



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

NOVEMBER 22, 1996

TRIBAL BUSINESS COUNCIL

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01. **CALL TO ORDER AND OPENING PRAYER.** A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was held on Friday, November 22, 1996, in the Tribal Council Chambers, for the purpose of completing deferred business from the regular meeting of November 14 and 15; and to review committee and board assignments. 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 in mourning.
02. **ROLL CALL.** All members were present, as follows: Chairman Russell D. Mason, Sr.; Thomas Bird Bear, New Town/Little Shell; Mark N. Fox, Parshall/Lucky Mound; Austin Gillette, White Shield; Edwin Hall, Four Bears; Tex G. Hall, Mandaree/Independence; Daylon Spotted Bear, Twin Buttes.
03. **CHAIRMAN'S ANNOUNCEMENTS.** Chairman Mason reported on the bridge meeting that was held in Bismarck, and thanked Councilmen Tex Hall and Spotted Bear for attending. Chairman Mason said local mayors, county commissioners, and ND Department of Transportation officials were in attendance at the bridge meeting, and good discussions were held. It is expected that a new bridge will cost approximately \$40 million. The TAT went on record to state that JTAC funds will not be used for this purpose.
04. **AGENDA APPROVAL.** Motion to approve agenda, with amendments and the addition of ten items, was made by Edwin Hall, seconded by Tex G. Hall. Vote: 5 in favor, Mr. Gillette and Mr. Bird Bear not present during vote. Carried.
05. **SPECIAL BUSINESS.**
 - a. **R#96-231-DSB, 1996 Elderly Assistance.** Represented by Adrian Foote, Sr., the Senior Citizens of Fort Berthold requested a Christmas payment of \$1000 this year. For purposes of discussion, Edwin Hall made a motion to approve, motion seconded by Tex G. Hall. Discussion: Treasurer Bird Bear indicated the Tribal Budget for 1996-97 tribal expenditures had been approved by the previous council on October 31, 1996, and the amount budgeted for elderly assistance was approximately \$400. He requested time to review the budget before any changes were made. Former Treasurer Mark N. Fox gave his word that this was a "do-able thing". Chairman Mason recommended that the motion and second be amended to "assist the senior citizens with \$500 now, and another \$500 in July 1997, contingent on the availability of funds, as determined by the Treasurer". Motion and second amended. Vote on amended motion: 6 in favor, 1 opposed. Carried.

(Meeting recessed at 12:35 p.m. for lunch; reconvened at 2:07 p.m.)

b. R#96-232-DSB, N/A Pregnant Women Health Study. Marilyn Yellow Bird Baker, UND Graduate Student, is working on her thesis for her masters program. Mrs. Baker requested she be allowed to conduct a health study on pregnant N/A women on the reservation for her thesis, and presented a resolution to this effect. After discussion, motion was made by Mr. Fox to approve Mrs. Baker's request. Motion was seconded by Mr. Bird Bear. Vote: 7 in favor. Motion carried.

06. **NOTICE OF SPECIAL MEETING.** A special meeting was decided to be held on December 04, 1996, to address TBC committee and board memberships and structures. The Reservation Pow Wow Committees' business was deferred to the special meeting also.

07. **NEW BUSINESS.**

a. Motion to Secure Labor for Completion of Four Bears CDBG Project. Motion by Mr. Fox, seconded by Tex G. Hall, to authorize Edwin Hall (as Administrator) to hire workers to complete the community building in Four Bears. The Community Development Block Grant funds will pay for this labor. Vote: 7 in favor. Motion carried.

b. Motion to Approve Grant to Antelope Society's 1997 Mid-Winter Pow Wow. Motion by Tex G. Hall to approve a grant of \$5000 for the Antelope Society Mid-Winter Pow Wow. Seconded by Edwin Hall. Discussion that this is a two-day event, therefore, additional monies are being requested. Motion and second amended to \$7000, contingent upon availability of funds, but not less than \$5000. Vote: 6 in favor, 1 opposed. Motion Carried. NOTE: Resolution is to be presented at the December 04 meeting.

c. Motion to Approve TAT Business License Application for Sharon L. White Bear, Minot, ND. Motion by Mr. Gillette, second by Mr. Fox, to approve a business license for Badlands Food and Catering service from now to the end of December 1997. Vote: 7 in favor. Carried.

d. Motion for Office Space for Councilmen. Motion by Edwin Hall, second by Tex G. Hall, for Councilman Fox to have office space in old education area. Motion and second amended to include councilmen Edwin Hall and Tex Hall to move into the education area also. Vote: 7 in favor. Motion carried.

e. R#96-233-DSB, MEC/TAT Waiver of Immunity from Lawsuit. Resolution is needed to allow MEC to apply for SBA 8(a) contracts. Waiver is required as part of federal regulations. Motion to approve, Tex G. Hall; second to motion, Mr. Gillette. Vote: 7 in favor. Carried.

