



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

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

## SPECIAL COUNCIL MEETING MINUTES

DECEMBER 04, 1996

TRIBAL BUSINESS COUNCIL  
701-627-4781  
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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 Wednesday, December 04, 1996, in the Tribal Council Chambers, for the purpose of business council committee selections and other special business. Meeting was called to order by Chairman Russell D. Mason, Sr., at 10:50 a.m. A special moment of silent prayer was held for John Fox, Jr., who recently suffered a massive stroke. Those present were asked to pray for John and his family members, and others who are having health problems, and those who are less fortunate.
02. **ROLL CALL.** Chairman Russell D. Mason, Sr., present; Councilman Tex G. Hall, present; Councilman Mark N. Fox, present; Vice Chairman Austin Gillette, present; Treasurer Thomas Bird Bear, present; Councilman Edwin Hall, present; Secretary Spotted Bear, present. All present.
03. **CHAIRMAN'S ANNOUNCEMENTS.** The Regular Tribal Business Council Meeting for the month of December has been rescheduled to Monday, December 16. A hearing on the Garrison Diversion will be held in Bismarck on December 19 at 9:00 a.m. Jesse Taken Alive, Standing Rock; and Chairman Mason will be on a panel to present a 5-minute summary presentation, and will also be able to submit a full written testimony. Mr. Spotted Bear will be meeting in Scottsdale, AZ, on new housing authority regulations during the week of December 09-13. Mr. Fox invited everyone to the Parshall Christmas activities on Thursday, December 19.
04. **APPROVAL OF AGENDA.** Motion to approve agenda, as amended (2 deletions and 8 additions) was made by Mr. Bird Bear, seconded by Mr. Hall. Vote: 6 in favor, 1 abstained. Motion carried.
05. **APPROVAL OF COMMITTEE STRUCTURE AND ASSIGNMENTS.**

Chairman Mason introduced Resolution No. 96-237-DSB to approve a new Tribal Business Council Committee Structure and Committee Organization Chart. The new committee structure shall consist of 4 committees, as follows: Executive/Administrative, Education/Employment, Human Resources, and Natural Resources. In addition to adoption of the new committee structure and members of committees, the resolution contains the following language:

". . . Committees shall serve to conduct comprehensive reviews of all matters presented to the respective committees at meetings thereof for the

NOTE: Mr. Tex Hall entered the meeting at 1:40 p.m.

Motion by Mr. Gillette to approve the list of "Other TBC Member Assignments", with the addition of Mark N. Fox and Edwin Hall delegated as representatives to the ND Indian Gaming Association. Second by Mr. Edwin Hall. Discussion: This is a listing of other assignments, appointments, delegations, and/or interests of the councilmen. It was noted that meetings concerning issues that affect the whole reservation shall remain open to all councilmen to attend. After discussion, motion and second were amended to approve the assignments and appointments, with the amendments that were made. Vote: 7 in favor. Carried.

Motion by Mr. Gillette to adopt the resolution for the TAT TBC Committee Organization Chart, with the corrections, exceptions, deletions, amendments, and other changes that were made. Second by Mr. Bird Bear. Vote: 7 in favor. Motion Carried. R#96-237-DSB.

**06. UNFINISHED BUSINESS.**

a. R#96-238-DSB for \$7000 Donation to Antelope Society. Motion by Mr. Tex Hall to approve resolution for \$7000 to Antelope Society for Annual Mid-Winter Pow Wow and Tail Feather Ceremony. Second by Mr. Bird Bear. Discussion on whether or not any fund-raising activities were held by the Antelope Society. Chairman Mason stated, in the future, he hoped council would insist that a certain portion of these dollars be raised by the grantee. Vote on motion: 4 in favor, 1 opposed, 2 abstained. Carried.

b. Discussion with Roads Director and Transportation Planner on whether to purchase motorgraders or trucks for roads maintenance. Mr. Virgil Eagle and Mr. Ted Danks are to present figures and a proposal to council again at the Regular Meeting scheduled for December 16.

c. Request for a Resolution to Accompany the Submittal of the FY97 Tribal Court Budget. Former treasurer Mark N. Fox stated this budget had not been included in the overall budget approval on 10/31/96, therefore, he was requesting formal approval at this time. Treasurer Bird Bear requested a resolution be submitted with the budget, as had been done with the other programs, and requested it be deferred to the 16th of December. So noted.

**07. LEGAL DEPARTMENT.**

a. Request to Establish Procedure for Tribal District Judge Selection. Mr. Christopher D. Quale requested council to advise him as to how they wished to proceed in the selection of a Tribal District Judge. It was decided the Executive Committee will review the applications on 12/06 (along with the Acting Tribal Court

(07. Legal Department, continued.)

Administrator and Mr. Quale) and will select the top four applicants who will be requested to appear for interviews before the full council. Personnel is also going to be asked to conduct a rating process on the applicants.

b. Motion on State Liquor License for the 4 Bears Casino & Lounge. Motion to approve 4 Bears Casino State Liquor License through June 1, 1997, and to approve the issuance of a Certificate of Good Standing for Fort Berthold Development Corporation was made by Mr. Spotted Bear, seconded by Mr. Fox. Vote: 6 in favor, Mr. Mason not present for vote. Carried.

c. Other Matters.

