



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

OCTOBER 31, 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 Thursday, October 31, 1996, for the purpose of completing unfinished business of the October 10th meeting, and to take care of special business that needed to be addressed. The meeting was called to order by Chairman Russell D. Mason, Sr., at 11:00 a.m. A moment of silent prayer was held for those families that are grieving, have family members in the hospital, and are experiencing personal hardships at this time.
- B. ROLL CALL.** Six members present, Mr. Johnson not attending. Quorum established.
- C. CHAIRMAN'S ANNOUNCEMENTS.** Chairman Mason and Councilmen Hall, Fox, and Spotted Bear attended the NCAI Conference in Phoenix, AZ, during the week of October 21-25. There were over 1500 people registered, and there were some very worthwhile work sessions, one of which was the Welfare Reform Workshop. Chairman Mason chaired an afternoon session of the General Assembly. Five members from the Parshall Youth Enhancement Program attended, and one of our tribal youth, Justin Deegan, Vice-President of UNITY, addressed the General Assembly of NCAI. The Tribe is very proud of these young men and women.

Administrative leave will be granted to all tribal employees on Election Day, beginning at 12:00 noon. Chairman Mason has been invited to Santa Fe, NM, November 5-6, to sit on a Kellogg Health Initiative Board, being presented by Macy College of Chicago, IL. All expenses paid. During this same time, he will also be meeting with the Pueblos and NM and AZ Tribes regarding recommendation for Assistant Secretary of Indian Affairs. Mandaree will be having an appreciation dinner for Ivan Johnson on November 9; administrative leave will be granted for Veterans' Day on November 11. Twin Buttes will have a Veterans' Dance on November 16.

For the record, Mr. Mason commented that this is the last meeting of this council; and, contrary to one of the councilmen stating publicly that the tribal council members are communists and dictators, there has been a lot of progress made. Mr. Mason said he was proud to be a part of this group. (Mr. Fast Dog left the chambers at 11:22 a.m., breaking quorum, as Mr. Gillette had been called out earlier.) Mr. Mason went on to say that the credibility of this council, nationally, is very pronounced and the financial condition of the Tribe is back on track. Mr. Gillette entered the chambers at 11:25, and the meeting was continued.

D. **APPROVAL OF AGENDA.** Motion was made by Mr. Fox to approve the agenda, with the addition of 13 items. Motion seconded by Mr. Hall. Vote: 5 in favor, Mr. Spotted Bear not present during vote, 1 absent. Carried.

E. **UNFINISHED BUSINESS.**

01. Legal Department Report and Recommendation on FBCC Board Non-Renewal of President's Contract. A letter had been received from the FBCC attorney stating that the appeal process had been completed. Mr. Thomas A. Disselhorst, TAT legal counsel, recommended that any further appeals go through tribal court-- since there is nothing in tribal law or the constitution, in the charter and by-laws of FBCC, or any other body of law that would be applicable, to allow an appeal directly to the TBC on a decision of a tribally-chartered corporate entity. Motion was made by Mr. Hall, seconded by Mr. Spotted Bear, to accept the TAT legal counsel's recommendation and that a letter be prepared for the chairman's signature. Discussion. Mr. Disselhorst recommended that an appeals body with a hearing officer be set up sometime in the future to address matters such as these. Vote on motion: 4 in favor, Mr. Fast Dog opposed, Mr. Fox abstained, Mr. Johnson absent. (Note: Roll call vote requested by Mr. Fox after vote.) Carried.

02. Roads Department.

a. R#96-209-DSB, Trade-in/Purchase of Three Motorgraders. Motion by Mr. Fast Dog to approve this resolution to cover the action that had been taken on October 10 by council. Motion seconded by Mr. Spotted Bear. Discussion. Vote: 6 in favor, 1 absent. Carried.

b. Motion to Approve Payment of 10 Working Days for Unauthorized Temporary Employment of Roads Worker. Motion was made by Mr. Fast Dog, seconded by Mr. Spotted Bear, to approve payment to Ronald White Owl for 10 working days, during the seasons first snow fall. Discussion by Mr. Fox as to how this appointment was made without proper authorization from full council, since the council has established rules, policies and procedures to abide by for all appointments. It was noted the Roads Committee had taken the action, since it was deemed an emergency. Chairman Mason noted, for the record, based on Mr. Spotted Bear's judgment, he would vote in favor. Vote: 5 in favor, Mr. Fox abstained, 1 absent.

