



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

REGULAR COUNCIL MEETING

MINUTES OF JUNE 18, 1996

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

- A. CALL TO ORDER AND OPENING PRAYER.** The Regular Meeting of June 18, 1996, of the Three Affiliated Tribes' Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 11:10 a.m. in the Tribal Council Chambers. A moment of silent prayer was held.
- B. ROLL CALL.** Secretary Spotted Bear called roll: Councilmen George Fast Dog and Edwin Hall not present for roll call. Mr. Fast Dog entered the meeting at 11:13 a.m. and Mr. Hall entered the meeting at 11:15 a.m. All members present.
- C. CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.**
- Mr. Fox thanked the council and staff for their efforts in helping get the information out on Measure No. 5, and all the Three Affiliated Tribal members for getting out and voting. He reported on a trust funds meeting in Tulsa that he had attended, and said there would be a short presentation later by Lonnie Points, a CPA who has been working with the Inter-tribal Trust Monitoring Association reviewing tribal records. Mr. Fox also reported on the Lien Company meeting held in Minneapolis. A trip to Washington, D.C. is scheduled for the last week in June to present testimony on the Indian Child Welfare Act, and to meet with officials on a new jail facility and obtaining additional police officers. Mr. Fast Dog said his office would be participating in the Unity Ride at Devils Tower in Wyoming at the end of this week. Mr. Gillette said construction has begun on the renovation for the Uniband Project. Mr. Hall said he has been working on the Four Bears Lagoon and obtaining a police officer for the Four Bears peninsula and Drags Wolf Village. Mr. Spotted Bear said the Twin Buttes Pow Wow Committee thanked the council for the monies contributed to their pow wow this year. Mr. Fox asked the Transportation Committee to look at establishing an inner-reservation transportation system.
- D. MINUTES.** Motion to Defer Approval of Minutes to End of Meeting. **MOTION** by Mr. Fox to defer approval of minutes until the end of the meeting. Seconded by Mr. Fast Dog. Vote: 6 in favor, 1 opposed. Motion carried.
- E. APPROVAL OF AGENDA.**
- Fifteen (15) items were added to the agenda by council. **MOTION** to approve agenda, with additions, was made by Mr. Fast Dog. Second by Mr. Gillette. Vote: 7 in favor. Motion Carried.

F. UNFINISHED BUSINESS.

01. Social Services General Assistance/Welfare Assistance Plan. Social Services Director Janet Gunderson advised the intent of this resolution was to no longer provide general and/or welfare assistance to able-bodied applicants who were not head of households and who were not physically or mentally impaired or disabled. The reason for this change in the welfare program is due to budget reductions. **MOTION** to approve resolution made by Mr. Fast Dog. Second to motion, Mr. Spotted Bear. Vote: 5 in favor, 2 abstained. Motion Carried. R#96-125-DSB.

Meeting adjourned at 12:10 p.m. for lunch. Reconvened at 1:15 p.m. Mr. Johnson absent. (Mr. Johnson rejoined the meeting at 1:35 p.m.)

02. Resolution for \$2,400 to the NDSU Summer Youth Program. **MOTION** to approve resolution by Mr. Fast Dog. Second by Mr. Spotted Bear. Vote: 6 in favor, Mr. Johnson not present during vote. Motion Carried. R#96-126-DSB.

03. Motion for Letter to Parshall School Board on NDSU Summer Youth Program. Discussion by Councilman Fox on lack of NDSU youth services for Parshall area. **MOTION** by Mr. Gillette that the Chairman send a letter to the Parshall School Board asking for their support and participation in the NDSU Summer Youth Program. Discussion by Mr. Fox that some grant monies be given to the Parshall youth for summer activities this year. Vote on motion: 6 in favor, Mr. Johnson not present during vote.

G. NEW BUSINESS.

01. Lonnie Points on the State of our Tribal Trust Funds. Lonnie Points, CPA, Bland & Associates, Omaha, NE, and consultant for ITMA to assist tribes in working and maintaining their situation with the Bureau of Indian Affairs on our trust funds, visited with the council on the current status of the trust funds.

