WALKER

By: Michael L. Roy

enclosure

cc: Russell Mason





U.S. Department of Justice

Environment and Natural Resources Division

MLR

General Litigation Section

Washington, D.C. 20530

90-2-4-1718

March 26, 1996

Charles A. Hobbs, Esquire  
Michael L. Roy, Esquire  
Hobbs, Straus, Dean & Walker  
1819 H Street, N.W.  
Suite 800  
Washington, D.C. 20006

Re: Three Affiliated Tribes of the Fort Berthold  
Reservation v. West, et al., No. 94-1094  
(D.D.C.)

Dear Messrs. Hobbs and Roy:

This letter concerns the terms extensions which the Omaha District of the Army Corps of Engineers proposes be adopted for the renewals of the McKenzie Marine Club lease and Watford City Park Board license.

As for the McKenzie Marine Club Lease, the Corps suggested that the lease be extended for a period of two years -- that is, from January 1, 1995 to December 31, 1996.<sup>1</sup> After December 31, 1996, the lease would remain in force thereafter from year to year without further notice. However, the lease would not extend beyond December 31, 1998.

The revocation provision previously suggested for the agricultural/grazing leases is proposed for use here as well, with the one difference being a 180-day notice period. See my letter dated February 7, 1996.

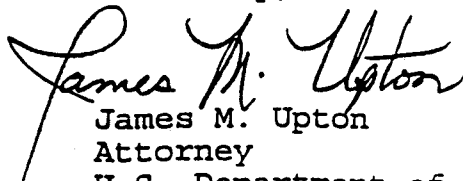
With respect to the Watford City Park Board License (which expired on May 31, 1994), the Corps suggests that the license be extended from June 1, 1994 to December 31, 1996 -- an extension of two years and seven months. Thereafter, the lease would remain in force from year to year without further notice, but, in no event, would extend beyond December 31, 1998. Again, the

---

<sup>1</sup> The lease expired on December 31, 1994.

suggested provision for revocations is the same as that proposed for the McKenzie Marine Club Lease (see supra).

Sincerely,

A handwritten signature in cursive script that reads "James M. Upton". The signature is written in dark ink and is positioned to the left of the typed name.

James M. Upton  
Attorney

U.S. Department of Justice  
Environment and Natural Resources  
Division

General Litigation Section  
P.O. Box 663

Washington, D.C. 20044-0663  
Telephone (202) 305-0486