NOTE: Mr. Fast Dog stepped out at 12:05 p.m.

(E. Unfinished Business, continued.)

03. R#96-210-DSB, TAT Cooperative Agreement w/NDDHS on "State Demand and Needs Assessment Study of Alcohol and Other Drugs". This survey is to be conducted state-wide, the agreement covers the Tribes' participation in the survey. Motion to approve resolution made by Mr. Gillette, seconded by Mr. Hall. Vote: 5 in favor, Mr. Fast Dog not present during vote, 1 absent. Carried.
04. R#96-211-DSB, \$2500 Consultant Services on Joint FBHA/TAT Economic Development Support Services Grant. (See minutes of 10/10/96.) Motion to approve, Mr. Fox; second, Mr. Spotted Bear. Vote: 5 in favor, Mr. Fast Dog not present during vote, 1 absent.

NOTE: Meeting recessed at 12:15 p.m. for lunch.
Reconvened at 1:45 p.m. Six members present.

05. Rex Mayer. Mr. Mayer addressed the council concerning his gaming license, once again, stating he had not received the letter of decision that had been promised him at the meeting of 10/10/96. Chairman Mason said the TAT legal counsel's claim that the letter of decision would be mailed to Mr. Mayer within a day or two of the last council meeting had been erroneous; however, they had advised now that the letter is in the mail and Mr. Mayer should have it by tomorrow.

F. SPECIAL BUSINESS.

01. Tom Demaray and Ken Danks, FBISBA Representatives. Funding assistance from the Tribe in the amount of \$7000 was requested for the 5th Annual All Indian Nations Basketball Classic in Bismarck. Mr. Fox made a motion to approve \$5000, seconded by Mr. Hall. Discussion. A financial statement showing use and justification of these funds was requested by the council, which Mr. Danks said they could provide. Mr. Danks, at this time, took the opportunity to discuss the need for the Tribe to contribute additional monies to the schools to assist them with taking a proactive approach to FAE/FAS in the schools. Chairman Mason said our education system needs to be improved in many areas, all of which need to be addressed; hopefully, they will be by this administration. Vote on motion: 5 in favor, Mr. Spotted Bear not present during vote, 1 absent. Carried.
02. Oil/Gas Agreement Report. Mr. Thomas A. Disselhorst, Staff Attorney, and Kyle Baker, Natural Resources Department, provided council with an update on the oil and gas agreement. Discussion by Mr. Gillette for Mr. Disselhorst to rewrite first paragraph regarding surface and minerals, surface damages, surface rental, and damage to roads. Mr. Disselhorst said he would reword this so it is clearly spelled out.

(F. Special Business, continued.)

03. R#96-212-DSB, Selection of General Manager for Casino. A letter of recommendation from the transition team (Chairman Mason, John Danks, David J. Brendsel, Mark Fox) strongly recommended the appointment of Mr. Roy Galyean, and submitted an employment agreement for approval. Motion for approval of selection and agreement was made by Mr. Fox, seconded by Mr. Hall. Discussion that a national search had been conducted, the team had screened 25 applicants, with background investigations being conducted on some of the top applicants. Mr. Galyean has very impressive credentials, along with having passed an intensive background investigation. A recruitment fee of \$27,000 will be paid to Executive Management Services. Council was assured that even though this is high, a consultant firm would have cost us a lot more. Vote: 4 in favor, 1 abstained, Mr. Fast Dog not present during vote, 1 absent. Carried.
04. R#96-213-DSB, Establishment of a Corporate Structure for the Casino. Resolution to create a board of directors to have management authority over the casino. Motion to approve resolution was made by Mr. Gillette, seconded by Mr. Hall. Discussion: Resolution may not be amended, rescinded, revoked, or otherwise be made ineffective in whole or in part by any action of the TBC or any individual member unless approved by 2/3 of council. If resolution is amended . . . without approval of 2/3 vote, any member of the board of directors of the tribal gaming enterprise or any tribal member may bring action in tribal court. Chairman Mason explained one of the purposes of the resolution is to set up a tribal corporate structure that is apolitical so that councils are less apt to become involved in the management of the company. Mr. Disselhorst explained a major reason for establishing a board of directors is simply that the council already has too much to do. Chairman Mason called for vote. Vote: 5 in favor, Mr. Fast Dog opposed, Mr. Johnson absent. Carried.
05. Motion #1 to Add to Agenda. Motion by Mr. Spotted Bear to add two resolutions to the agenda. Second by Mr. Hall. Vote: 5 in favor, Mr. Fast Dog not present for vote, 1 absent. Carried.
06. Motion #2 to Add to Agenda. Motion by Mr. Hall to add commodity staff to agenda. Second by Mr. Fox. Vote: 5 in favor, Mr. Fast Dog not present for vote, 1 absent. Carried.