(Break at 3:30 p.m. Reconvened at 3:55 p.m.)

08. LEGAL DEPARTMENT.

a. Deferred Action on John Deere Lease Agreement for Three Motorgraders. Ted Danks and Virgil Eagle are to get together and come back to the council at the December 04 meeting with a cost-effective proposal on this, i.e., whether to get motorgraders or trucks.

b. Approval of Segment Employment Program Workers' Acknowledgement Form. S/A Christopher D. Quale presented this form for approval, which is to be used by all councilmen when selecting their segment employees. Motion to approve, Mr. Fox; second, Edwin Hall. Vote: 6 in favor. Chairman Mason not present during vote. Carried.

c. Betty Jo Matthews and Tony Fairbanks TAT Business License Applications. Motion to approve Betty Jo Matthews' application for retail sale of tobacco products made by Edwin Hall; second, Mr. Fox. Motion and second amended for license to be effective through 12/31/97. Vote: 6 in favor. Mr. Mason not present during vote. Carried. Motion to defer business license application for Tony Fairbanks, Billings, MT, to 12/04/96 until further information regarding his business is provided to TBC was made by Mr. Fox. Second, Edwin Hall. Vote: 7 in favor. Carried.

d. Determination on Status of Current Community Maintenance Workers. S/A Quale advised that he felt it would be permissible for a TBC member to determine whether they want to lay off either one or both of the maintenance workers, for the purposes of reorganization. Chairman Mason requested a motion authorizing a councilman to propose to the full council that any of these maintenance individuals may be laid off for the purposes of reorganization, as were the Segment Employment Program workers. Motion made by Mr. Tex G. Hall, seconded by Mr. Bird Bear. After lengthy discussion, Chairman called for the vote, which was 3 in favor, 1 opposed, and 3 abstained. Roll call vote was requested by Mr. Gillette. Mr. Mason, Mr. Bird Bear, and Mr. Tex G. Hall - Aye; Mr. Gillette - Nay; Mr. Fox, Mr. Edwin Hall, and Mr. Spotted Bear - Abstain. Motion Carried.

09. OTHER BUSINESS.

a. R#96-234-DSB, Amendment to R#96-230-DSB on TAT/State Gaming Compact Escrow Account Signatory Agents. Council was informed by Carol Good Bear, Casino Liaison, that Lakeside State Bank said the names of the signatory agents needed to be put back into the resolution, and she was therefore requesting to amend R#96-230-DSB, which had been approved on 11/15/96. Motion to approve the amended resolution was made by Mr. Spotted Bear, seconded by Mr. Fox. Discussion on the bank making and/or dictating these type of demands to the Tribe. Vote: 7 in favor. Carried.

(09. Other Business, continued.)

b. R#96-235-DSB, Community Accountability to Council Representatives and/or Tribal Business Council. Resolution authorizes and directs each council representative to perform limited oversight of community expenditures of any docket, community development, and/or tribal funds received, and that the community shall submit a monthly statement to the council representative. (For the record: With the passing of this resolution, these requirements could be waived if the respective councilman so chooses.) Also, the community shall provide a line item budget to the TBC prior to receiving any future docket, community development, and/or tribal monies. Motion to approve made by Edwin Hall; second, Mr. Spotted Bear. Vote: 7 in favor. Carried.

c. R#96-236-DSB, Fort Berthold Lewis & Clark Bicentennial Celebration Committee. Motion to approve Calvin Grinnell, Marilyn Hudson, Phyllis Cross, Tillie Walker, and Celeste Witham as members of the Fort Berthold Lewis and Clark Bicentennial Committee was made by Tex G. Hall, seconded by Mr. Bird Bear. Vote: 7 in favor. Carried.

