

DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.



TRIBAL BUSINESS COUNCIL MEETING NO. 12

REGULAR MEETING

(RECONVENED FROM JUNE 18, 1998)

DATE: JUNE 24, 1998 TIME: 9:00 AM

01. Call to Order, Prayer & Roll Call.

A Regular Meeting of the Three Affiliated Tribes' Tribal Business Council was reconvened from June 18, 1998 and held on Wednesday, June 24, 1998, in the Tribal Council Chambers. The meeting was called to order by Chairman Russell D. Mason, Sr., at 10:45 am. Present were Chairman Russell Mason, Vice Chairman Austin Gillette, Secretary Daylon Spotted Bear, Treasurer Mark Fox, and Councilmen Edwin Hall, Tex Hall, and Thomas Bird Bear.

02. Announcements.

The council members reviewed and shared their itineraries and scheduled meetings. The July 1998 Regular Tribal Council Meeting was moved up to July 6, 1998. In an effort to complete unfinished business and to review all tribal programs, Special Tribal Business Council Meetings were scheduled from July 20, 1998 through July 24, 1998 and from July 27, 1998 through July 31, 1998.

03. Approval of Agenda.

Motion to approve the agenda with additions and changes in order of business was made by Tex Hall and seconded by Edward Hall. Vote: 7 in favor. Agenda approved.

04. Law Enforcement and Judicial.

BIA Law Enforcement Officers and the BIA Superintendent met with the Tribal Business Council to review thirteen items entitled Juvenile Crime & Other Issues which BIA Law Enforcement wants added to the criminal code. Discussion related to concerns with outdated criminal codes. Motion made by Austin Gillette to authorize Law Enforcement to work with Tribal Court and the Legal Department to draft an amendment to the criminal code which adds items 3 and 4 of the Juvenile Crime & other Issues list referring to (3) Discharge of Firearms, and (4) Discharge of Air Guns & BB Guns. Second by Ed Hall. Vote: 7 in favor. Motion carried.

The following items of the Juvenile Crime & Other Issues list were further reviewed and acted on by the Tribal Business Council as noted:

05. Crime Stoppers Program – Law Enforcement and Tribal Court will draft a program for the Legal Department's review;
06. Cross-Deputization with counties – to be finalized by the Legal Department;
07. Motor Vehicle Code – Judicial Committee will act on this on 6/25/98;
08. Permitting Unauthorized Minor to Drive – Judicial Committee will act on this item 6/25/98;
09. Rule No. 5 relating to arrest procedures will be updated by the Legal Department;
01. Placement Issue: Juveniles must be processed through Social Services instead of directly through Tribal Court – Project HOPE is drafting a project which includes only \$5,000 through August, 1998 which does not meet the costs of \$180 per day per child. Law Enforcement will draft a needs statement which Mr. Mason will present at the Washington, DC meeting the first week in July.

For the record, Councilman Mark Fox stated that a detention center is important to retain juveniles rather than jailing them as adults. He stated that a detention center would deter criminal action by juveniles as statistically proven and curtail future problems that lead to serious crimes.

Law Enforcement officials supported the concept of a detention center and stated that rather than just putting children in jail, a detention center would assist in the correction of behavior before it became criminal in nature.

Councilmen agreed that a detention center is a need and that a resolution will be developed to commit-to-plan for a facility. Councilmen also agreed that parents should be held legally liable for the behavior of their children until their children are at least 16 years old and court action will involve parents as well as their children.

