

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

SPECIAL COUNCIL MEETING MINUTES

JUNE 23, 1997, 10:10 A.M

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

01. Call to Order, Prayer & Roll Call.

A Special Meeting of the Three Affiliated Tribes' Tribal Business Council was held on Monday, June 23, 1997, in the Tribal Council Chambers, for the purpose of completing unfinished business on MR&I funding, and other items. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:10 a.m. A moment of silent prayer was held. Chairman Mason requested a motion for acting secretary until the arrival of Daylon Spotted Bear. Motion was made by Mark Fox and seconded by Tex Hall to appoint Edwin Hall as acting secretary. Acting Secretary Hall took roll call. Those present were Chairman Mason, Vice Chairman Austin Gillette, Treasurer Mark Fox, North Segment representative Thomas Bird Bear, Western Segment representative Tex Hall, and Four Bears representative Edwin Hall. South Segment representative Daylon Spotted Bear joined the meeting at 11:25 a.m.

02. Announcements. Chairman Mason said he attended the meeting in Minneapolis with the Solicitor and Bureau of Indian Affairs officials on the oil agreement. Thomas Bird Bear said he would like to have received notice of this meeting and should have been extended the opportunity to attend. Mr. Fox said he would like to get the people involved in this decision, either by petition or referendum vote. Mr. Fox said two Indians had been elected to the Parshall School Board last week--Jason Two Crow and Karen Stevens. Mr. Fox was congratulated and complimented by the council for his work and involvement in attaining this goal. Thomas Bird Bear said community elections had been held in the North Segment. New officers are: President, Scott Eagle; Vice President, Jerry Nagel; Treasurer, Leo Cummings; Secretary, El Marie Conklin.

03. Approval of Agenda. Motion to approve agenda, with the addition of two items, was made by Tex Hall, seconded by Edwin Hall. Vote: 6 in favor, 1 absent. Motion carried.

04. Fort Berthold Agency Superintendent.

a. BIA Reorganization. Superintendent Adeline Brunsell reported on local BIA reorganization plans. Superintendent Brunsell was requested to follow this up with a letter to the Tribe. Chairman Mason will then write a letter to the Aberdeen Area regarding additional funding at the agency level.

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- b. Tribal Shares Meeting. Superintendent Brunsell said she had attended a tribal shares meeting. A local meeting will be scheduled for June 27. Chairman Mason said our Tribe has never received any tribal shares.
- c. TAT/Alenco Oil Agreement Meeting. Superintendent Brunsell said she could not personally approve of the Tribes' oil agreement, because of some of the provisions in the agreement. The Tribe can appeal her decision to the Assistant Secretary of Indian Affairs.
- d. Loiterers. Superintendent Brunsell requested to work with some of the tribal programs in an attempt to address the problem of loiterers in the City of New Town. She stated that the tribal code on loitering needs to be updated. She was advised to set up a meeting on this.
- e. Motion by Austin Gillette, seconded by Tex Hall, to direct the chairman and superintendent to address the increased need in funding at the agency level, the cutbacks at our reservation, and the fact that our Tribe has to go through Turtle Mountain for its education funding, all of which can be endorsed by a resolution and pursue it. Vote: 7 in favor. Motion carried.

Break was taken at 11:30 a.m. Reconvened at 11:50 a.m.

- 05. **R97-149. Beaver Creek Associates.** Dale Little Soldier presented a resolution to allow him to seek financing and continue to develop a plan/proposal for developing gaming and recreation in the Beaver Creek area. He will bring back the finance packages to the Tribal Business Council. He has talked to approximately three finance companies, to date. If this proposal goes through, it would mean approximately 100 jobs for enrolled members. Discussion that gaming cannot be conducted on allotted land, and the location must be on tribal land. After discussion, a motion was made by Tex Hall, seconded by Edwin Hall, to approve the resolution to develop a complete plan or proposal for approval of the council. Discussion. Mr. Fox wanted it understood that neither Dale Little Soldier nor Beaver Creek and Associates have any financial interest for fees and/or payments. Mr. Little Soldier said he would not be receiving anything. Mr. Little Soldier was requested to keep Treasurer Fox and Financial Advisor Dave Brendsel informed on this. Vote: 6 in favor, 1 opposed. Motion carried.
- 06. **MR&I Funding Plan.** Financial Advisor David Brendsel presented the council with two funding options to complete Phase I. If the Tribe would dedicate funds from the general revenues of the Tribe (create a line item in the distribution plan) and pay for it in the month of November, we could save about 4 million in financing. Capitol City would hold our bid until mid-November, at which time we could pay; or, wait until April 1, 1998, to restart the project and decide how to fund it. This could result in a 3% increase in cost, or around \$72,000. Motion was made by Edwin Hall, seconded by Daylon Spotted

