



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

REGULAR COUNCIL MEETING MINUTES

OCTOBER 10, 1996

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

- A. CALL TO ORDER AND OPENING PRAYER.** The Regular October Meeting of the Tribal Business Council was called to order by Chairman Russell D. Mason, Sr., at 10:10 a.m. on Thursday, October 10, 1996, in the Tribal Council Chambers. A moment of silent prayer was held.
- B. ROLL CALL.** All members present.
- C. CHAIRMAN'S ANNOUNCEMENTS AND COMMITTEE REPORTS.** Chairman Mason to be attending AIHAC, NIEA, and Health Board meetings this week. A tribal delegation from Yakima/Laguna will be visiting our Kidney Dialysis Unit next week. Susan Fredericks, as Tribal Health Planner, is congratulated for doing a commendable job at the dialysis unit, which was in danger of being shut down. NCAI will be the week of October 21-25 in Phoenix. A Special Council Meeting will be held on the 30th of October to review the oil and gas agreement put together by the Natural Resources Department, and the FY97 Tribal and Program Budgets. Councilman Ivan Johnson, Mandaree, was acknowledged and thanked by the council for his participation and support the past two years. Mr. Gillette advised that the Natural Resources Committee had met 54 times during the past year and a half!
- D. APPROVAL OF SEPTEMBER MINUTES.** Motion to approve minutes of September 12 and 13, 1996, was made by Mr. Gillette, seconded by Mr. Spotted Bear. Vote: 7 in favor. Motion carried. Motion to approve special meeting minutes of September 25, 1996, was made by Mr. Gillette, seconded by Mr. Fox. Vote: 7 in favor. Carried.
- E. APPROVAL OF AGENDA.** Motion to approve agenda, with addition of 13 items, made by Mr. Hall, seconded by Mr. Johnson. Vote: 7 in favor. Carried.
- F. NEW BUSINESS.**
01. Goldie Fox Medical Loan. Motion to approve medical loan in amount of \$1,500 made by Mr. Fast Dog, seconded by Mr. Fox. Discussion. Vote: 7 in favor. Carried.
02. NTHS American Indian Science & Engineering Students Grant. Motion to authorize use of tribal van for transportation, per diem, and mileage for designated driver was made by Mr. Gillette, Motion was amended to authorize the chairman and treasurer to work with a chaperone and advisor on cost of the trip and to approve a donation to them. Motion seconded by Mr. Hall. Vote: 7 in favor. Carried.

(F. New Business, continued.)

03. Judy and Carson Hood, Sr. and Jr., Ben's Steak & Stein.

a. Request to Waive Food/Handicap Requirements for Ben's Steak & Stein. Motion to grant a one-year waiver on some of the Environmental Health & Survey food and handicap requirements (that are currently not in place and have never been in place) at Ben's Steak & Stein was made by Mr. Fast Dog. Mr. Hall seconded. Vote: 6 in favor, Mr. Gillette not present during vote. Carried.

b. Approval of Liquor License. Motion to approve tribal liquor license for Ben's Steak & Stein was made by Mr. Hall, seconded by Mr. Fast Dog. Vote: 6 in favor, Mr. Fox not present during vote. Carried.

04. Karen Gillis, FBCC Job Contract. Motion by Mr. Fox to send a notice to the Fort Berthold Community College Board of Directors that Ms. Gillis be able to retain her position until such time as all appeals have become exhausted and she has an opportunity to come before the board. Second to motion, Mr. Gillette. Motion amended to indicate that this matter is to be addressed by the FBCC Board of Directors by or before the October 30 Special Council Meeting. Discussion on micro-managing by the council. Council said these type of appeals will be handled on a case-by-case basis, and that council will intervene in any cases that appear to be unfair. Vote: 7 in favor. Carried.

05. R#96-197-DSB, TAT \$5000 Donation to NCAI. Motion by Mr. Fox to approve \$5000 contribution to NCAI, seconded by Mr. Hall. Discussion: Subject to availability of funds. Vote: 7 in favor. Carried.