02. Resolution for Finalization of North American Munitions Corporation Venture. Resolution was explained by Financial Consultant David A. Brendsel. The tribe will purchase machine-tool equipment to be leased to the munitions plant. In return, the munitions plant will apply Indian preference in hiring. Lease agreement and memorandum of understanding were presented for signature of the chairman and treasurer. After lengthy discussion by Mr. Fox and Mr. Hall, **MOTION** to approve was made by Mr. Spotted Bear, seconded by Mr. Fast Dog. Vote: 5 in favor, 2 opposed. Motion carried. R#96-127-DSB.

03. Resolution on Loan with Lakeside State Bank to Pay BIA for LCM Assets. Resolution approves the Tribes' cash purchase of the assets of the former LCM company from the bureau, which, in turn, will settle the Tribe's and LCM's indebtedness with the bureau; and approves a loan with Lakeside State Bank for this purchase. **MOTION** to approve made by Mr. Gillette; second, Mr. Fox. Mr. Gillette requested that it be shown, **for the record**, that "this is a residual problem that is left over from the Wilbur D. Wilkinson administration that we have had to deal with for the last year and a half; and it's probably not finished, with some of the other projects that we have to revive and maybe inject more money (into)." **VOTE:** 5 in favor, 2 opposed. Carried. **R#96-128-DSB.**

04. Four Bears Casino Resolutions.

a. Resolution to Approve a Comprehensive Audit of Casino Category I Expenses. Audit to be conducted by Russell E. Andrews of all expenses claimed by the gaming management company for construction and capital improvements to the Four Bears Motor Lodge for casino and related facilities. **MOTION** to approve resolution made by Mr. Fox, seconded by Mr. Fast Dog. **Vote:** 6 in favor, 1 abstained. Carried. **R#96-129-DSB.**

b. Resolution to Authorize the Release of the Internal Controls Report Conducted on the Casino by Mr. Russell E. Andrews. Report to be released only to the senior management of the casino and lodge. **MOTION** to approve resolution made by Mr. Fox, seconded by Mr. Hall. **Vote:** 7 in favor. Carried. **R#96-130-DSB.**

c. Resolution to Approve the 1994-1995 Audit of the Casino and Lodge. Audit was conducted by Joseph Eve and Company; resolution provides for audit to be released to the National Indian Gaming Commission and the ND State Attorney General's Office. Discussion by Mr. Fox with Staff Attorney Tom Disselhorst on his recommendation as to whether or not this audit should be released at this time. Mr. Disselhorst stated we can still raise litigation issues despite the fact we approve of the audit and submit it to NIGC. **MOTION** to approve resolution made by Mr. Fast Dog, seconded by Mr. Fox. **Vote:** 7 in favor. Carried. **R#96-131-DSB.**

05. Motion to Reconfirm that Mr. David Brendsel is Supervising Consultant for TAT Small Loan Program. **MOTION** by Mr. Fox that Mr. David Brendsel be authorized as the Supervising Consultant for the Small Loan Program. Second to motion made by Mr. Gillette. Discussion by Chairman Mason as to whether this would conflict with the personnel policies and procedures. Mr. Fox said if there is a problem, there could be no borrowing until there is a structure in place. Mr. Brendsel to check with the Personnel Department on this. **VOTE:** 7 in favor. Carried.

06. 1993 TERO Fees Owed for White Shield School Construction Project. White Shield School Board Chairman Pliga Bordeaux and School Superintendent Lloyd Fandrich addressed the council regarding an issue involving a 1993 school construction project, the former LCM Corporation, and TERO. Mrs. Bordeaux said the work had been done with education funds, LCM had been overpaid for lumber by the school, and Chairman Wilkinson, at that time, had verbally approved that LCM would transfer some of the overpayment to cover the TERO fees for the school. This had not been done, and now TERO was billing the school for the TERO fees. They had met with TERO, and TERO stated they would support them in an effort to have the funds transferred from LCM to TERO; however, the school had not been listed as a creditor by LCM as part of the bankruptcy proceedings. They requested the council to resolve this situation for them. After lengthy discussion, **MOTION** was made by Mr. Gillette to waive the TERO fees for the school in the amount of \$30,510.39, based on the amount that was advanced to the LCM Corporation. Mr. Fox seconded the motion for purposes of discussion. Discussion by Mr. Fox that representatives from LCM and TERO should be present. Mr. Spotted Bear advised he had notified Marcus Wells, Jr. that this was going to be on the agenda. Mr. Fox and Mr. Hall stated they did not feel the fees should be waived. Mr. Whitney Bell, TERO board member, stated this had been discussed in a TERO meeting, and the concensus was not to waiver the fees. After further discussion, Mr. Gillette agreed to withdraw his motion. **Motion and second withdrawn.** Mr. Fox then made a **MOTION to defer** this until the next council meeting in order to give everyone concerned a chance to discuss all options. Second to motion made by Mr. Gillette. Vote: 6 in favor, Mr. Johnson not present for vote. Carried.