Bear, to go forward with the MR&I water treatment plants for Four Bears and Twin Buttes in July 1997. Discussion that this would be an agreement between TAT and Capitol City Construction and we would start making payments at the end of November, based on general obligations. Staff Attorney Thomas M. Disselhorst was instructed to develop a resolution and bring it back today. Edwin Hall amended his motion to include the following: Bring a draft agreement between TAT/CCC back to council; include the funding obligation of the tribe in the resolution; include in resolution that we will seek reimbursement from Bureau of Reclamation. Vote on motion: 7 in favor.

Break taken at 1:10 p.m. for lunch. Reconvened at 2:30 p.m. Mark Fox rejoined the meeting at 3:20 p.m.

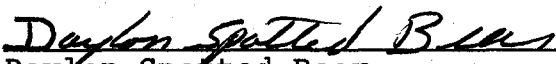
07. **97-150. FBCC Shortfall.** Community College President Alyce Spotted Bear informed the council that the college had overspent \$98,000 in 1995, and had been operating under a budget shortfall since then. (Note: This is prior to Ms. Spotted Bear becoming president.) She and John Danks, FBCC board member, advised council of changes being made to ensure this does not happen again, such as attempts to save on operating expenses, and requiring the departments to follow their budgets. Additionally, Reba White Shirt has been hired as Executive Development Officer, and it is anticipated she will contribute substantially to the fundraising efforts of the college. Motion by Daylon Spotted Bear, seconded by Austin Gillette, to approve a resolution for the Tribe to assist the college with seeking financing to continue FY97 operations, and to present a funding plan to the council by July 7. Vote: 6 in favor, Mr. Fox not present during vote. Motion carried.
08. **Alan Smith Loan Request.** It was determined that Mr. Smith owes money for housing, which would not make him eligible for a loan. He would have to get approval that he is eligible for a loan from the Credit Officer. Discussion that the Executive Committee has determined to follow the existing Small Loan procedures. All loan requests will be referred to the Credit Office for screening. The results of this action will be provided to the councilman and treasurer. This should determine whether the request should be placed on the Tribal Business Council agenda.
09. **Quentin Stands Alone Request.** Councilman Bird Bear said Mr. Stands Alone had requested assistance in repairing his roof. He has the materials, but lacks the labor. Discussion that he could be eligible for FEMA assistance, and representatives will be here on Thursday. Mr. Bird Bear will refer this request to the Youth Build workers.
- Note: Thomas Bird Bear left the meeting at 3:15 p.m.
10. **Special Request, Delilah Yellow Bird.** Closed session.