Note: Meeting recessed at 12:00 p.m. for lunch.
Reconvened at 1:10 p.m. All members present.

06. R#96-198-DSB, A-1 Contractor Case. Motion by Mr. Fox to approve this resolution, which requests the U. S. Government to support tribal jurisdiction in the court system. Second by Mr. Johnson. Vote: 7 in favor. Carried.

07. R#96-199-DSB, TAT to Contribute Funds to NARF for their Assistance in Developing and Implementing a Tribal Education Code. Motion to approve, Mr. Gillette. Second, Mr. Hall. Vote: 7 in favor. Carried.

08. Dena Bruce Additional Medical Assistance. A motion to approve an additional \$500 in medical assistance to Dena Bruce and family was made by Mr. Fox, seconded by Mr. Hall. Vote: 7 in favor. Carried.

09. R#-96-200-DSB, \$5000 Grants to Community Boards in Each Segment for Purpose of Providing Beneficial Programs to Communities. Motion to approve, Mr. Gillette; second by Mr. Hall. Motion amended that each board is to bring in a budget for approval by their council representative. Vote: 7 in favor. Carried.

(F. New Business, continued.)

10. Marilyn Yellow Bird Baker Graduate Grant. Motion to approve a \$1000 medical graduate grant to Mrs. Baker, was made by Mr. Fox, seconded by Mr. Hall. Vote: 7 in favor. Carried.

11. Rex Mayer Gaming License. Mr. Mayer requested a decision be made on his gaming license, which has been pending since June 1996. He was informed by the chairman and the treasurer that a decision had been made by the Gaming Commission, and the decision is under review by the Tribes' legal counsel, who will write up the documents for the Gaming Commission. Chairman Mason to visit further with Mr. Mayer on when Legal will mail the letter to him. No action.

12. Ed Hall, Jr., Albuquerque, NM. Mr. Hall visited with council concerning obtaining a sub-contract from the Tribe to do an inventory of the TAT roads system to justify the BIA's relative-need formula. Motion to approve a sub-contract with Ed Hall, Jr., made by Mr. Fox, seconded by Mr. Johnson. Discussion that this sub-contract will be limited to \$70,000, or the amount negotiated. Vote: 7 in favor. Carried.

13. Trade-in/Purchase of Three (3) Road Bladers. Mr. Johnson made a motion for Virgil Eagle to trade in three old bladers for three new bladers. Motion seconded by Mr. Fast Dog. Discussion. This will involve an approximate cost of \$215,280 to the Tribe, at approximately \$53,000 per year for four years. Vote: 7 in favor. Carried. Further discussion. The Tribe is presently paying on a blade at Twin Buttes, a blade at New Town, and an L70 loader at White Shield. (Note: A resolution is to be submitted for formal approval.)

14. Request to Supplement Roads Department Budget. Motion to approve a resolution to have the Tribe supplement the Roads Department Budget for spot graveling home roads at a one-time cost of \$50,000 was made by Mr. Fast Dog and seconded by Mr. Johnson. Discussion to seek other alternatives and federal funding first, and perhaps ask the school boards to cost-share with BIA on school roads. Mr. Edward Lone Fight will be asked to get a commitment from the Fort Berthold Indian School Board Association for monies for road maintenance. Mr. Johnson withdrew his second to provide for time to work something out. Motion withdrawn by Mr. Fast Dog. Chairman Mason is to invite the Area Director and Roads personnel to the bridge meeting on October 17, and the roads budget could possibly be discussed with them at that time.

15. Cash Donation to New Town Elementary School First Grade for RIF Program. Motion by Mr. Johnson to provide amount requested (\$227.50) to the elementary school, seconded by Mr. Fox. Vote: 6 in favor, 1 abstained. Carried.

