



# MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

## SPECIAL COUNCIL MEETING MINUTES

SEPTEMBER 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 held on Wednesday, September 25, 1996, in the Tribal Council Chambers, for the purpose of reviewing the casino settlement agreement. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:40 a.m. A moment of silent prayer was held for those families who are in mourning, people in hospital, and others less fortunate than us.
- B. ROLL CALL.** Secretary Spotted Bear called roll. Seven members present. (Mark N. Fox entered meeting shortly after roll call.)
- C. ANNOUNCEMENTS.** George Fast Dog, North Segment Representative announced that they would be taking visitors to the North Dakota State Penitentiary on October 8, and anyone is welcome to sign up for this, which is being sponsored by the Fort Berthold Unity Riders.
- D. APPROVAL OF AGENDA.** Motion to approve agenda, with 11 items added, was made by Mr. Fast Dog, and seconded by Mr. Gillette.  
VOTE: 7 in favor. Carried.
- E. SPECIAL BUSINESS.**
01. Temporary Appointment for Tribal Court Magistrate Position.  
Dixie Howling Wolf listed the names of five individuals interested in serving in this position. She advised that she was recommending Mildred Berryhill for the court magistrate position, since she has a certificate and some training in law enforcement. Motion by Mr. Fast Dog to appoint Thomas Alberts, seconded by Mr. Johnson for discussion purposes. Discussion. Vote: 2 in favor, 5 opposed. Mr. Fox made a motion for the recommendation by the court of Mildred Berryhill, seconded by Mr. Hall. Discussion on length of appointment. Motion and second amended to indicate this is a temporary appointment until full-time appointment is made. Vote: Six in favor, 1 opposed. Carried.
02. TAT Four Bears Casino.
- a. Negotiations Update. Financial Consultant David J. Brendsel provided the council with the latest information on the casino settlement agreement. Comment by Mr. Gillette that the Tribe, itself, has put no money into the casino beyond what has had to be paid to the gaming attorneys, because of the bad management agreement. Comment by Mr. Fox that the Tribe will still be in a

(E.02.a. Special Business, TAT Four Bears Casino, Continued.)

better position and will receive more revenue per month, although it is going to cost us initially. Chairman Mason commented that the present and past managers of the casino have had no previous casino management experience, are ex-law enforcement officers who have gained casino management experience at our cost. Mr. Fox also commented that this company and its officers have no respect for the Tribe, as a whole, for the tribal business council, or for the people.

b. Approval for Release of 1995 Casino Audit to National Indian Gaming Commission. Motion by Mr. Fox to release the 1995 casino audit to NIGC. Second by Mr. Hall. Vote: 7 in favor. Carried.

03. North Segment Community Representatives' Second Visit on Docket Fund Distribution. Bernadine Young Bird and Izetta Lattergrass visited with council on distributing the docket funds to the segments on a per capita basis rather than equally. Motion was made by Mr. Fox to include the utility bills of the North Segment under Indirect Cost; if unable to do so, the Tribe will take care of the utilities for the building. Motion seconded by Mr. Hall. Discussion: Mr. Gillette said the council is going to authorize payment of the North Segment utility bills, which will probably be in excess of \$10,000 per year, so the community is going to get more than their share, yet the Tribe still owes the White Shield Community \$25,000. Chairman Mason noted that approval of this motion will show that there is no lack of cooperation by the council in helping the North Segment Community, as was stated earlier by Mr. Fast Dog. Vote: 6 in favor, 1 abstained. Motion Carried. (No resolution.)

04. Access to Four Bears Gravel Pit. Mr. Hall requested affirmation concerning access of gravel needed for spot graveling in Four Bears area. It was noted by both Mr. Gillette and Mr. Johnson that this gravel pit was set aside specifically for the Four Bears area by the Natural Resources Committee. Discussion by Mr. Johnson that the Roads Department Budget needs to be subsidized to handle all the requests they get for private road maintenance. Mr. Spotted Bear, Transportation Roads Committee Chairperson, is to check on Ken Danks hauling gravel to Lost Bridge to see who paid for this. All requests for road maintenance, equipment use, etcetera, are to be referred to the TAT Transportation Committee.