BREAK: 1:00 PM
RECONVENE: 2:00 PM

11. Vance Gillette will follow up on Conrad's 06/03/98 statement regarding courts in Western North Dakota not being fair. Mr. Gillette will draft a letter for Mr. Mason to present at the Washington, DC meeting the first week in July.
12. New Town & Mandaree schools are requesting liaison positions at their schools – Tex Fox and Elmer Four Dance will draft a proposal for two uniformed school liaison positions to be funded by Central Office;
13. Two GREAT positions offered to Bureau to deal with youth violence – Tex Fox and Elmer Four Dance will draft a proposal for these two positions to be funded by Central Office.
10. Buy-back Program for Guns – Captain Fox will present the proposed program to the Legal Department for review and the Tribal Business Council will provide Captain Fox with a letter of support for the program;

02. Court Budget needs date of supervision of budget to be transferred to Ed Lone Fight, Tribal Programs Manager – Ed Lone Fight will process requests as it is a mature PL 93-638 Contract and the administrator (Ed Lone Fight) can request budget modifications. The court will present a formal budget to the Tribal Business Council on 7/6/98.

05. Fort Berthold Housing Authority Plan & Budget NAHSDA

Fort Berthold Housing Authority staff presented the Native American Housing Assistance and Self Determination Act (NAHASDA) one- and 5-year grant/plan and Resolution to the Tribal Business Council. Motion by Ed Hall to pass the resolution to approve Fort Berthold Housing Authority's one- and five-year plan and add to the resolution the statement that the Tribal Business Council of the Three Affiliated Tribes reserves the right to modify the one- and five-year plan as they deem necessary. Second, Mark Fox. Vote: 7 in favor. Motion carried.

06. Agenda Item Add-on: Johanna White Bear

Motion by Mark Fox to add Johanna White Bear to the agenda. Second by Ed Hall. Vote: 7 in favor. Motion carried.

Motion by Mark Fox to grant Royce Irwin a \$500 educational grant as he received only \$500 when the rate was \$1000. Second, Ed Hall. Vote: 6 in favor, 1 absent. Motion carried.

07. Agenda Item Add-on: Scott Eagle, North Segment Community Center

Motion by Tom Bird Bear to move Item 27c. North Segment Community Center to Item 7. Second by Mark Fox. Vote: 6 in favor, 1 absent. Motion carried.

Scott Eagle and El Marie Conklin informed the Tribal Business Council that Mike Cross, CDGB Grant Writer, and the North Segment Community Board requests start-up capital to plan, design, and complete the North Segment Community District's Facilities Master Plan for the CDGB. Motion by Tom Bird Bear to approve the resolution in which the Tribal Business Council authorizes an allocation of \$20,000 from the Tribal General Fund for the community funding needs of the North Segment District Community to plan, develop and leverage outside funding to finance the proposed plans for the North Segment Facilities Master Plan development. Second, Tex Hall. Vote: 6 in favor, 1 abstained. Motion carried.

08. West Segment Development Corporation

Councilman Tex Hall briefed the Tribal Business Council on the West Segment Development Corporation's strategic plans and goals to improve the economic and social well being of the residents of the West Segment by developing Indian owned and

reservation based economic enterprises relating to information technology, which requires financial assistance in the amount of \$150,000 to complete the joint venture agreements. Motion by Tex Hall to approve the resolution requesting the Three Affiliated Tribes to grant \$150,000 to WSDC to cover initial costs of forming strategic alliance with a successful information technology business partner and where the Tribe further commits to issuing a general loan guarantee on behalf of WSDC in the amount of \$300,000 and where the Tribe directs all Tribal Programs and projects with resources that would benefit and assist WSDC efforts. Second by Ed Hall. Vote: 2 in favor, 3 opposed, 2 abstained. Motion failed.

The Tribal Business Council agreed that this issue be brought back before the Council on July 6, 1998 and that the individual consultants who form the joint venture agreements meet with the Tribal Business Council prior to the granting of financial assistance.

09. Agenda Revision: George Lewis

Motion by Tom Bird Bear to move George Lewis from agenda item 26 to agenda item 9. Second by Ed Hall. Vote: 6 in favor, 1 absent. Motion carried.

Chairman Mason recommended that the Council draft a resolution to support the Lewis request for \$1,500 for home repairs and include that Fort Berthold Housing Authority seek funds to reimburse the Tribe.

Motion by Mark Fox to modify the HIP contract to include \$1,500 for George Lewis' request for home repairs and renovation. Second by Austin Gillette. Vote: 7 in favor. Motion carried.