NOTE: Meeting recessed at 3:10 p.m. Reconvened at 3:25 p.m.

G. PERSONNEL.

01. R#96-214-DSB, Clarifying Employment Status of Segment Employment Program Workers. Resolution presented by Christopher D. Quale, Supervising Attorney. (See minutes of 06/18/96, K.09.) Motion to approve, Mr. Gillette. Second, Mr. Hall. Vote: 6 in favor, 1 absent. Carried.
 02. R#96-215-DSB, Personnel Pay Classification Methodology. John Danks said there would be an overall increase of \$9,753 in salary expenses per pay period, after he and Florence Brady had reclassified the employee positions. Action on the Finance Department salaries will be deferred for 60 days to give them time to update their position descriptions. Mr. Danks said when the pay classification is approved, every employee will get a notice of increase or decrease and can appeal. Those employees with adverse impacts have 60 days in which to appeal. He and Mrs. Brady also said they had reviewed all of the salaries with the supervisors and had gotten their input. The Reservation Programs Officer was given 30 days to rewrite her position description, with a provisional rate of \$4 less than what she is presently making, until reviewed further. Motion by Mr. Fox to adopt and approve the pay classification resolution accepting the second option. (If salary is w/in 10% under salary determined, salary remains the same; if salary is over that determined, salary will be reduced and will be handled as an adverse action.) Motion seconded by Mr. Hall. Vote: 5 in favor, Mr. Fast Dog not present for vote, 1 absent. Carried.
 03. Motion for Permanent Status for Two Security Guards. Motion by Mr. Fox for Jimmy Rogers and Terry Lyson to be made full-time permanent employees. Motion seconded by Mr. Hall. Vote: 2 in favor, 2 opposed, 2 abstained, 1 absent. Motion Defeated. Discussion. These two security positions are to be advertised for two weeks, and then selection will be made.
- NOTE: For the record, Mr. Fast Dog left the meeting at 6:20 p.m. without any explanation.
04. R#96-216-DSB, 3% COLA For All Tribal Employees. Motion to approve, Mr. Hall, second by Mr. Fox. Vote: 5 in favor, 2 absent. Carried.
 05. Motion on Selection of Second CHR Position for Parshall. Motion by Mr. Fox to allow the chairman and himself to fill the second Parshall CHR position by reviewing the list of previous applicants as well as any others that may be eligible, and select someone for that position. The reason is that the person originally selected abandoned the position after three days. Second by Mr. Hall. Vote: 4 in favor, 1 opposed, 2 absent. Carried.

(G. Personnel, continued.)

06. Appointment of Temporary Small Loans Clerk. Motion by Mr. Fox, second by Mr. Hall to temporarily appoint Lori Cutler, FBCC student, for two weeks as clerical assistant for the small loans program at minimum wage. Vote: 5 in favor, 2 absent. Carried.
07. Appointment of Temporary Roads Operator for White Shield. Motion by Mr. Gillette, second by Mr. Hall, to appoint Eugene White III as temporary roads operator in WS. Discussion. Salary will be the same as Mandaree and TB operators being paid for by tribe. Vote: 5 in favor, 2 absent. Carried.
08. Appointment of Two Temporary Substitutes at MHA Childrens' Day Care. Motion to approve selection of two temporary day care providers (Michelle Dillon and Sandy Fox) was made by Austin Gillette, seconded by Mr. Fox. Discussion. Positions are being advertised. Vote: 5 in favor, 2 absent. Carried.
09. New Selection for Cops/Fast Police Officer in WS. Motion by Austin Gillette to appoint Mr. Charles Wilkinson to this position, as Mr. Edmund White Bear, Jr., has declined and is going to accept an appointment with UNIBAND; and to appoint Howard Wilkinson to the second position when it is filled. Second by Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
(NOTE: During review of these minutes at the regular meeting of 11/15/96, Mr. Gillette stated Mr. White Bear Jr. would remain as the first Cops/Fast police officer in WS, and Mr. Howard Wilkinson, the second Cops/Fast police officer, with Mr. Charles Wilkinson, as alternate for either position.)

