



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL MEETING MINUTES

MAY 24, 1996

TRIBAL BUSINESS COUNCIL

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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 10:45 a.m. in the Tribal Council Chambers. A moment of silent prayer was held.

B. **ROLL CALL.** Secretary Spotted Bear called roll: All members were present. Quorum established.

C. **CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.**

A visit is being planned to the Choctaw, MI, Industrial Complex during the week of June 17, leaving Wednesday, June 19, returning Sunday, June 23. Council members able to attend should contact Dave Brendsel for ticket arrangements.

The Federal Court Hearing on casino oral arguments is scheduled for June 13; consequently, the Regular Tribal Business Council Meeting will be postponed from June 13 to Tuesday, June 18. (Mr. Johnson stated he would be in Colorado on the 16th and 17th of June.)

Mr. Fox gave a brief report on the Hearing with the National Indian Gaming Commission in Washington. The Commission advised that the management company (BHL&C) is not licensed, and background information on the company has never been submitted to them for approval; this needs to be done within 30 days (June 20 deadline).

Chairman Mason reported on his meetings on the Tribes' tribal shares analysis. Mr. Fox also addressed Measure No. 5 on gaming. Mr. Fox has been selected as the first Chairman of the North Dakota Indian Gaming Association (NDIGA) which plans a concentrated effort to oppose Measure No. 5. All of the tribes in North Dakota have contributed monies to this effort, with the Standing Rock Sioux Tribe contributing the largest amount of \$50,000.00.

D. **APPROVAL OF AGENDA.** **MOTION** to approve agenda, with changes, made by Mr. Spotted Bear. Second by Mr. Fast Dog. **VOTE:** 7 in favor. Carried.

E. **NEW BUSINESS.** Dr. Linda Gourneau, IHS - "Memorandum of Agreement" and Resolution. Doctor Gourneau addressed the council regarding improvement of the health service program, and her efforts to be a factor in this regard. After discussion, **MOTION** was made by Mr. Fox for approval of Doctor Gourneau's Memorandum of Agreement, and the accompanying resolution, which provides for a \$10,000.00 interest-free

loan to be made to Doctor Gourneau if she designates Minne-Tohe Clinic as the site for the next year of her service payback under IHS's P.L. 94-437 contract. The loan will be forgiven in the full amount, provided Doctor Gourneau maintains employment throughout the next year of her service payback. Second by Mr. Hall. Vote: 6 in favor, Mr. Fast Dog not present during vote. Carried. R#96-112-DSB.

Meeting was recessed at 11:45 a.m. for lunch. Reconvened at 1:20 p.m. Prior to this, Mr. Fox excused himself from the meeting to attend Head Start graduation ceremonies in Parshall.

F. SPECIAL MEETING ITEMS.

01. Indian HOME Grant Program (IHGP) Proposal. **MOTION** to approve this resolution for the Tribes to submit a grant application requesting funding from the Department of Housing and Urban Development IHGP for new housing construction throughout the reservation, was made by Mr. Hall for purposes of discussion. Second by Mr. Johnson. Discussion: Query of Mr. Spotted Bear as to his thoughts on the merits of this proposal. Mr. Spotted Bear felt this was needed, in view of the long waiting lists for mutual and rental housing units, which totals about 500 applicants. Mr. Hall inquired about interest rates. These will be determined by the lender. Tribal Programs Analyst John Danks said the lenders will come from the commercial area. The Tribe will need to annually fund \$350,000.00 for construction and will sell the homes. The homebuyer will receive a grant and will take this grant authorization, based on income, to a commercial lender and get a loan for the balance of the home. The homebuyer will also need to obtain a certificate of eligibility from HUD for 100% loan guarantee. This proposal is restricted to low income families, e.g., the income of a family of four cannot exceed \$35,000.00 (adjusted income after exclusions). The lowest eligible income will be \$22,000.00. The Tribe is the grantee and will execute a management agreement with the housing authority to operate this with a staff of three--a director skilled in housing development and writing loans, a clerk, and a housing inspector. The project has a five-year duration. There is no subsidy interest. The Tribe will be committing \$532,500 tribal dollars over a period of five years. Mr. Gillette asked how many current homeownership clients were in arrears? Mr. Red Fox replied about 80%, but said this problem is being addressed by the Housing Authority. The majority of these project homes will be constructed on tribal land; however, homes may be built on allotted land also. These homes are expected to be in the \$70,000.00 range for a 3-BR, with a projected monthly payment of \$441 (highest) to a low of \$265. The adjusted income of applicants will range from \$35,000.00 to \$21,000.00. Vote: 6 in favor, 1 absent. Carried. R#96-113-DSB.