05. R#96-193-DSB, Resolution for Tribe to Accept Responsibility for Retaining and Preserving a Copy of the 1851 Fort Laramie Treaty and to Take Action Necessary to Regain Custody. Motion by Mr. Fast Dog to approve, seconded by Mr. Gillette. Vote: 7 in favor. Motion Carried.

(E. Special Business, Continued.)

06. Approval of Purchase of Freezers for all Segments. Ted Lone Fight III and Ivan Johnson requested the purchase of a deepfreeze for the Mandaree Senior Citizen Meal Site, in conjunction with four separate budgets for other items needed in the community. Mr. Johnson made a motion to approve the request for \$5,000, Attachment III, for a freezer, a computer/printer, and benches, for a grand total of \$5,824. Discussion by Mr. Fox that last year Deb Fox had received an advance on the community docket funds to purchase a computer for Mandaree, Inc. After discussion, Mr. Johnson amended his motion to include a new freezer for all the segments, if they need one; and agreed to wait until the next meeting to move on the request for \$5,000. Vote: 7 in favor. Motion Carried. Further discussion for Ted Lone Fight III to get costs and specifications so all prices will be the same.

07. Report from Fort Berthold Housing Authority on Meeting in Rapid City on Grand Forks Houses. Mr. Terry Red Fox and Ms. Becky Knight informed council that 36 units from Grand Forks had been set aside for Fort Berthold. Chairman Mason said Senator Dorgan had intervened in this project on behalf of Fort Berthold and needs to be thanked. Becky Knight said this project has to be dealt with under a 638 contract, and Housing cannot do 638 contracts. Ms. Knight was asked, with the concurrence of Mr. Red Fox, to continue representing the Tribe on this, to meet with Gerald White and Fred Baker on screening medical equipment, and to give a methodology report to the council at their October meeting. Motion was made by Mr. Johnson, seconded by Mr. Fox, to designate Becky Knight to provide the staff work and to formulate an action plan for the council on this. Vote: 7 in favor. Motion Carried.

NOTE: Meeting recessed at 12:30 p.m. for lunch;  
reconvened at 1:50 p.m.

08. Eagle Plume Mandan City of New Town Special Assessment Taxes of \$1071.91 due 10/01/96. After preliminary discussion, motion was made by Mr. Gillette to pay the special assessment taxes of Eagle Plume Mandan with whatever funds are available, and to refinance his current tribal loan by adding the payment to the balance he owes, as this is a special circumstance case in that this property is mortgaged to the Tribe. Motion seconded by Mr. Hall. Discussion that current small loans program rate will apply to refinanced loan. Vote: 7 in favor. Motion Carried.

09. Shirley Grady 1991-1995 Special Assessment and Real Estate Taxes of \$1371.00 Owed to County by 10/01/96. Council was advised that the county has a Tax Sale Certificate on Mrs. Grady's city lot, if she doesn't redeem this within the three-year period, which ends 10/01/96,

(E.09. Special Business, Shirley Grady, Continued.)

the county gets title to the land. **Motion** by Mr. Fast Dog, seconded by Mr. Fox, for a sales agreement/warranty deed to be drawn up by Mrs. Grady for the Tribe, with the sales amount to be the exact amount for the taxes, plus interest, so she can get clear title back to give to the Tribe. She can then meet with the Natural Resources Committee and request approval for a homesite, in-town residential lease, which must also be approved by the BIA. Mr. Fox said Legal must have all documentation in place, with signatures, before purchase order will be signed. Vote: 6 in favor, Mr. Johnson not present during vote. Motion Carried.

10. Arlie Knight Request for Council to Intervene in Tribal Court Decision on Repossession of his House. After discussion, Mr. Knight was advised by the council that they would not overturn court decisions, but that they felt he had good grounds to appeal. After another period of discussion, Mr. Gillette advised that he had asked Thomas J. Gunderson to assist Mr. Knight in his appeal, and Mr. Gunderson had indicated that he would do so. No action.

11. Pat Grinnell Fox Additional Emergency Medical. Treasurer Fox and Chairman Mason advised council that the \$500 limit on emergency medical assistance had been met on this case. They asked council to consider an additional \$500.00 in emergency medical assistance, to be distributed at their discretion. **Motion** to approve made by Mr. Hall, seconded by Mr. Fast Dog. Vote: 7 in favor. Carried.