16. Harry Sitting Bear, P&S Plans for Roping Arena. Mr. Sitting Bear said he had solicited bids to pour concrete and partition the roping arena for 1/2 use by Roads and 1/2 use for a motor pool. He had received only one response. Motion by Mr. Fox, second by Mr. Fast Dog, that the chairman be authorized to work with Harry Sitting Bear

(F. New Business, 16. Roping arena, continued.)

on soliciting, receiving, and reviewing bids on work for this. Vote: 5 for, Mr. Gillette and Mr. Johnson not present during vote. Carried.

Note: Meeting recessed at 2:55 p.m. and reconvened at 3:15 p.m.

17. R#96-201-DSB, Sahnish Farms Cooperative. Motion to approve new resolution to reduce amount to the cooperative from \$29,000 to \$15,000, i.e., \$10,000 loan, \$5,000 grant, was made by Mr. Gillette. Motion was seconded by Mr. Fox. Discussion. This rescinds R#96-182. Vote: 6 in favor, 1 abstained. Carried.

G. UNFINISHED BUSINESS.

01. Disposition of Grand Forks AFB Houses. Becky Knight, FBHA, inquired as to whether the council still wanted her to oversee this project. Chairman Mason asked her to meet with himself, John Danks, and Jerry White on this in the morning, which she said she would do.

H. OTHER BUSINESS.

01. KDU 5 Consultant Agreements and 3 On-Call Hires. Motion to approve consultant agreements for Del Rae Giesen, Evadne Gillette, Laura Gullickson, Sharon Hanson, Amelia Rolf; and "on-call" hire of Lynn Thorson, Brenda Brigham, and Helen Domaskin made by Mr. Johnson. Second to motion, Mr. Gillette. Vote: 7 in favor. Carried.

02. R#96-202-DSB, to Establish Escrow Account for Mandaree School Streets, Bakersfield Streets, and Cemetery Road Projects. Motion to approve made by Mr. Fox, seconded by Mr. Hall. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.

03. R#96-203-DSB, to Officially Name the Day Care Center. Motion to approve resolution to call the day care center the "Mandan, Hidatsa, and Arikara Children's Day Care" was made by Mr. Gillette. Second to motion, Mr. Johnson. Vote: 7 in favor. Carried.

04. Ineligible Deer License Applications. Mr. Spotted Bear made a motion to put a fair dollar amount penalty on those hunters whose applications had been denied, because they hadn't returned the survey. Discussion. Motion amended to excuse a hunter from this requirement, this year only, if he pays a penalty of \$10.00. Mr. Spotted Bear's motion was seconded by Mr. Gillette. Discussion that a lottery will have to be held for the ineligible applicants who pay the penalty, since there are only a few deer licenses remaining. A roll call vote was requested. Mr. Gillette, Mr. Mason and Mr. Spotted Bear--Aye; Mr. Fast Dog, Mr. Fox, Mr. Hall--Nay; Mr. Johnson abstained. A new motion was made by Mr. Fox to penalize these applicants \$20, with the lottery system as part of that, and the monies realized from the revenues raised will be applied towards increasing the deer amounts and deer program, etcetera. Motion seconded by Mr. Spotted Bear. Vote: 4 in favor, 2 opposed, 1 abstained. Carried.

(H. Other Business, continued.)

05. R#96-204-DSB, FBHA/TAT to Jointly Apply for USDHUD Public and Indian Housing Economic Development and Supportive Services Grant. Motion to approve made by Mr. Johnson, seconded by Mr. Fast Dog. Discussion by Mr. Fox that all expenditures that are a part of the Tribal Budget have to be approved by resolution. TAT would be committing \$90,000--\$30,000 each year over a 3-year period, plus the initial \$5000 for consultants, if the application is approved. Vote: 7 in favor. Carried. Note: A resolution for \$5,000 for the hiring of consultants to write the grant needs to be submitted.

06. 1996 Casino Audit. Motion by Mr. Hall to approve the 1996 Casino Audit prepared by Joseph Eve & Company, and to release to NIGC. Motion seconded by Mr. Fox. Vote: 6 in favor, Mr. Spotted Bear absent during vote. Carried.