- (1) The Natural Resources Committee shall review the proposed oil and gas exploration agreement before it comes to full council.
- (2) The oral arguments on the A-1 Contractors case involving tribal court jurisdiction over non-Indians will be heard in the U. S. Supreme Court on Tuesday, January 7, 1997.
- (3) A motion to approve the extension of a consultant agreement for Thomas J. Gunderson as attorney representative for the Social Services Child Welfare Department at \$1,800 per month for a period of 6 months was made by Mr. Bird Bear, seconded by Mr. Spotted Bear. Discussion that funding will come from the Child Welfare Budget and the Legal Budget, Technical Services line item. Mr. Fox expressed his concern as to the number of attorneys being employed by the Tribe, i.e., in Washington, D. C.; Minneapolis, MN; NARF; Minot; Dickinson; and stated he had hoped the Legal Department would have been able to pick up the Child Welfare workload by this time, since the Legal Department had been provided with two additional attorneys. Vote on motion: 4 in favor, 2 opposed, 1 abstained. Carried.

d. Head Start Situation. Council was made aware of a grievance action being taken by Head Start employees. Mr. John Danks and Mrs. Florence Brady advised that it was the plan of the Education Director to meet with the Head Start staff. It was noted by council that the Tribal Programs Manager has a responsibility to detect these type of problems before they grow to this magnitude and have to go to full council, and that he should have better oversight of these programs. These problems should have been resolved, and it is his responsibility to resolve them. Council stated it should also be noted that the full council has taken action to adjust the salaries in Head Start.

**08. OTHER BUSINESS.**

NOTE: A closed session was requested at this time by the Tribal Treasurer, Mr. Bird Bear.

After discussion by Treasurer Bird Bear and Financial Advisor David Brendsel on the financial condition of the Tribes, the revised resolution for the elderly assistance payment was read by Chairman Mason to the council, whereupon Mr. Edwin Hall moved for approval, seconded by Mr. Tex Hall. It was noted the action in the resolution had already been voted on and approved. Motion and second withdrawn.

a. R#96-239-DSB to Approve 1997 Docket Fund Withdrawal and Distribution. Motion was made by Mr. Fox, seconded by Mr. Tex Hall, to approve the resolution for the 1997 docket funds withdrawal and distribution. Vote: 7 in favor. Carried.

NOTE: Meeting recessed at 3:40 p.m. and reconvened at 4:10 p.m.

b. 96-240-DSB to Approve Signators on Small Loans Program Funds Account. Motion by Mr. Fox, second by Mr. Bird Bear, to approve Tribal Treasurer, Tribal Chairman, Small Loans Director, and Financial Advisor as the four authorized signators for the Small Loans Program Funds Account at the Lakeside State Bank. (Note: Any two of these four are required to sign all checks.) Vote: 7 in favor. Carried.

c. R#96-241-DSB to Approve Expenditure for Phase 1 Environmental Site Assessment of Casino & Lodge. Motion to approve resolution authorizing the contracting of Heringer's Appraisal Service of Washburn, ND, to perform a Phase I Environmental Site Assessment on 4 Bears Casino & Lodge, NTE \$2400, was made by Mr. Fox, seconded by Mr. Gillette. Vote: 5 in favor, 1 opposed, Mr. Mason not present for vote. Carried.

d. R#96-242-DSB to Approve Appointment of Assistant to the Treasurer. Motion to approve resolution authorizing the Tribal Treasurer to appoint an assistant to the treasurer effective 12/04/96, to fulfill administrative duties in his office, was made by Mr. Bird Bear and seconded by Mr. Spotted Bear. Vote: 4 in favor, 1 opposed, 2 abstained. Carried.

e. Parshall Water Problems. Motion was made by Mr. Gillette to authorize Mr. Fox to identify the elders and the expenditures that will be involved for them to obtain bottled water during the water difficulty in Parshall. Second by Mr. Edwin Hall. Vote: 7 in favor.

f. R#96-243-DSB Disaster Relief/Emergency Feed. Motion to approve disaster relief/emergency feed resolution was made by Mr. Edwin Hall, second by Mr. Fox. Vote: 7 in favor. Carried.

(08. Other Business, continued.)

g. Mandaree Superintendent Position. Chairman Mason brought to the table the fact that Mr. Tex G. Hall was still serving as Superintendent of the Mandaree School. Mr. Hall explained that the Mandaree School Board has gone on record to approve him to be the superintendent on a part-time basis until January 10, during the transition period. Every day that he isn't there, he stated he takes leave. Explanation was accepted by council.

09. **NEXT MEETING.** Regular Meeting, Wednesday, December 18, 1996.

10. **ADJOURNMENT.** Motion to adjourn made by Mr. Edwin Hall, seconded by Mr. Fox. Meeting adjourned at 5:50 p.m.

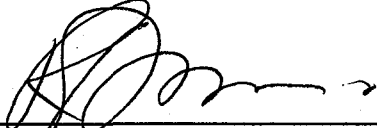
#### CERTIFICATION OF MINUTES

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 12/04/96 were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 7 members,

**DECEMBER 04, 1996, MINUTES APPROVED AND CERTIFIED.**

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

**ATTEST:**

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