d. Mandaree Segment Representative Loan Requests for Three Constituents. Tex G. Hall requested a \$1000 loan for Monty Fredericks against his per capita funds to be received in January 1997. Mr. Hall was advised that the Tribe does not make loans against per capita monies. Mr. Hall also had a request for Andrea Lucio for an education loan against her per capita monies. He was advised that Ms. Lucio should consult the Small Loans Program. Mr. Kyle Mandan was also present to submit an education request for \$1300 to go to school at the University of Minnesota. He was advised that he could apply for \$500 through the Higher Education Office, Martha Hunter, showing an unmet need, and that he should get his paperwork to Martha with proof of enrollment, and a copy of his budget put together. Requirements are you must be a full-time student, enrolled member, showing an unmet need.

e. North Segment Community Budget for Tribal Grant of \$5000. Edwin Hall said he had a budget for the recent tribal grant of \$5000 and wished to have it approved. A motion was made by Mr. Gillette, seconded by Edwin Hall, to approve the North Segment Community Budget for the \$5000 grant. Redirect to minutes of 10/10/96, Item 09, page 2---only council representative needs to approve. Motion and second withdrawn.

f. \$500 Grant to Fort Berthold Cross Country Team. Mr. Fox said these students have been working with Jarrett Baker, and some kids from other segments qualified for a cross country event in Cleveland, OH, but chose not to go. They have raised \$800, and are requesting tribal grant of \$500. Motion to approve made by Mr. Gillette; second by Mr. Spotted Bear. Vote: 7 in favor. Carried.

(09. Other Business, continued.)

g. \$500 Grant to Each Segment for Development of Christmas Activities and Projects. Sherry Hall Adams submitted an annual request for a grant for "Operation Kids", a local Christmas fund drive to provide gifts for needy children in the New Town/Four Bears area. After discussion, a motion was made by Mr. Fox to provide \$500 this year to each segment for Christmas activities and projects. Motion seconded by Tex G. Hall. Vote: 7 in favor. Carried.

h. Dena Bruce \$500 request for additional medical assistance. Motion to approve, Mr. Gillette; second, Tex G. Hall. Vote: 7 in favor. Carried.

10. PERSONNEL.

a. Alcoholic Youth Counselor, Circle of Life Program. Motion by Edwin Hall, second, Mr. Fox, to appoint Cheryl Fox temporarily while position is being advertised. Vote: 7 in favor. Carried.

b. BIA Janitor. Motion by Tex G. Hall, second by Mr. Fox, to appoint Leroy Standish. Motion and second amended to include Keith Price as alternate. Vote: 7 in favor. Carried.

c. MR&I Right-of-Way Technician. Motion by Mr. Fox to approve Ed Fox, second by Edwin Hall. Discussion that Clement Packineau shall be the alternate. Vote: 7 in favor. Carried.

d. Clerk of District Court. Motion by Mr. Fox to appoint Lee Ann Fox, second by Edwin Hall. Vote: 3 in favor, 3 opposed, 1 abstained. Motion tied. Motion by Tex G. Hall, second by Edwin Hall, to appoint Karen Simmonds, based on her 4-year degree. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

e. Child Care Provider Substitutes (3). Motion by Edwin Hall, second by Tex G. Hall, to approve Beulah Chapin, Lynette Dillon, and Zandra Ziebart as substitute day care providers. Vote: 6 in favor, 1 abstained. Carried.

f. Temporary Twin Buttes CHR. Motion by Mr. Spotted Bear, second by Tex G. Hall, to appoint Ronald "Sammy" Little Owl as temporary CHR while Melissa Starr is on maternity leave. Vote: 7 in favor. Carried.

g. Clarification on Employment Status of Cops/Fast Police Officers. These police officer positions are permanent/full-time positions, but are temporary in that they will last for only three years, or as long as the Cops/Fast grant funds are in place. One half of these positions will be paid by the tribe.

11. **NEXT MEETING.** Special meeting, Wednesday, December 04, 1996.
12. **ADJOURN.** Motion to adjourn, Mr. Gillette. Second, Mr. Edwin Hall.
Meeting adjourned at 5:45 p.m.

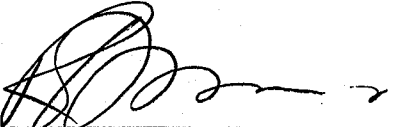
CERTIFICATION OF MINUTES

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. Seven members were present at a Regular Meeting held on the 18th day of December 1996, whereupon the Special Council Meeting Minutes of November 22, 1996, were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 7 members.

NOVEMBER 22, 1996, MINUTES APPROVED AND CERTIFIED.

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

ATTEST:



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