02. Tribal Landlord/Tenant Code and Tribal Foreclosure Code. Supervising Attorney (SA) Quale said the Legal Department had reviewed these codes with Consultant Thomas J. Gunderson, who had been hired to prepare them, as part of the requirements of Section 184 housing. Attorney Gunderson briefly explained some of the provisions of the codes. **MOTION** made by Mr. Johnson to approve both the Landlord/Tenant Code and the Tribal Foreclosure Code. Second by Mr. Hall. Vote: 6 in favor, 1 absent. Carried. **R#96-114-DSB and R#96-115-DSB, respectively.**

03. In-House Counsel Contract with P. Diane Avery. Contract and resolution presented by SA Quale. **MOTION** for approval by Mr. Fast Dog. Second by Mr. Hall. Discussion: Mr. Gillette inquired about salaries of the other attorneys in the Legal Department. Chairman Mason indicated anything else that is done has to go before a full Committee. Funding for position was also reviewed. Vote: 6 in favor, 1 absent. Carried. **R#96-116-DSB.**

04. Salary Increase for Staff Attorney. **MOTION** to raise the salary of Staff Attorney Thomas Disselhorst to the same level as Attorney Avery made by Mr. Gillette. Second by Mr. Hall. Discussion: SA Quale advised this could be done by motion, rather than resolution. Adjustment to be effective next pay period. Vote: 6 in favor, 1 absent. Carried.

Note: Mr. Fox returned to the meeting at 2:00 p.m.

05. Renewal of 4 Bears Casino & Lodge Liquor License. **MOTION** to approve by Mr. Johnson. Second by Mr. Hall. Vote: 5 in favor, 1 opposed, Mr. Fast Dog not present for vote. Carried.

06. Renewal of Dancing Butte Liquor License. **MOTION** to approve by Mr. Gillette. Second by Mr. Johnson. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried.

07. Application for Pouch Point Marina Liquor License. **MOTION** for disapproval made by Mr. Gillette. No second to motion, denied. Discussion: Mr. Gillette said this was not brought to the attention of the Natural Resources Committee, and this has not been leased out to anyone, as of yet. **MOTION** to table made by Mr. Gillette. Second by Mr. Johnson. Vote: 6 in favor, Mr. Fast Dog not present for vote. Tabled.

08. Tribal Business License, B & B Enterprise (Bryan Young Bird).

MOTION to approve by Mr. Fox. Second by Mr. Gillette. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried.

G. OTHER SPECIAL BUSINESS.

01. Letter of Commitment for FBHA Grant Package. FBHA Executive Director Terrance Red Fox requested a letter of support committing JTAC Funds for a grant application that Housing is submitting. Mr. Hall made MOTION to approve. Second by Mr. Johnson. Discussion by Treasurer Fox on amending to tribal funds, rather than JTAC. Mr. Hall AMENDED his motion to tribal funds rather than JTAC. Mr. Johnson concurred on second. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried.