07. Motion to Add to Agenda. **MOTION** by Mr. Fox to add Request of Ted Lone Fight III to the agenda. Second by Mr. Fast Dog. Vote: 6 in favor, Mr. Johnson not present for vote. Carried.

NOTE: Meeting recessed at 2:45 p.m. Reconvened at 3:15 p.m.

08. Motion to Amend Resolution Number 96-128-DSB. **MOTION** was made by Mr. Fox to amend the resolution that had just been passed on the purchase of the LCM assets by deleting the sixth whereas. Seconded by Mr. Hall. Discussion by Secretary Spotted Bear that he had received an amended resolution already, and this has been deleted from the resolution. Vote: 5 in favor, 1 abstained, Mr. Gillette not present for vote.

Note: Chairman Mason advised that Shavonne Baker Enrollment Issue would be deleted from the agenda.

09. Henry Sun, Summer Track Program/AAU Financial Request. Mr. Sun, New Town Elementary School employee, requested funding in the amount of \$1,500 to assist with expenses of a track and field team he was

directing for youth ages 9 through 18. Mr. Sun was encouraged to have additional discussions with both Jarrett Baker and Jason Two Crow on their youth programs, so that these resources could be coordinated. **MOTION** by Mr. Fox for authority for himself and Chairman Mason to work with Mr. Sun and other tribal youth programs to try to raise the money for these events; and, if unsuccessful, to grant them authority to approve up to \$1,500 for this program. Second by Mr. Hall. Discussion by Mr. Gillette on parental contributions, if any. Vote: 7 in favor. Carried.

Note: Chairman Mason advised that the sundance financial request from Sadie Mann would be handled by himself and the treasurer, since it was within their authorized limit of \$500. Also, at this time, the chairman distributed a memorandum to the council members on the tribal finance manager position, for their information.

10. Motion to Expand Summer Student Intern Program from 7 to 8 Students. Discussion by Mr. Fox that Twin Buttes was not represented in the student intern selections; to correct this, he requested council to consider his **MOTION** to expand the Summer Student Intern Program from 7 to 8 students. Second by Mr. Gillette. Vote: 7 in favor. Carried.

11. Resolution to Approve Payment to Basin Septic Service of Williston for Provision of Portable Toilets During Mandaree's Water Situation. Mr. Johnson presented resolution for payment. Discussion by Mr. Fox as to responsibilities of Indian Health Service. **MOTION** by Mr. Fast Dog to approve the resolution. Mr. Spotted Bear stated the Housing Authority could probably pay something toward this also. Discussion by Mr. Johnson on paying this now and seeking reimbursement later. Second to motion by Mr. Johnson. Further discussion by Mr. Fox to hold federal government responsible and save the Tribe as much money as possible. Mr. Johnson said he would delegate someone to follow up on the reimbursement. **Motion amended** by Mr. Fast Dog and Mr. Johnson to include in resolution to pursue funding to reimburse the tribe for their expenditure. Mr. Fox asked who was responsible for operating the sewage system, and whether or not the warranty was still in effect on the intake pump. It was noted Mandaree, Incorporated is responsible. Mr. Fox recommended that Mandaree, Inc. check their warranties and maybe consider a suit. Vote on motion: 4 in favor, 2 abstained, Mr. Hall not voting. Carried. R#96-132-DSB.