12. R#96-194-DSB, Designating NRD/Environmental Oil/Gas Specialist Martina Oltman as Tribal Representative on the Regional Emergency Response Team. **Motion** to approve made by Mr. Gillette, seconded by Mr. Fast Dog. Vote: 7 in favor. Motion Carried.

**F. LEGAL DEPARTMENT.**

01. Extension of Child Welfare Attorney Consultant Services. **Motion** by Mr. Johnson to approve two months wages to be paid from the Social Services Budget, seconded by Mr. Gillette. Vote: 5 in favor, 2 abstained. Motion Carried.

02. Class II Gaming Licenses. S/A Christopher D. Quale advised that applications for class II gaming will be referred to the TAT Gaming Commission.

NOTE: Break taken at 2:55 p.m.; reconvened at 3:15 p.m.

**G. OTHER BUSINESS.**

01. Motion and Approval to Add Twin Buttes Land Transfer Request to Agenda. Motion by Mr. Gillette to put a land request on the agenda, seconded by Mr. Johnson. Vote: 5 in favor, Mr. Hall and Mr. Fox not present during vote. Motion Carried.

02. R#96-195-DSB, Requests Federal Government to Declare Land to be Excess and to Place this Land in Trust for the Tribe. Mr. Gillette advised that there are 20 acres of federal land located in Twin Buttes that could be considered excess land and transferred to the Tribe at no cost. Mr. Johnson made a motion to approve a request to BIA to transfer this land to the Tribe, seconded by Mr. Spotted Bear. Discussion that land is located north of the clinic at Twin Buttes, and we are basically making a request to the federal government to transfer title and place in trust for the Tribes. Vote on Motion: 7 in favor. Carried.

**H. PERSONNEL VACANCY SELECTIONS AND OTHER PERSONNEL MATTERS.**

01. Twin Buttes Dialysis Driver. Motion by Mr. Spotted Bear to select Darcy M. Stone, a veteran and one of the highest-qualified candidates, as rated by Personnel. Motion seconded by Mr. Fast Dog. Vote: 6 in favor, 1 abstained. Carried.

02. Finance Manager. Discussion on lack of applicants and methods being used to advertise this position. Motion by Mr. Johnson to select Paul Good Iron, an enrolled member with veterans' preference. Second by Mr. Fast Dog. Discussion that, according to list, this is not the most qualified candidate. Vote: 2 in favor, 4 opposed, 1 abstained. Motion Denied. Motion by Mr. Fox that position continue to be advertised and efforts be increased to get notices out nationwide, since this council is seeking a highly-qualified person with an MBA, a CPA, a masters in accounting or a BA in accounting with several years of experience. (Mr. Johnson noted that all the degrees in the world wouldn't be of any use if the person isn't honest--we need an honest person in there.) Motion was seconded by Mr. Gillette. Discussion and agreement to advertise this position for at least another 60 days. Vote: 5 in favor, 2 opposed. Carried.

03. Child Care Providers. Mrs. Abigail Bingen noted that three day care providers are needed, since two have left and another will be leaving. Motion was made by Mr. Spotted Bear for the selection of Kirsten Holen and Loie White Bear. Seconded by Mr. Gillette. Vote: 7 in favor. Carried.

Motion by Mr. Fox for the selection of Connie Whie Bear. Seconded by Mr. Johnson. Vote: 2 in favor, 3 opposed, 2 abstained. Denied. Motion by Mr. Fast Dog for the selection of Crystal Stands Alone, seconded by Mr. Johnson. Vote: 5 in favor, 2 abstained. Carried. New child care providers are: Kirsten Holen, Loie White Bear, and Crystal Stands Alone.

(H. Personnel, Continued.)

04. Request for Termination of Little Plume Head Start Teacher Assistant. Personnel Director said Gloria Lone Bear has not reported to work for a week and supervisor is requesting termination. **Motion** to approve the request of the supervisor was made by Mr. Spotted Bear, seconded by Mr. Gillette. Vote: 4 in favor, 3 abstained. Carried.