02. Enrollment of Nicole (Beston) Arellano's Baby Daughter. Mr. Johnson stated this family was planning a trip to Mexico and the mother wanted to get her baby daughter enrolled before they went into Mexico. MOTION by Mr. Johnson, second by Mr. Fast Dog to approve the enrollment of Marina Shayne Arellano. Discussion by Chairman Mason if all of the proper papers from enrollment were taken care of. Jackie Jackson advised that John Charging had submitted all the necessary documents. Vote: 6 in favor, Mr. Gillette not present for vote. Carried. R#96-117-DSB.

03. LCM Bankruptcy. Financial Consultant David Brendsel advised a \$284,000 debt settlement had been reached with BIA on the monies owed by the former lumber construction & manufacturing company. The Tribe has 45 days to raise this money. Approval to continue with the financing process was requested by Mr. Brendsel, who informed council he would have a resolution on this by the next council meeting. Mr. Hall inquired if Community First could be involved in this, and made a MOTION to utilize Community First for funding for this purpose. Second by Mr. Gillette.

Discussion: Mr. Brendsel said the documentation is in place on the dialysis lease with Lakeside, and it might be a good consideration to ask them if they would like to be a part of this funding process. Treasurer Fox asked council to reconsider and to give him and Mr. Brendsel time to check out other possibilities and other options before a concrete decision is made. After discussion, Mr. Hall and Mr. Gillette agreed to wait until the next meeting. Motion and second withdrawn.

04. Small Loan Program Account. Mr. Brendsel requested approval of a resolution to establish an account at Lakeside State Bank for the purpose of depositing any and all funds collected or disbursed from the Tribal Small Loans Program. MOTION for approval by Mr. Gillette. Second by Mr. Fox. Vote: 7 in favor. Carried. R#96-118-DSB.

05. Tax Department re Worthington Tax Group Update. Tax Attorney Thomas Bird Bear advised Worthington had submitted three options to the Tribes for assessment of the RTC Case. A meeting is to be

scheduled between himself, Diane Avery and Kip Quale to review this and make recommendations to the council.

06. Update on Ownership of Tribal Minerals. Lease Compliance Officer Coleen Beaks displayed an Oil and Gas Map to council that she has been working on. The map shows the mineral tracts; surface and mineral tracts; and surface tracts owned by the Tribes. Ms. Beaks stated there are 113 tracts that remain to be completed. (Copies showing this and other information were distributed to councilmembers.)

07. Native American Injury Prevention Coalition Appointments. Resolution introduced by Mr. Spotted Bear. **MOTION** to approve by Mr. Johnson. Second by Mr. Hall. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried. **R#96-119-DSB.**

08. General Assistance Single Applicants. Resolution to remove single, able-bodied, male and female recipients from the general assistance rolls was presented by Social Services Representative Evelyn Hale, who explained that veterans and SSI will be kept on, along with those singles who are maintaining their own household. Questions were raised concerning how much money the program would save each month, and the number of single males on the program. **MOTION** by Mr. Gillette, second by Mr. Hall, to approve resolution. Vote: 4 in favor, 2 opposed, Mr. Fast Dog not present for vote. **R#96-120-DSB.**

After vote, Mr. Fox remarked that he would liked to have seen some supporting documentation for this action. Mr. Gillette inquired if there was any additional justification that had been submitted. Mr. Fox said he would have liked to have seen the budget, what federal funds have been cut back so that they can't realize and provide full support, and the numbers that will be affected. After further discussion, **MOTION** was made by Mr. Fox to retract and rescind this resolution until they get all the information about the program. Second by Mr. Gillette. Discussion: Mrs. Hale was advised that this should be done by next council meeting, a two-pager, submitted with another resolution. Mr. Fox requested a review by the Legal Department. Chairman Mason requested that when this is presented again to have Consultant Attorney Gunderson present with them. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried. **Resolution 96-120-DSB Rescinded.**

09. Employment Training Department Policies & Procedures. Mr. Leo Cummings presented a resolution to adopt the Employment Training Department Policies & Procedures. **MOTION** to approve by Mr. Hall, second by Mr. Fast Dog. Vote: 7 in favor. Carried. **R#96-121-DSB.**

10. Education Committee (Removal of Previous Appointee.) **MOTION** was made by Mr. Spotted Bear to amend R#96-021-DSB to indicate the removal of Mr. Alex L. Gwinn as a member of the Education Committee, until a

replacement is appointed. Second by Mr. Fast Dog. Vote: 5 in favor, 2 opposed. Carried.