12. Resolution to Establish Priority List for Sanitation Deficiency Program of Indian Health Service. **MOTION** to approve priority list for IHS Sanitation Deficiency Program, as follows: (1) Fort Berthold scatter homes, (2) Four Bears water storage, (3) Breslin subdivision water and sewer, and (4) Four Bears Lagoon System relocation, was made by Mr. Hall. Second by Mr. Gillette. After discussion, vote was called for. Vote: 6 in favor, 1 abstained. Carried. R#96-133-DSB.

13. Resolution to Approve Agreement with High Plains Consortium for Feasibility Study of Four Bears Lagoon System (Phase I). **MOTION** to approve made by Mr. Hall, second by Mr. Fox. Discussion by Mr. Fox as to whether or not the Legal Department had a chance to review the agreement. Mr. Paul Danks said this had been done. Mr. Gillette inquired about the finance charge noted in the agreement. Mr. Fox said his second for approval would be based upon a change in the contract stipulation from 15 to 30 days finance charge. Mr. Hall concurred. **MOTION amended** to approve agreement only if High Plains Consortium will change finance charge to begin after 30 days--not 15 days. Vote: 7 in favor. Carried. R#96-134-DSB.

14. Request by Ted Lone Fight III to Change Terms of Loan Agreement. Mr. Lone Fight explained he would like to make payments of \$50 per month until his tribal loan of \$10,900 is paid. **MOTION** to approve, for discussion, by Mr. Johnson; seconded by Mr. Fast Dog. Discussion: There is no contract on the loan, but there was an agreement that Mr. Lone Fight would pay this back in full when he withdrew his retirement. However, when he got his retirement, he did not pay it back. Council expressed unwillingness to carry this loan for a period of 18 plus years. Mr. Fox inquired if a loan agreement with a little more detail could be drawn up, i.e., payments to be accelerated upon employment, etcetera. Mr. Hall indicated this is something that should be addressed by the Small Loan Program or Credit & Finance Committee. After discussion, council requested that Mr. Lone Fight present this at the next council meeting, along with his documentation, and give the Credit & Finance Committee a chance to look at it. Motion and second withdrawn. Deferred to July 18, 1996, meeting.

H. OTHER BUSINESS.

01. Tax Department re The Worthington Tax Group Proposal. Tax Attorney Thomas Bird Bear presented the proposal from Worthington, along with three possible fee structures for consideration by the council. After presentation, **MOTION** was made by Mr. Gillette for approval of the contingency fee of 30% of all taxes for one year. Second by Mr. Fast Dog. Discussion on types of expenses the tribe will additionally be responsible for, and the necessity for a resolution to spell this out. Vote: 5 in favor, 2 not voting. Carried.

02. Approval of NRD Lease Agreement with Lehigh Municipal Leasing, Inc., for Purchase of Solid Waste Truck. Lease agreement was presented by Staff Attorney Diane J. Avery, who stated she had reviewed the agreement and had requested certain changes be made. She recommended approval at this time. **MOTION** to approve made by Mr. Gillette, providing the forms are changed on the immunity from suit and the tribal council waiver. Second to motion, Mr. Fast Dog. Discussion: Mr. Fox pointed out the need for a resolution.

Mrs. Avery said one could be drawn up. Mr. Gillette amended his motion to "approve provided the Legal Department provides the council with a resolution before the day is over". Vote: 5 in favor, 1 opposed, 1 abstained. Carried. (See Item I.03 below.)

03. Resolution for FY 1996 TAT Indirect Cost Proposal. Proposal developed by Bruce Johnson of Johnson Associates at 26.7%. **MOTION** to approve submission of proposal to the Office of Inspector General for approval was made by Mr. Fox, seconded by Mr. Johnson. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried. **R#96-135-DSB.**

04. Resolution to Approve Adoption of New Capitalization Policy for FY 1996. **MOTION** to approve by Mr. Fox. Second by Mr. Hall. Discussion by Mr. Fox that anything below \$5,000 per item that we can capitalize and add to indirect expense will be covered. Vote: 6 in favor, Mr. Fast Dog not present for vote. Carried. **R#96-136-DSB.**