07. R#96-205-DSB, NRD Temporary/Seasonal Hiring Policy. Motion to approve resolution which amends R#96-097-DSB, by adding Game & Fish and Buffalo Programs, was made by Mr. Hall, seconded by Mr. Johnson. Vote: 6 in favor, Mr. Fast Dog not present during vote. Carried. Discussion that this should have gone through the Natural Resources Committee before coming to full council.

08. R#96-206-DSB, Declaration of Disaster Area due to Shortage of Crops and Hay Supply. Resolution declares the five counties within the Fort Berthold Reservation boundaries as disaster areas to secure disaster relief for all eligible persons within the reservation. Motion to approve was made by Mr. Gillette, seconded by Mr. Johnson. Vote: 6 in favor, Mr. Fast Dog not present during vote. Carried.

09. R#96-207-DSB, G&F 1996-97 Proclamations for Pronghorn Antelope/Gun, Deer/Bow, and Deer/Gun. Motion to approve was made by Mr. Gillette, seconded by Mr. Hall. Vote: 6 in favor, Mr. Fast Dog not present during vote. Carried.

I. LEGAL DEPARTMENT MATTERS.

01. R#96-208-DSB, Leasing Allotted Lands for Oil & Gas Development. Resolution provides for BIA/Secretarial approval of oil and gas leases for tracts of mineral acres where those persons owning a majority of the mineral acres within the tract have executed the lease. Motion to approve made by Mr. Fast Dog, seconded by Mr. Hall. Discussion. Vote: 5 in favor, 1 abstained, Mr. Hall not present for vote.

02. Temporary MV & Traffic Safety Code Working Committee. Motion by Austin Gillette to name Tom Disselhorst, El Marie Conklin and Darryl Hall as the working committee on this code, and for them to bring it back to the Judiciary Committee. Seconded by Mr. Hall. Vote: 6 in favor, 1 abstained. Carried.

03. New Town/Little Shell Polling Place. Mr. Christopher D. Quale requested approval to hire two additional people to assist the election board committee at the New Town/Little Shell polling place

(I. Legal, 03. NT/LS Polling Place, continued.)

during the general election to maintain a little order and less confusion during the polling hours. The election board would appoint these two people. Motion to approve made by Mr. Johnson; seconded by Mr. Spotted Bear. Vote: 4 in favor, Mr. Hall and Mr. Fast Dog not present during vote. Carried.

04. Jury Panel Study. Motion to appoint El Marie Conklin to serve on a committee which is going to evaluate the selection/non-selection of Native Americans to serve on state court jury panels, in an attempt to increase Indian representation. Motion amended to include Diane Avery to serve as alternate member of this committee. Vote: 7 in favor. Carried.

Note: Meeting recessed at 4:45 p.m. Reconvened at 5:00 p.m.

J. PERSONNEL SELECTIONS & OTHER MATTERS.

01. Circle of Life Prevention Worker. Motion by Mr. Fast Dog, second by Mr. Johnson, to appoint Gilson Mandan to this position. Vote: 5 in favor, 2 abstained. Carried.

02. Temporary Police Officer, White Shield. Motion by Mr. Gillette, second by Mr. Johnson, to appoint Edmund White Bear, Jr. Vote: 6 in favor, 1 abstained. Carried.

03. Temporary Police Officer, Mandaree. Motion by Mr. Johnson, second by Mr. Fox, to appoint Connie White Bear, with Kathy Young Bear as alternate. Vote: 7 in favor. Carried.

04. Parshall Temporary Police Officer Position. Mr. Gillette made a motion, seconded by Mr. Hall, to authorize Councilman Fox to work in consultation with Captain Tex Fox on reviewing and selecting a person from Parshall. Vote: 7 in favor. Carried.

05. Temporary Police Officer, Four Bears. Motion by Mr. Hall, second by Mr. Gillette, to move Scott Baker on to the COPS/FAST Budget. Vote: 7 in favor. Carried.