11. Hosh-ka Band Financial Request. Mr. Johnson made a **MOTION** to approve the members' request for \$1,975.00 to cover expenses during the re-enactment of the Band's return to Fort Berthold from Fort Buford beginning May 31 through June 2. Second by Mr. Fast Dog. Discussion on whether any funds were raised by the members and council should stick to the amount of \$1,500 that it has been providing for organizations. Mr. Fast Dog withdrew his second to the first motion, and made a new **MOTION** to approve for \$1,500. Second by Mr. Johnson. Vote: 6 in favor, Chairman not present for vote. Carried. (Note: No resolution submitted or requested.)

12. Housing Emergency Request. Clorine J. Driver presented a request to assist the family of Rick and Renee (Burr) Little Swallow with payment of \$525.00 to allow them to move into subsidized housing in Parshall. **MOTION** by Mr. Johnson for approval. Second by Mr. Spotted Bear. Discussion: Document from authorities stating that subsidy cannot be provided the first month was requested. Mrs. Driver stated she would get one. Treasurer Fox expressed concern that if council approves this, they will be basically committed to paying rent for all homeless members, and he didn't know if the Tribe could afford to do this, since the casino revenues are down. Discussion on possibly making this a loan. Mr. Johnson and Mr. Spotted Bear rescinded their motion and second. **MOTION** made by Mr. Fast Dog to approve this family for an emergency loan of \$500.00. Mr. Gillette said he would second the motion, with the understanding that the proper documentation will be in place. Discussion that check shall be made directly to Ask, Inc. Vote: 5 in favor, 2 abstentions. Carried.

13. Little Bighorn National Battlefield, 120th Anniversary, June 24, Scout Day. Mr. Gillette advised that Arikara tribal members had been invited to take part in this anniversary and to put on a presentation. The White Shield School is funding the expenses to take some students. Funds are needed for the expenses of singers. Mr. Gillette made a **MOTION** to approve \$1,500 for this participation, contingent upon submittal of a budget to be approved by the Chairman and the Treasurer. Second by Mr. Fox. Vote: 7 in favor. Carried. (Note: No resolution submitted or requested.)

Meeting recessed at 3:17 p.m. Reconvened at 3:40 p.m.

H. PERSONNEL DEPARTMENT MATTERS.

01. Substitute Pool of Four Bears Day Care Providers. The substitute pool will consist of the following: Anita Geggelman, Leah Black Hawk, Miriam Smith, and Jane Bird Bear. **MOTION** to approve by Mr. Spotted Bear. Second by Mr. Fast Dog. Discussion: Treasurer Fox said a

budget for the day care has not been approved yet, and this program has to stay within the restrictions of a budget. That budget is yet to be approved. The day care center is funded 100% by the Tribe. Mr. Gillette requested Personnel to find a comparable day care center in the State, and obtain information on staffing and budget. Vote: 5 in favor, 2 abstained. Carried.

02. Temporary Aging Services Cook. MOTION by Mr. Fox to approve temporary appointment of Marlene Deschamp as aging services cook, based upon recommendation of Aging Services Director. Second by Mr. Hall. Vote: 5 in favor, 1 opposed, 1 abstained.

03. Four Bears Day Care Director. MOTION by Mr. Fast Dog for the selection of Abigail Bingen. Second by Mr. Johnson. Vote: 3 in favor, 3 opposed, 1 abstained. Tied. MOTION by Mr. Fox for the selection of Patti Jo Thomas. Second by Mr. Hall. Vote: 3 in favor, 3 opposed, 1 abstained. Tied. This will be addressed again at June 18 Regular Meeting.