05. Transportation Department Resolution to 638 Contract the Bakersfield Streets and Cemetery Road Projects. **MOTION** to approve by Mr. Hall, second by Mr. Fox. Discussion on amount of contract and other issues involving perceived deterrants by the Aberdeen Area Office on tribal efforts to contract federal highway funds. Vote: 5 in favor, 2 abstained. Carried. **R#96-137-DSB.**

06. Proclamation and Contribution in Support of Vietnam Veterans 1996 Annual Convention Picnic at Four Bears Park. **MOTION** to approve proclamation by Mr. Gillette. Second by Mr. Fox. Vote: 7 in favor. Carried. After additional discussion, **MOTION** was made by Mr. Fast Dog to contribute \$500.00 to the organizers to assist with expenses. Second to motion made by Mr. Gillette. Vote: 7 in favor. Motion Carried.

07. Criminal Justice Budget Modification. Due to the departure of Diane J. Avery, Acting Judicial Resources Manager Dixie Howling Wolf presented two revised budget plans for the Criminal Justice Contract Budget, and recommended approval of Option #1, 1/2 Indirect Cost Pool, which would allow more funds for jury trials. **MOTION** to approve Option #1 Budget Plan made by Mr. Fox, seconded by Mr. Fast Dog. Vote: 6 in favor, 1 not voting. Carried.

08. Motion to Approve Acting Judicial Resources Manager to hire Temporary Replacement During her Absence. **MOTION** by Mr. Fox to authorize Dixie Howling Wolf to finance and hire someone to fill in for her while she is on medical leave. Second by Mr. Hall. Vote: 6 in favor, 1 not voting. Carried.

09. Motion to Grant Additional Sick Leave to Acting Judicial Resources Manager. **MOTION** by Mr. Fox to grant Dixie Howling Wolf additional sick leave time of 30 days to assist with her medical leave. Second by Mr. Hall. Vote: 7 in favor. Carried.
10. Resolutions for Emerson Plenty Chief and Cheryl Abe Enrollment Relinquishments. **MOTION** to approve enrollment relinquishments of Emerson Plenty Chief and Cheryl Abe made by Mr. Gillette. Second by Mr. Fast Dog. Vote: 6 in favor, 1 opposed. Carried. R#96-138-DSB and 96-139-DSB.
11. Motion to Apply Fee for Enrollment Forms. **MOTION** by Mr. Fox to apply a fee for administrative costs of researching, preparing, and reproducing copies of enrollment papers at \$5.00. Second by Mr. Hall. Discussion by Mr. Charging that a charge should also be applied for relinquishments. Discussion by council for Mr. Charging to work with the Legal Department in preparing a resolution to cover fees to be applied for services presently performed free of charge by Tribal Enrollment, and to submit resolution at next council meeting. Motion and second were **withdrawn**.
12. Resolution for Enrollment of 31 Applicants. **MOTION** to approve applications for enrollment submitted by 31 applicants. Second by Mr. Fast Dog. Vote: 7 in favor. Motion Carried. R#96-140-DSB.
13. Motion Regarding Additional CHR Position at Parshall. **MOTION** by Mr. Fox for council to grant the chairman and himself authority to meet with the CHR Director on hiring a second CHR for the Parshall area to fill the CHR position that has been vacant. Second by Mr. Johnson. Discussion by Chairman that there was going to be a presentation by Mr. Tom Mandan on the resources allocation methodology that they are applying to CHRs. Further discussion that federal government should be providing funding for these necessary health positions. Vote: 5 in favor, 2 opposed. Carried.
14. Grant Authority for Medical Emergencies. **MOTION** by Mr. Fox to grant an additional \$500 authority to himself and chairman for extreme, catastrophic, medical emergencies, to total \$1,000 maximum. Second by Mr. Fast Dog. Discussion by Mr. Gillette that a resolution be developed to outline this grant authority. Mr. Fox said one could be presented at the next meeting. Vote: 7 in favor. Carried.
15. Request for Wage Assignment for North Segment Employee. **MOTION** by Mr. Fast Dog to approve a \$500 loan for Ron Rabbithead for utility emergency. Second by Mr. Johnson. Discussion by Mr. Fox that the Small Loan Program is not underway yet, and it would not be fair to others who have requested emergency loans and been denied. Mr. Fox suggested that a 50% salary advance from PP#14 be included with Mr. Rabbithead's paycheck in PP#13, and further attempts be made by Mr.

