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TRIBAL BUSINESS COUNCIL MEETING NO. 15

SPECIAL MEETING

DATE: AUGUST 25, 1998 TIME: 10:00 AM

01. Call to Order, Prayer & Roll Call.

The Special meeting of August 25, 1998 was called to order by Chairman Russell D. Mason, Sr., at 10:00 am in the Tribal Council Chambers. A moment of silent prayer was held. Members present for roll call were: Chairman Russell D. Mason, Sr., Vice Chairman Austin Gillette, Treasurer Mark N. Fox, Secretary Daylon Spotted Bear, Councilman Edwin Hall, Councilman Tex G. Hall. Absent was Councilman Thomas Bird Bear.

02. Announcements

Chairman Mason announced that he attended the National Indian Council on Aging Convention on August 22 – 23, 1998 held at the Civic Center in Bismarck, ND. The conference was well attended and the primary topic of discussion related to health issues and health needs of elderly Native Americans. Mason discussed the possibility of supplementing Social Security with Economic Recovery funds for those individuals who do not have other income. Mason also asked the Tribal Business Council to consider a monetary commitment to the next National Indian Council on Aging Convention.

Councilman Tex Hall announced that he also attended the National Indian Council on Aging Convention and on October 10, 1998, an interactive video network conference will be held to discuss Social Security supplement strategies. Mr. Hall announced other issues that had been discussed at the convention such as: Welfare Reform issues that related to elderly citizens, elderly abuse issues, lack of day care resulting in elderly citizens having to care for small children, and issues regarding social security and other payments not properly given directly to individual elderly citizens. Mr. Hall stated that he too would like to address these concerns by supplementing specific needs with Economic Recovery Funds. In reference to a letter sent to the Tribal Business Council by Ted Lonefight, III, Chairman of the Gaming Enterprise Board, Mr. Hall suggested that a search committee be organized to follow through with the selection process to secure a General Manager for the Four Bears Casino because the position announcement had closed on July 15, 1998 and none of the applicants met the qualifications.

Councilman Ed Hall announced that the newly constructed Four Bears Community Center was vandalized and a large amount of damage occurred.

In addition to the vandalism at the community center, someone shot a window out of one of the houses in the Four Bears community and vehicle tires were slashed. Mr. Hall suggested that the Tribal Business Council meet with Fort Berthold Housing Authority and Law Enforcement in an effort to bring these violations to closure.

Vice Chairman Austin Gillette announced that he attended a MR&I dedication in Spirit Lake. Mr. Gillette then went to Rosebud, SD and met with their BIA Superintendent and Mr. Valandra, Land Purchase Program Director, to review their Land Purchase Program. The Program has been in operation since 1943 and is operated separately from the Tribe, which has allowed the Program to become very successful. Mr. Valandra gave a copy of the charter to Mr. Gillette and is willing to meet with the Three Affiliated Tribes to share details on the Land Purchase Program and review the operational manual. Mr. Mason suggested that the Natural Resource Committee initiate the review process of the Rosebud Land Purchase Program and follow through with a meeting with the Tribal Business Council.

Treasurer Mark Fox announced the Four Bears Casino hosted the Great Plains Indian Gaming Association's regional meeting on August 19 – 20, 1998 in which thirteen Tribes were involved. The next regional meeting will be held in Kansas in October, 1998. Mr. Fox stated that Tom Disselhorst, Legal Department, will present testimony on behalf the Tribe and the Four Bears Casino at the regional hearings on international control standards. Mr. Fox invited everyone to attend in the Nux Baga Celebration to be held in Parshall on August 28, 29, 30, 1998. Mr. Fox and his family will be serving breakfast Saturday morning and will hold a singing contest throughout the weekend and everyone in welcome to attend.

Chairman Mason suggested that all candidates who are running for re-election or for Chairmanship remember to inform their constituents of the issues that will impact Tribal members such as; the cut in the percentage of health appropriations for Tribes, severe Law Enforcement cutbacks, school construction cutbacks, threatening Indian Gaming amendments which would limit Tribal gaming, contract support fund cutbacks, means testing, and other issues that basically threaten Tribal sovereignty and future appropriations to Tribes.