04. Dialysis Technician. MOTION by Mr. Fast Dog to hire Roger Grady, Jr. as Dialysis Technician. Second by Mr. Johnson. Discussion on why the second applicant for this position was not rated. Personnel Director Florence Brady said the application was late. Council advised this is why they took action at May 10 meeting to extend application deadline for one week to allow for more applications. Ms. Brady said second applicant didn't list experience part; although applicant is a practical nurse, the job description requires maintenance on a dialysis machine. Mr. Gillette asked if the second applicant had come back in to personnel, and Ms. Brady said applicant had not. Mr. Fox asked that it be noted for the record, there was an incomplete rating and analysis of applicant that was, at this time, incomplete, and this has a bearing on the vote that is going to take place now. Mr. Hall asked to state, for the record, that "An enrolled member with LPN credentials, high consideration, and a veteran, should be rated and utilized". Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

05. Summer Student Interns. Ms. Brady inquired as to how summer student interns are placed. Mr. Fox advised council will take any recommendations from any department or area that needs a summer intern and they can submit a request to have that summer intern serve--this is only within Tribal Office. The purpose is to give the students tribal administration experience and an opportunity to earn some money.

06. Roads Department Temporary Clerical. Request was submitted by Mr. Spotted Bear to hire Shirley Reynolds as temporary clerical for the Roads Department while the Secretary is on leave. Roads Administrator and Secretary have advised funds are available in their

Budget. **MOTION** by Mr. Fast Dog to approve. Second by Mr. Spotted Bear. Vote: 5 in favor, 1 opposed, 1 abstained. Carried.

I. LATE AGENDA ITEMS.

01. Resolution to Increase Magistrate Duties. Mr. Fox and Diane J. Avery explained, due to the absence of a full-time, law-trained judge, the magistrate's jurisdictional authority would be expanded to include the signing of Exparte Child Custody Orders for Child Welfare Program of Three Affiliated Tribes, signing of Exparte Adult Abuse Protection Orders on behalf of Three Affiliated Tribes, and Emergency Commitments on behalf of Three Affiliated Tribes. In addition, the magistrate would be authorized to perform marriage ceremonies. **MOTION** to approve by Mr. Fast Dog. Second by Mr. Fox. Discussion by Mr. Fox whether the magistrate is going to have an outline of duties, responsibilities, and guidelines, in all these different types of situations. Mrs. Avery said these agencies are all represented by the Tribes' legal counsel; and, therefore, there shouldn't be any types of abuse. Note: The current magistrate is Charlene Grady Knight. Vote: 7 in favor. Carried. **R#96-122-DSB.**

02. NDSU Extension Summer Youth Program. Polly Cummins Chase, Extension Agent/Youth, requested \$2,400 from the Tribal Business Council to expand their youth services to Twin Buttes this summer. She provided background information, a budget, and other documentation. Mr. Fox inquired about summer youth activities for the Parshall area. Ms. Chase stated they could do a week-long activity in the Parshall area this summer. After discussion by council, **MOTION** was made by Mr. Spotted Bear for approval of \$2,400 to the NDSU Extension Summer Youth Program. Second by Mr. Fast Dog. Discussion on lack of a resolution. Ms. Chase said she could have a resolution drawn up for the next Regular Meeting on June 18. Motion and second were withdrawn to await the presentation of a resolution.

J. NEXT MEETING. June 18, 1996.

K. ADJOURNMENT. **MOTION** to adjourn by Mr. Fox. Second by Mr. Spotted Bear. Vote: 6 in favor. Mr. Johnson not present for vote. Carried. Meeting adjourned at 4:20 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.

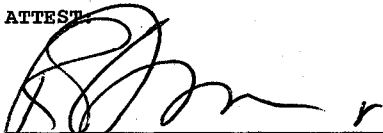
Seven members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 18th day of June 1996, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

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 18th day of June 1996.

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

ATTEST



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