Rabbithead to negotiate with the electric company. Motion and second withdrawn.

NOTE: Meeting recessed at 5:20 p.m. Reconvened at 5:30 p.m.

I. LEGAL DEPARTMENT MATTERS.

01. Motion to Register Tribal Attorneys as Lobbyists for the Tribe. MOTION to approve Christopher D. Quale and Thomas Disselhorst as lobbyists for the Three Affiliated Tribes, with the ND State Legislature. Second by Mr. Johnson. Vote: 7 in favor. Carried.

02. Motion to Approve Ron Reichert to Handle Motion to Quash Subpoenas. MOTION by Mr. Gillette to approve Ron Reichert to handle the motion to quash subpoenas for Wilkinson Hearing. Second by Mr. Hall. Vote: 5 in favor, 2 abstained. Carried.

03. Resolution to Approve Lehigh Municipal Lease. (See Item H.02 above.) MOTION to approve by Mr. Fox. Second by Mr. Spotted Bear. Vote: 6 in favor, 1 opposed. Carried. R#96-141-DSB.

04. SD Trust Land Case, Decision re Joinder in Amicus Brief in Support of Cert Petition. On recommendation of Supervising Attorney Christopher D. Quale, MOTION was made by Mr. Fast Dog to approve contribution of \$2000 to Hobbs Straus attorneys to join in this amicus brief. Second by Mr. Johnson. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

05. Approval of Tribal Business Licenses. MOTION by Mr. Gillette to approve tribal business licenses for Roy A. Azure III Quilting Service; Bruce Gillette Hide Tanning; Howard Crow Flies High Barber Shop; and Sherry King Reference Laboratory Services for Drug Testing. Second by Mr. Fast Dog. Motion amended to include C. J. Packineau Fireworks. Discussion that an outside business approval needs to be attached to the business license for Sherry King. Legal Department to contact Ms. King regarding this. Vote: 7 in favor. Carried.

J. APPROVAL OF MINUTES OF LAST MONTH'S MEETINGS.

MOTION to approve all minutes made by Mr. Fast Dog, seconded by Mr. Gillette. Request by Mr. Fox that he wanted to make some changes in the minutes before approval. Changes and corrections were noted. Motion and second were amended to approve minutes, with recommended changes and corrections. Vote: 7 in favor. Minutes approved, as follows: Regular Meeting of May 10, 1996; Special Meetings of May 14, 24, and 31, 1996.

K. PERSONNEL DEPARTMENT MATTERS.

01. Request to Extend Children's Services Coordinator Position Through September 30, 1996. ⁷⁻²²⁻⁹⁶ ^(mob) **MOTION** to approve extension of this position made by Mr. Fast Dog, seconded by Mr. Fox. Discussion that this position does not have a contract, but is a grant position. Vote: 7 in favor. Carried.

02. Selection of Social Worker Position. Social Services Director Janet Gunderson stated her efforts to hire Indian preference have been unsuccessful, and she was requesting council to approve the selection of Steve Magstad for a Social Worker Position. She stated Mr. Magstad is highly qualified. **MOTION** to hire Steve Magstad as Social Worker for the Social Services Division was made by Mr. Hall. Second to motion by Mr. Spotted Bear. Vote: 7 in favor. Carried.

03. Request for Termination of Head Start Employee. **MOTION** to approve request for termination of teacher assistant at Tiny Tots Head Start (David Harrison) for abandonment of position was made by Mr. Fox, seconded by Mr. Johnson. Vote: 7 in favor. Carried.

04. Selection of Four Bears Day Care Center Director. **MOTION** to hire Abigail Bingen as Four Bears Day Care Center Director was made by Mr. Fast Dog. Second by Mr. Johnson. Vote: 5 in favor, 1 opposed, 1 abstained. Carried.

05. Selection of Aging Services Cook. **MOTION** to hire Marlene Deschamp made by Mr. Fox, seconded by Mr. Fast Dog. Vote: 5 in favor, 2 abstained. Carried.