10. Segment Charter

Motion by Tom Bird Bear to have the Legal Department draft a resolution to have segment charters updated to be in line with the Tribes' charter. Second by Ed Hall. Vote: 6 in favor, 1 absent. Motion carried.

11. FBHA Appointment

Motion by Daylon Spotted Bear to approve a resolution to appoint Cynthia Danks to the Fort Berthold Housing Authority Board for the Twin Buttes segment. Second by Ed Hall. Vote: 6 in favor, 1 abstained. Motion carried.

12. TERO Board Appointment

Motion by Tex Hall to approve a resolution to appoint James Hale to the TERO Board. Second by Tom Bird Bear. Vote: 7 in favor. Motion carried.

13. COPS FAST Position

Motion by Tex Hall to hire Francis White of Mandaree and Todd Maquino of Four Bears to fill two positions with the COPS FAST program. Second by Ed Hall. Vote: 6 in favor, 1 abstained. Motion carried.

14. Segment Employee – Twin Buttes

Motion by Daylon Spotted Bear to hire Hank Starr to fill Maintenance position at the Twin Buttes Tribal Office. Second by Mark Fox. Vote: 7 in favor. Motion carried.

15. Leo Cummings, Welfare Reform Update

Motion by Tex Hall to approve the Welfare Reform resolution and that Leo Cummings will consult with Social services Director and the Tribe regarding further Welfare Reform issues. Second by Mark Fox. Vote: 6 in favor, 1 opposed. Motion carried.

16. Community Center

Tex Hall discussed with the Tribal Business Council the status of the Four Bears Community Center CDBG funding situation. Mark Fox informed Tex Hall that the Tribe now has funds available to complete the CDGB projects and has scheduled a meeting with Frank Henry, Tribal Finance, to discuss the details for payments.

17. Marial Fox: Requests assistance from the Tribe for university housing rent that was incurred while the student was hospitalized and unable to move furniture from apartment. Mr. Mason will contact the university housing office and request a detail of the expenses and request a partial write-off based on extenuating circumstances and bring this issue back to the council for consideration of assisting in payment of the balance.

18. Kathryn Ramero Yellow Wolf: The Tribal Business Council approved a grant of \$300 to assist with emergency medical home health care needs.

19. White Shield Celebration and Other Celebration Committees

Motion by Austin Gillette to pass a resolution approving \$15,000 for the 1998 Celebration Committees for Twin Buttes, White Shield, Mandaree, Parshall and Four Bears. Discussion: The 1997 resolution will be rescinded which approved \$12,000 to each celebration committee. Second by Tex Hall. Vote: 6 in favor, 1 opposed. Motion carried.

20. Peggy Pfeifer: Requests financial assistance for funeral expenses for her son who was not an enrolled member although she is enrolled. Motion by Daylon Spotted to approve a \$500 grant to defray funeral expenses and allow immediate relatives to make a

small loan to defray funeral expenses. Second by Austin Gillette. Vote: 7 in favor. Motion carried.

21. Personnel: Selections, Resolutions, Summer Intern

Job Readiness Technician: Motion by Mark Fox to hire Tammy Hall in the position of Job Readiness Technician, 477 Program. Second by Ed Hall. Vote: 2 in favor, 3 opposed, 1 abstained, 1 absent. Motion failed.

Motion by Tom Bird Bear to hire Don Rush as Job Readiness Technician, 477 Program. Second by Austin Gillette. Vote: 4 in favor, 2 abstained. Motion carried.

Addiction Counselor: Motion by Tom Bird Bear to hire Orville Mandan in the position of Addiction Counselor for the Circle of Life Program. Second by Mark Fox. Vote: 7 in favor. Motion carried.

Water Technician – Twin Buttes: Motion by Daylon Spotted Bear to hire Lester Crows Heart in the position of Water Technician in the Twin Buttes Community. Second by Austin Gillette. Vote: 6 in favor, 1 abstained. Motion carried.