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 Mark Fox. Vote: 6 in favor. Motion carried, agenda approved.

04. Approval of Minutes of Previous Meetings.

- a. April 14, 1998. Motion to approve, with corrections, was made by Austin Gillette and seconded by Mark Fox. Vote: 4 in favor, 2 opposed. Motion carried, minutes approved.
- b. June 24, 1998. Motion to approve, with corrections, was made by Mark Fox and seconded by Daylon Spotted Bear. Vote: 5 in favor, 1 opposed. Motion carried, minutes approved.

05. Alenco Resolution

Motion was made by Tex Hall to defer action on the Alenco Resolution until the BIA Superintendent and the Aberdeen Area Office is reinstated back into the loop to participate in activities relating to Alenco Oil. Second by Ed Hall. Discussion: Tex explained that people he spoke with want the BIA involved in Alenco business for trust responsibility reasons. Vote: 3 in favor, 3 opposed. Motion failed.

Tom Disselhorst, Legal Department Attorney, summarized the Alenco Resolution and reported that the terms of this agreement differ from the initial terms as stated in March 1998; preliminary approval by the Secretary of the Interior is in place; action to approve the Alenco Resolution will result in approval of final terms of the agreement; and according to the Indian Minerals Development Act, there are 150 days to respond as to whether the BIA Department of the Interior agrees with this final terms agreements.

Motion was made by Austin Gillette to approve the Alenco Resolution. Second by Mark Fox. Discussion: Mr. Gillette stated that the eighteen points of contention listed by the BIA Superintendent had been addressed in August, 1997. Mr. Gillette reviewed a letter written to the Tribe from Kevin Gover, Assistant Secretary – Indian Affairs, which stated that he is pleased to confirm that the current draft both fully addresses the legal issues the Department has raised and incorporates many of its suggested changes and the agreement will receive favorable consideration from the Department of the Interior and that to date, the environmental study has not revealed any adverse effects that cannot be avoided or mitigated. Mark stated that this is a controversial issue, but it is still the responsibility of councilmen to make a decision. Mark stated that his segment took the position to go forward with this agreement since Indian people lack involvement in oil development, thus he will advocate for his segment. Mr. Fox stated that he respected the BIA Superintendent's advise, but the bottom line on this proposal involves Alenco and the Tribe to approach individual Indian landowners so the landowners can have the freedom to make their own choice to sign or not to sign. Tex Hall stated that he strongly opposes this agreement, as it is dangerous with long-term adverse effects on landowners. Mr. Hall stated that this is not a fair deal and not a fair price. Ed Hall stated that if the Tribal Business Council approves this agreement, a Canadian franchise will have the say on the Tribe's and landowners' minerals. Mr. Hall stated that there has been no proper

disclosure on the revised agreement and this issue should be a referendum vote by all members of the Tribe rather than only seven councilmen, thus he is against this agreement. Daylon Spotted Bear stated that the Twin Buttes community initially supported this agreement, but now they have not had the opportunity to be updated on revisions or additional changes, thus he will have to vote against this issue now or defer it until Twin Buttes community meets on this issue again. Chairman Mason stated that it is each councilman's responsibility to represent their community members and when leases were allocated, no landowners were assured that they were getting a fair deal on their land because no councilmen spoke on behalf the landowners at that time. Mark Fox asked Kyle Baker to review information he has researched for this issue. Mr. Baker stated that oil prices are low now, leases are dirt poor, the Tribe has a 100% reduction in tax requirements for now, there are only nine wells on the reservation while there are 400 wells located around the reservation, State Tax is reduced, and the Tribe will never get these prices again.

Roll Call Vote: Austin Gillette, Mark Fox, and Russell Mason in favor, Daylon Spotted Bear, Ed Hall, and Tex Hall oppose. Motion failed, Alenco Resolution not approved.