06. Selection of Mandaree Equipment Operator. **MOTION** to hire Kelly Spotted Bear made by Mr. Fast Dog, seconded by Mr. Johnson. Discussion by Roads Director Virgil Eagle that Mr. Spotted Bear has been working in this position at Mandaree for the past three months, works well with the other Roads employees, and has been doing a real good job. Mr. Eagle said he presently has Kelly working on obtaining a Commercial Drivers License (CDL), although a CDL is not required for this position. Mr. Eagle stated he plans to eventually have all of his workers obtain CDLs. Vote: 7 in favor. Carried.

07. Motion to Remain with Blue-Cross/Blue-Shield Health Benefits Plan through December 31, 1996. Upon recommendation of Personnel Director, **MOTION** was made by Mr. Gillette to remain with Blue-Cross/Blue Shield until December 31. Second by Mr. Fast Dog. Vote: 7 in favor. Carried.

08. Selection of Temporary Clerk for WIC Program. **MOTION** to approve recommendation of WIC Director to employ Andrew Reed as a temporary clerk to be paid from WIC funds. Second to motion, Mr. Gillette. Vote: 7 in favor. Carried.

NOTE: Personnel Director left Schedule C Appointment Policy with council members, requesting review and comments. Chairman Mason left at 7:30 p.m., requesting Vice Chairman Hall to preside.

09. Motion to Allow Councilmen to Hire Segment Workers; Motion to Approve Schedule C Appointment Policy. **MOTION** made by Mr. Fast Dog to give authority to council members to hire their own segment workers was seconded by Mr. Johnson. Discussion that this is what Schedule C applies to. SA Quale was recalled to the meeting to give his views on the proposed appointment policy. SA Quale recommended that this be tabled until he had a chance to review it more thoroughly. Motion and second were withdrawn. **NEW MOTION** by Mr. Fast Dog to adopt and approve Schedule C was seconded by Mr. Johnson. Vote: 3 in favor, 3 opposed. Motion denied.

10. Motion to Defer Action on Schedule C Appointment Policy to Regular Meeting on June 11, 1996. **MOTION** to defer any action on Schedule C Appointment Policy to June 11 and have Legal review it in the meantime. Second to motion, Mr. Johnson. Vote: 5 in favor, 1 opposed. Carried.

NOTE: Mr. Fast Dog left the meeting at 7:40 p.m.

11. Natural Resources Department Fencing Crew. **MOTION** by Mr. Gillette that the Natural Resources Committee meet with the Director, and if the budget will fit, that authorization be given to redesign the project. Second to motion, Mr. Spotted Bear. Vote: 5 in favor. Carried.

12. Additional Clerk for Treasurer Fox's Office. **MOTION** was made by Mr. Fox that council authorize him to hire an additional person for his office to be paid out of indirect cost. Second by Mr. Gillette. Vote: 5 in favor. Carried.

13. Water Development for Range Units. Mr. Hall said he would like to request the council to authorize the Natural Resources Committee to handle all water developments for range units utilizing the force account method, and that the tribe dedicate the lease preparation fees and pasture authorization fees to cover the project and hire Gene Norton, Norton Construction, Watford City, for the construction of water development on the reservation. Mr. Hall said the USDA will provide technical assistance on all improvements that are made. Mr. Gillette said he would make the **MOTION** for approval of Mr. Hall's request, but he said before any of the money is spent, they will need

to check with the treasurer because some of these monies may have already been spent. Second to motion made by Mr. Johnson. Call for Vote: 5 in favor. Carried.

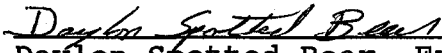
- L. **NEXT MEETING.** Special Meeting, June 21, 1996.
- M. **ADJOURNMENT.** MOTION to adjourn made by Mr. Fox, second to motion made by Mr. Spotted Bear. Vote: 5 in favor. Meeting adjourned at 8:05 p.m.

CERTIFICATION OF MINUTES

I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum. Seven (7) members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of July 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 11th day of July 1996.



Daylon Spotted Bear, Executive Secretary
Three Affiliated Tribes

ATTEST:



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