06. Twin Buttes Temporary Police Officer Position. Motion by Mr. Fox that Mr. Spotted Bear be granted authority to work with Captain Tex Fox on reviewing and selecting a police officer for Twin Buttes, second by Mr. Gillette. Discussion. November 04 will be the starting date for the temporary police officers. Vote: 7 in favor. Carried.

07. Motion to Continue Advertising Remaining Temporary "Cops/Fast" Police Officer Positions (5). Mr. Hall made a motion to keep advertising for the other five police officer positions that remain to be filled. Mr. Fast Dog seconded. Vote: 7 in favor. Carried.

08. Temporary Tiny Tots Head Start Bus Driver. Motion by Mr. Hall to select Marlin Grundy, second by Mr. Johnson. Vote: 4 in favor, 3 abstained. Carried.

(J. Personnel, continued.)

09. Permanent Four Feathers Head Start Teacher Assistant and Teacher Aide. Motion by Mr. Fast Dog, second by Mr. Gillette to approve selection of Lujuanna Wilson as teacher assistant, with Janice Davis as alternate; and Diana Lewis as teacher aide, with Jonelle Halsey as alternate. Vote: 7 in favor. Carried.

10. Permanent Appointment of Child Protection Investigator. Motion by Mr. Hall, second by Mr. Fast Dog, to appoint Donald Mann as Child Protection Investigator for Social Services. Vote: 7 in favor. Carried.

11. Motion to Advertise BIA Custodian Position for Two Weeks. Motion by Mr. Fox that, based upon what occurred with advertising this position for only four days, that this position be readvertised for an additional two weeks. Second by Mr. Spotted Bear. Vote: 5 in favor, 1 opposed, 1 abstained. Carried.

12. Maxine Harrison Salary Adjustment Settlement. Mr. Gillette made a motion, seconded by Mr. Hall, that Ms. Harrison be paid at the rate of pay she was receiving when she was released, for a total amount of \$3,200. Vote: 6 in favor, 1 abstained. Carried.

13. Clarence O'Berry Made FTE. Motion by Mr. Fox to make Mr. O'Berry a full-time/permanent employee versus a consultant, and that 20 hours of his time be devoted to Mandaree Electronics and 20 hours be devoted to working with the Tribe on tribal projects. Second to motion made by Mr. Johnson. Discussion that Mr. Fox and Mr. Brendsel be authorized to negotiate with Mr. O'Berry on his salary. Vote: 7 in favor. Carried.

K. **NEXT MEETING.** Special Meeting, Wednesday, October 30, 10:00 a.m.

L. **ADJOURNMENT.** Motion to adjourn, Mr. Hall, second, Mr. Johnson. Vote: 7 in favor. Carried. Meeting adjourned at 5:25 p.m.

CERTIFICATION OF MINUTES

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 held on the 15th of November, 1996, whereupon the Regular Council Meeting Minutes of 10/10/96 were presented for approval by the Three Affiliated Tribes' Recording Secretary, and were duly approved by the affirmative vote of 5 members, with 2 newly-elected members abstaining. Minutes have not been amended, except as noted by council when approved.

10/10/96 minutes approved and certified 11/15/96.

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

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



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TRIBAL BUSINESS COUNCIL

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M E M O R A N D U M

TO: Finance Department,
Attn: Maria Kraft, Payroll Clerk


FROM: Marian Spotted Bear, Recording Secretary

DATE: October 24, 1996

SUBJ: Tribal Council Minutes Quote: Maxine Harrison

At a Regular scheduled Council Meeting on October 10, 1996 a Motion was made by Austin Gillette to make a salary adjustment for Maxine Harrison's settlement. The motion was seconded by Ed Hall, (6) six in favor (1) one abstained. Motion carried. Maxine will be paid at the rate of \$20.00 per hour for 160 hours.

A copy of the minutes will be provided to you, upon approval.



Marian Spotted Bear
Recording Secretary

cc: Personnel Office
Legal Dept.
File