06. John Charging, Enrollment

Motion made by Austin Gillette to approve a resolution to enroll 26 individuals as members to the Three Affiliated Tribes and to change the date of the resolution to August 25, 1998. Second by Daylon Spotted Bear. Vote: 6 in favor. Motion carried. Enrollment Resolution approved.

Motion by Ed Hall to approve John Charging's request for travel to a regularly scheduled annual meeting. Second by Austin Gillette. Vote: 5 in favor, 1 absent. Motion carried travel request approved.

Break: 12:00 pm

Reconvened: 1:50 pm

07. Bertrille Cuny, Land Sale to Tribe

Motion was made by Ed Hall to approve the resolution to purchase land, exclusive of minerals, from Bertrille Cuny for \$19,600 utilizing funds from the Docket 350-G Land Purchase Account for Allot. 3156, SE1/4 Section 4, Township 149 North, Range 93 containing 160.00 acres. Second by Daylon Spotted Bear. Vote: 5 in favor, 1 absent. Motion carried. Bertrille Cuny, Land Sale Resolution approved.

08. Frank Henry, Tribal Finance: Deferred to later in the meeting

09. Phyllis Howard, Consultant: Deferred

10. Fortuna – SHP Agreement

Motion by Ed Hall to approve a resolution that the Tribal Business Council approves the agreement between the Tribe and Swan-Hulsing Partnership (SHP) Engineering & Architecture to provide services for remodeling of a two-story office building obtained from the former Fortuna Radar Base. Discussion: Austin Gillette stated for the record that the Tribe has an existing resolution to retain architect and engineering services from an enrolled member, Denby Deegan, and is now disregarding that resolution, so Mr. Gillette does not support the SHP Agreement. Second by Daylon Spotted Bear. Vote: 4 in favor, 1 opposed, 1 abstained. Motion carried. SHP Agreement Resolution approved.

- 11. Amy Mossett, Tribal Business Info. Center: Deferred to later in the meeting**
- 12. Dale Little Soldier, Financial Package, Operational Structure: Deferred to 9-1-98**
- 13. Establishment of Tribal Civil Service: Deferred to 9-1-98**
- 14. Debt Collection Resolution**

Motion by Austin Gillette for approval of debt collection resolution that the Three Affiliated Tribes proceed with the selection of a collection agency. Second by Daylon Spotted Bear. Discussion: Chairman Mason stated that \$400,000 is owed to the Tribe from loans that were made by the prior administration and not collected. This resolution will allow the Tribe to select a collection agency to work with the Tribal Court system to collect these debts. A collection service fee and procedure will be further negotiated between the Tribe and the collection agency after the collection agency is selected. Vote: 3 in favor, two opposed, 1 abstained. Motion carried. Debt Collection Resolution approved.

15. 1-800 # Resolution

Motion was made by Daylon Spotted Bear to approve a resolution that the Three Affiliated Tribes will set up a 1-800 telephone number with transfer capability, at the Tribal Administration building so all Tribal members will have access to the tribe. Second by Mark Fox. Discussion: Mr. Mason explained that, as part of the JTAC initiative, the 1-800 telephone number will cost a flat rate of \$10,000 per year and the system will be administered by Mailroom staff. Vote: 4 in favor, 2 opposed. Motion carried. 1-800 # Resolution approved.

11. Amy Mossett, Tribal Business Information Center

Amy Mossett, Fort Berthold Community College, requested transfer of the Tribal Information Center from the Tribes Comprehensive Management & Assistance Office to

the Fort Berthold Community College. The Tribal Business Council referred Amy to John Danks, Comprehensive Management & Assistance Office, to secure a resolution in which the Tribe transfer TBIC back to FBCC. Amy requested that the resource material and equipment also be transferred back to FBCC, as it is needed to operate the program. Ms. Mossett distributed FBCC class schedules and asked councilmen to inform community members and Tribal employees of classes available to them. Ms. Mossett invited councilmen to the Dr. Helt retirement picnic on Thursday, August 27, 1998.