Resolution – SPD: Motion by Daylon Spotted Bear to pass the resolution to approve employment of single parents with dependents. Second by Tex Hall. Vote: 7 in favor. Motion carried.

Temporary Appointment: Motion by Austin Gillette to approve temporary appoint of Leo Lockwood. Second by Mark Fox. Vote: 7 in favor. Motion carried.

Summer Interns: Mark Fox recommended that each councilman review the pool of applicants from Personnel for their respective segments and select or appoint a summer intern.

Recording Secretary - TBC: Motion by Mark Fox to hire Marlien Mossett Gillette as the Recording Secretary for the Tribal Business Council. Second by Daylon Spotted Bear. Vote: 5 in favor, 2 abstained. Motion carried.

22. Elroy Yellow Bird – financial request: Motion by Tom Bird Bear to assist Elroy Yellow Bird with house moving expenses in the amount of \$1,000. Second by Tex Hall. Vote: 3 in favor, 2 opposed, 1 absent. Motion carried. (Motion Rescinded).

Motion by Austin Gillette to rescind the previous motion and to further clarify that the Tribal Business Council will approve a \$1,000 loan, not a grant, to Elroy Yellow Bird to move his house. Second by Daylon Spotted Bear. Vote: 4 in favor, 3 opposed. Motion carried.

23. Legal Department: Tribal Code Revision, Rule 5 & 6 of Rules of Criminal Procedures: The Legal Department discussed Rule 5, relating to arrest procedures, and Rule 6, relating to Miranda type warnings, of the Rules of Criminal Procedure applicable on Fort Berthold. Motion by Mark Fox to refer to the Judicial Committee for further review of alternative options. Second by Tex Hall. Vote: 7 in favor. Motion carried.

24. Commodity Coolers

Motion by Ed Hall for approval of resolution for commodity coolers to retain fresh produce for \$20,000 to come from the Tribal budget. Second by Tex Hall. Discussion: Mark Fox inquired whether or not the Tribe can require the federal funding agency to pay for coolers so the Tribes can get fresh produce. Moved by Ed Hall to amend the motion that in the future, if funds are available through federal programs, the Tribe will apply for the funds. Second by Tex Hall. Vote: 3 in favor, 3 opposed, 1 abstained. Motion failed.

25. Credit Issue – Services to Guaranteed Loan Program

Ed Hall moved to approve the Credit Issue resolution for local area approval for BIA guaranteed loans up to \$250,000. Second by Tex Hall. Discussion: Mark Fox recommended that the language be modified to read ‘...what is permissible by law’ so the Tribe does not limit the loan amount to \$250,000. Vote: 7 in favor. Motion carried.

Motion by Ed Hall to approve a resolution allowing Dennis Huber to provide assistance to the Tribe for \$20,000 as a Service Clearing House for all Fort Berthold loans. Second by Tex Hall. Vote: 3 in favor, 4 opposed. Motion failed.

25. Carlisle Wells Memorial

Motion by Mark Fox to add to the agenda a financial request for the Carlisle Wells Memorial. Second by Tex Hall. Vote: 6 in favor, 1 abstained. Motion carried.

Motion by Mark Fox to grant an additional \$500, for a total of \$1000, for the Carlisle Wells memorial tournament. Second by Tex Hall. Vote: 3 in favor, 1 opposed, 3 abstained. Motion carried.

26. Adjournment

Motion by Tex Hall to adjourn the Tribal Business Council meeting at 8:05 PM. Second by Daylon Spotted Bear. Vote: 6 in favor, 1 opposed. Motion carried.

CERTIFICATION OF MINUTES

I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum. Seven members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 1998, whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

Said minutes were duly approved by the affirmative vote of 7 members, and have not been amended in any way, except as noted by council when approved.

Dated this _____ day of _____, 1998.

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

ATTEST:

Russell D. Mason, Sr., Chairman
Tribal Business Council, Three Affiliated Tribes