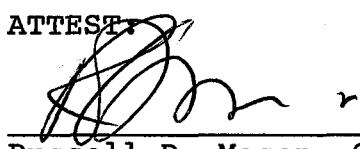
11. **R97-151. Worker's Compensation for Tribal and Tribal Enterprise Employees.** Motion by Mark Fox, seconded by Austin Gillette, to approve this resolution which would authorize Finance/Legal/Personnel and casino management staff to seek proposals for worker's compensation coverage for tribal and tribal enterprise employees. Vote: 6 in favor, 1 absent. Motion carried.
12. **R97-152. White Shield School LCM Claim Resolution.** Motion by Austin Gillette, seconded by Tex Hall, to add to agenda. Vote: 6 in favor, 1 absent. Carried. Motion to approve resolution made by Austin Gillette, seconded by Tex Hall. Discussion that this is being viewed as a "moral obligation" claim. Vote: 6 in favor, 1 absent. Carried.
13. **Addition to Agenda.** Motion to add H.R. 3 to agenda was made by Tex Hall, seconded by Edwin Hall. Vote: 6 in favor, 1 absent. Carried. Discussion. H.R. 3 is a juvenile justice crime bill that lacks the provision for tribal input to determine whether juveniles will be tried as adults or juveniles. According to our Washington attorneys and Staff Attorney Disselhorst, the bill will have a disproportionate impact on Indian juveniles. Tex Hall made a motion, seconded by Mark Fox, to oppose the lack of this provision in the bill, and to direct the chairman to send a letter to object to the lack of this provision. Vote: 6 in favor, 1 absent. Carried.
14. **Animal Control. Assignment of Van and Approval of Part-Time Warden.** Motion to approve the use of the Tribes' blue Chevrolet van for retrieving animals was made by Edwin Hall, seconded by Tex Hall. Vote: 5 in favor, Mr. Gillette not present during vote, 1 absent. Carried. Motion to approve S/A Quale to negotiate a temporary part-time consultant agreement with Ray Wallace for retrieval of animals in emergency situations was made by Tex Hall, seconded by Edwin Hall. Discussion. Mr. Quale said Legal is not ready to fully implement this program yet. The services of Mr. Wallace will be used in the interim. Vote: 5 in favor, Mr. Gillette not present during vote, 1 absent. Carried.
15. **Attorney Contract for Christopher D. Quale.** Supervising Attorney Quale said his contract is due to expire July 31. Motion to delegate his attorney contract negotiations to the members of the Executive Committee was made by Edwin Hall and seconded by Tex Hall. Vote: 5 in favor, Mr. Gillette not present during vote, 1 absent. Carried.
16. **Addition to Agenda.** Motion to add CopsFast position at Mandaree to agenda was made by Tex Hall and seconded by Edwin Hall. Vote: 5 in favor, Mr. Gillette not present during vote, 1 absent. Carried.
17. **R97-153. Domestic Violence Special Prosecutor.** Domestic Violence has received a DOJ "Stop Violence Against Women" Grant of \$19,200. Authority has been requested to select a part-time special prosecutor to assist in the prosecution of domestic violence-related cases. The term of the grant is 7-1/97 to 6-30/98. Motion to approve, Mark Fox. Second, Edwin Hall. Vote: 4 in favor, 2 opposed, 1 absent. Carried.

18. **Mandaree CopsFast Position.** Motion by Tex Hall, second by Austin Gillette, to hire Roger Standish to the Cops Fast position in Mandaree. Vote: 4 in favor, 1 opposed, 1 abstained, 1 absent.
19. **COLA Inquiry.** Personnel Director said she had received inquiries about COLA for all employees. Discussion that some grants and contracts automatically provide for COLA each year. If the funds are included in the grants and contracts, then it is allowable. Personnel Director instructed to meet with Tribal Programs Analyst and Comptroller on this.
20. **BIA Maintenance Position.** Motion to terminate employee currently in this position, based on recommendation of supervisor and abandonment of job, was made by Edwin Hall, seconded by Mark Fox. Vote: 5 in favor, 1 abstained, 1 absent. Motion by Austin Gillette, seconded by Mark Fox, to appoint Ty Hall temporarily to this position until the position is advertised and selected. Vote: 6 in favor, 1 absent. Carried. (Break taken at 4:30 p.m. Reconvened at 4:40 p.m.)
21. **97-154 to Complete Phase I Construction of MR&I.** Resolution approves 2.8 million from general fund to complete remaining work in Four Bears and Twin Buttes. Capital City Construction will finance until Tribe is able to make first payment. Bureau of Reclamation will assist Tribe in a request for recovery of funds. Motion to approve, Edwin Hall; second, Austin Gillette. Vote: 5 in favor, Mr. Fox not present during vote, 1 absent. Carried.
22. **Temporary Workers for Mandaree Intake Road.** Motion by Tex Hall, second by Austin Gillette, to authorize the temporary hire of three workers for the MR&I intake road at Mandaree. Discussion that selections will be reviewed with the Natural Resources Committee. Vote: 5 in favor, Mr. Fox not present during vote, 1 absent. Carried.
23. **Next Meeting.** Thursday, July 10, 1997, 10:00 a.m.
24. **Motion to Adjourn.** Motion to adjourn made by Tex Hall, seconded by Edwin Hall. Vote: 6 in favor, 1 absent. Meeting adjourned at 4:45 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. Five (5) members were present at a Special Meeting held on the 21st day of July 1997, whereupon the Special Council Meeting Minutes of June 23, 1997, were presented for approval by the Three Affiliated Tribes' Recorder. Said minutes were duly approved by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members absent.

ATTEST:


Daylon Spotted Bear
Executive Secretary/TAT


Russell D. Mason, Sr., Chairman
Mandan Hidatsa Arikara Nation