21. Financial Request

- m. **Goldie Fox:** Motion by Ed Hall to approve a loan in the amount of \$1,500 at a return of \$300 per month to defray expenses incurred while Mrs. Fox was hospitalized. Second by Austin Gillette. Vote: 4 in favor, 2 abstained. Motion carried. Loan approved.

16. A. Administrative Leave Resolution (Ambulance Volunteers)

Motion by Mark Fox to approve a resolution that administrative leave will be granted by the Tribal Business Council to Tribal and Casino employees who volunteer for ambulance services. Second by Tex Hall. Discussion: Chairman Mason stated for the record that these employees are to be commended for their voluntary services and that compensatory time should be given to these employees for services off working hours. Mark stated that Personnel will need to clarify the procedures and revise the resolution accordingly. Vote: 6 in favor. Motion carried. Administrative Leave Resolution approved.

B. CDBG North Segment Resolution

Motion by Mark Fox to approve a resolution that the North Segment Community Board will prepare the CDBG plans to transfer the existing community building to dry storage use. Second by Daylon Spotted Bear. Vote: 4 in favor, 1 opposed, 1 absent. Motion carried. CDGB North Segment Resolution approved.

18. Senior Citizens Resolution

Motion by Daylon Spotted Bear to approve a resolution that all Tribal members, 60 years and older, will receive local telephone services to access medical, law enforcement, and emergency services in which not long distance services will be allowed. Second by Tex Hall. Discussion: Chairman Mason explained that these services will cost approximately \$190,000 per year and JTAC funds will be used to cover these costs. Ed Hall stated that the Tribal Business Council established a JTAC committee to develop a plan to commit JTAC funds and asked if the Council is interfering in that process. Austin Gillette stated for the record that the Tribal Business Council is piece-meal spending JTAC funds for political reasons and he does not agree with this kind of

spending. Vote: 4 in favor, 1 opposed, 1 absent. Motion carried. Senior Citizens Resolution approved.

17. A. West Segment Development Corporation

Motion by Tex Hall to approve a resolution requesting that the Three Affiliated Tribes grant \$150,000 to WSDC to cover startup costs to form a strategic alliance with an information technology business partner for the purpose of improving the economic and social well being of the residents of the West segment by creating jobs. Second by Ed Hall. Discussion: Mark Fox stated that he supports job development, but under the current Tribal budget, money is not available until October, 1998 from Casino revenue or from JTAC funds. Mr. Fox suggested combining the Uniband and WSDC projects into one financial package and proceed from there. The Tribal Business Council agreed with Mr. Fox's suggestion, motion withdrawn.

B. Mandaree Trailer Park

Motion by Tex Hall to approve a request for funds in the amount of \$5,600 to cover costs to have J & K Construction landscape the Mandaree Trailer Park. Second by Ed Hall. Discussion: Mark Fox stated that Mr. Hall will have to provide the appropriate resolution so the Tribe can further process this financial request. Vote: 4 in favor, 2 opposed. Motion carried. Mandaree Trailer Park request approved, pending resolution.

20. Mavis Young Bear, FBCC Grant

Motion by Daylon Spotted Bear to approve a resolution to allow the Fort Berthold Community College to apply for the Carl Perkins grant in the amount of \$300,000. Second by Ed Hall. Vote: 6 in favor. Motion carried. FBCC Grant Resolution approved.

21. A. Phyllis Cross – Constitutional Amendments: Defer to Special TBC Meeting on 9-2-98 to specifically address this issue

B. Clarence O'Berry, Mandaree Electronics

Mr. O'Berry reported to the Tribal Business Council that Mandaree Enterprises is expanding their data entry capabilities to go after data contracts. White Shield is offering the use of their facility to Mandaree Enterprises, which allows for a more successful package. Present operations include 24 full-time employees. Immediate goals include upgrading of equipment, home entry operators, expand facilities by utilizing the White Shield facilities, and then expand into the Parshall area. The current plan of action is to start October 1, 1998; assign White Shield facility to Mandaree Enterprises; gain resources to up-grade equipment; gain resources to train management; and secure operating capital at a later date.