05. Small Loans Program Director. **Motion** by Mr. Fast Dog to select Nathan Paul Good Iron. Seconded by Mr. Johnson. Discussion: This is not the 638 Credit Officer Position, but is the Tribes' Small Loan Program. A collections officer is also needed for the small loan program. Vote: 6 in favor, 1 abstained. Carried.

06. Request for Termination of Education Grantswriter. Personnel Director said Wilma Bell Nelson had been on leave since July 29, 1996, and is presently claiming sick leave, however, a doctor's statement has not been provided to her supervisor. The Personnel Department has learned that Ms. Nelson has now applied for unemployment insurance. **Motion** to approve request was made by Mr. Johnson, second by Mr. Fast Dog. Mark N. Fox requested a roll call vote. Five members in favor, Mark N. Fox opposed, Edwin Hall abstained. Motion Carried.

07. Temporary BIA Custodian and Dialysis Custodian. **Motion** made by Mr. Fast Dog to approve recommendation of Byron Brady to select Charles Conklin as temporary BIA custodian; and Tony Halvorson as temporary dialysis custodian; NTE 30 days for both. Motion seconded by Mr. Hall. Discussion that the BIA Custodian Position is presently being advertised. The dialysis position is only a temporary position. Vote: 5 in favor, 2 abstained. Carried.

08. Human Resources Committee Decision of December 1995 Regarding Maxine Harrison Case. Personnel Director said this decision was to have been brought before full council by the Legal Department, but was never brought before council. The decision was to pay Maxine Harrison \$16.32 from the General Fund for 160 hours. **Motion** by Mr. Gillette to approve this expenditure, seconded by Mr. Fast Dog. Discussion that this check shall be made payable to Maxine Harrison, not to her attorney. Vote: 6 in favor, 1 opposed. Carried.

09. Motion to Make David J. Brendsel FTE. **Motion** to approve full-time employee status for Mr. David Brendsel was made by Mr. Hall, seconded by Mr. Fox. Discussion that Mr. Brendsel has done an excellent job, and the Tribe will save money by making him a full-time employee. Vote: 5 in favor, 1 opposed, Mr. Fast Dog not present during vote. Carried.

I. **NEXT MEETING.** Regular Meeting, October 10, 1996.

J. **FIRST ADJOURNMENT.** **Motion** to adjourn was made by Mr. Fox, seconded by Mr. Spotted Bear. Meeting adjourned at 4:00 p.m.

- K. MEETING RECONVENED TO REVIEW CASINO SETTLEMENT AGREEMENT. R#96-196-DSB, APPROVING AGREEMENT.** Meeting was reconvened at 4:08 p.m. to review a draft of the proposed casino settlement agreement. All council members were present. Staff Attorney Thomas Disselhorst went over the draft agreement with the council, after which, for purposes of discussion, a motion was made by Mr. Gillette to approve the casino agreement and resolution, with corrections, if needed. Motion seconded by Mr. Spotted Bear. Discussion: Mr. Gillette wished it to be mentioned in the agreement that this situation was inherited by the Mason Administration, and, as for the settlement, the Tribe will be paying less to BHL&C than the company would have received had they remained. Resolution will be amended accordingly, along with showing the figure comparisons of the casino buy-out versus leaving BHL&C in the contract. The cost of the shadow team will come out of the Tribes' casino revenues. Vote: 3 in favor, 2 opposed, 2 abstained. Passed.
- L. SECOND ADJOURNMENT.** Motion to adjourn made by Mr. Gillette, seconded by Mr. Spotted Bear. Vote: 7 in favor. Carried. Meeting adjourned at 4:40 p.m.


#### CERTIFICATION OF MINUTES

As Executive Secretary of the Tribal Business Council of the Mandan Hidatsa Arikara Nation, Three Affiliated Tribes of the Fort Berthold Reservation, I hereby certify that the Tribal Business Council is composed of seven members, of whom five members constitute a quorum. 7 members were present at a Regular Meeting thereof duly called, noticed, convened, and held on October 10, 1996, whereupon the Special Council Meeting Minutes of September 25, 1996, 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 have not been amended, except as noted by council when approved.

September 25, 1996, minutes approved and certified October 10, 1996.

Daylon Spotted Bear  
Daylon Spotted Bear, Executive Secretary  
Three Affiliated Tribes' Tribal Council

ATTEST:

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