H. OTHER BUSINESS.

01. R#96-217-DSB, Fort Berthold Boxing Resolution. Motion to approve this resolution to grant \$3,000 to the established boxing organizations on Fort Berthold was made by Mr. Fox; seconded by Mr. Gillette. Discussion that Councilman Fox shall be responsible for administering this grant to the established organizations. Vote: 5 in favor, 2 absent. Carried.
02. R#96-218-DSB, Parshall Youth Enhancement Program Non-Profit Charter. Motion to approve, Mr. Fox; second, Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
03. Kathy Eagle, Graduate Grant. Motion to approve \$1000 graduate grant to Kathy Eagle made by Mr. Fox, seconded by Mr. Gillette. Vote: 5 in favor, 2 absent. Carried.
04. M. J. Gunderson, General Education Grant. Motion to approve \$500 general education grant for student was made by Mr. Fox, seconded

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(H. Other Business, continued.)

by Mr. Gillette. Discussion. Student is working toward masters degree in social work. 5 in favor, 2 absent. Carried.

05. R#96-219-DSB, Sonny Allan Hall Enrollment. Motion to approve, Mr. Gillette, second by Mr. Fox. Vote: 5 in favor, 2 absent. Carried.
 06. R#96-220-DSB, Range Unit Land Withdrawal Policy. Motion to approve, Mr. Gillette; second, Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
 07. R#96-221-DSB, Grazing Fee Use Plan. Use money for cost sharing for water development, boundary line fences, and assist in requests for emergency appraisals. Limited to \$3,500 per project. Motion to approve, Mr. Gillette; second, Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
 08. R#96-222-DSB, Rhondena Bruce Land Purchase. Motion to approve, Mr. Fox, second, Mr. Gillette. Vote: 5 in favor, 2 absent. Carried.
 09. R#96-223-DSB, Tribal Architect Preference. To provide special local Indian preference, consistent w/state scale, provided standard state a/e fees are met. Applies to enrolled members who are certified architects and who meet state requirements. Motion to approve by Mr. Gillette; second, Mr. Fox. Vote: 5 in favor, 2 absent. Carried.
 10. R#96-224-DSB, TB School Activity Driver. Motion to approve by Mr. Fox; second, Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
 11. Request for Transportation Funds for Elder to Return to Reservation (Aaron Driver). Motion to defer and look for other program monies that may be available was made by Mr. Fox, seconded by Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
 12. R#96-225-DSB, FY97 General Fund Budget and Revenues. It was noted the tribal council members will be taking a 5% reduction in salaries. This budget is from October 1, 1996, through September 30, 1997 (FY 1997). General Fund Budget and Revenues = \$6,627,988; \$6,578,732 expenditures, \$49,256 "elbow room". Motion to approve, Mr. spotted Bear, second, Mr. Hall. Vote: 5 in favor, 2 absent. Carried.
- I. NEXT MEETING. Regular meeting, November 14, 1996.
- J. ADJOURN. Motion to adjourn, Mr. Spotted Bear, second, Mr. Hall. Vote: 5 in favor, 2 absent. Carried. Adjourned at 8:00 p.m.

CERTIFICATION OF MINUTES

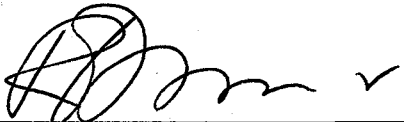
As Executive Secretary of the Tribal Business Council of the Mandan Hidatsa Arikara Nation, Three Affiliated Tribes of Fort Berthold Reservation, I hereby certify that the Tribal Business Council is composed of seven members, of whom five members constitute a quorum. 7 members were present at a Regular Meeting held on the 15th day of November 1996, whereupon the Special Council Meeting Minutes of 10/31/96 were presented for approval by the Three Affiliated Tribes' Recording Secretary.

Said minutes were duly approved by the affirmative vote of 5 members, with 2 newly-elected members abstaining. Said minutes have not been amended, except as noted by council when approved.

10/31/96 minutes approved and certified 11/15/96.

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

ATTEST:


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