The next step will be to build the financials, based on requirements and seek funding from the Tribe and economic development agencies.

C. Parshall Resource Center

Motion by Mark Fox to approve the resolution to hire Mr. Jerry Irwin for \$16 to \$18 per hour for 12 weeks to develop a proposal to further develop the Parshall Resource Center. Second by Austin Gillette. Vote: 5 in favor, 1 absent. Motion carried.

D. Purple Coneflower Root

Motion by Mark Fox to add to the agenda a resolution regarding the purple coneflower root. Second by Ed Hall. Vote: 5 in favor, 1 absent.

Motion by Mark Fox to approve a resolution prohibiting the digging or harvesting of purple coneflower roots on the Fort Berthold Indian Reservation, subject to a revision stating that landowners have the right to harvest the root on their own trust property. Second by Ed Hall. Vote: 5 in favor, 1 absent. Motion carried. Resolution approved.

E. JTPA Temporary Hire

Motion by Mark Fox to allow Leo Cummings to temporarily hire Tammy Hall in the position of JTPA Information Technology Specialist, provided Mr. Cummings follow through with the regular advertising procedure for the position. Second by Ed Hall. Vote: 6 in favor. Motion carried.

22. Financial Requests

A. Rick Landeis, Educational Request

Motion by Austin Gillette to approve an educational grant to Rick Landeis in the amount of \$5,000 for the first semester, subject to receipt of any grant aid that may be in progress. Second by Tex Hall. Vote: 5 in favor, 1 absent. Grant approved.

B. Mavis Young Bear, Educational Request: Defer to 9-1-98 meeting

C. Gerald Hale: Refer to the Gaming Enterprise Board

D. Louella Young Bear: Item addressed

E. Martha Bird Bear

Motion by Tex Hall to approve Martha Bird Bear's request, less the amount owed from 1996, to be paid back through a payroll deduction. Second by Mark Fox. Vote: 5 in favor, 1 absent. Motion carried. Request approved.

F. Gail Baker/ Calvin Grinnell

Motion by Tex Hall to approve reimbursement request of \$1,000 to Larrie Wanberg, Executive Director of All Nations Lifeways Village, who paid, in advance, for airline ticket to assist Gail Baker (\$500) and Calvin Grinnell (\$500) in travel arrangements to Germany on behalf the Three Tribes Museum and the State's Bi-Centennial Lewis & Clark Commission. Second by Austin Gillette. Discussion: Tex Hall will follow through with a resolution. Vote: 5 in favor, 1 absent. Motion carried. Reimbursement request approved.

G. Sharon White Bear

Motion by Austin Gillette to approve Sharon White Bear's request for a \$5,000 business loan to be paid back to the Tribe within 36 months. Second by Ed Hall. Vote: 5 in favor, 1 absent. Motion carried. Loan approved.

H. Prima Rose Morgan

Tex Hall introduced a request from Prima Rose Morgan relating to an emergency medical situation. Mark stated that he and Tex would work with Ms. Morgan to obtain the medical statements needed prior to processing an emergency medical grant.

I. Marsha Azure, Educational Request

Motion by Ed Hall to approve Marsha Azure's request to defray educational expenses for an amount up to \$1,500. Second by Mark Fox. Vote: 5 in favor, 1 absent. Motion carried. Educational request approved.

J. Agnes Yellow Wolf, Well Application Approval

Motion by Ed Hall to approve Agnes Yellow Wolf's well application for consideration by I.H.S. Second by Daylon Spotted Bear. Vote: 5 in favor, 1 absent. Motion carried. Request approved.

08. Frank Henry, Tribal Finance

Motion by Mark Fox to approve a resolution that extends Joseph Eve's technical assistance services to Tribal Finance. Second by Ed Hall. Vote: 5 in favor, 1 absent. Motion carried. Resolution approved.

23. Adjournment:

Motion by Ed Hall to adjourn the Special Tribal Business Council meeting. Second by Daylon Spotted Bear. Vote: 5 in favor, 1 absent. Motion carried. Meeting adjourned.

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 Special Meeting thereof duly called, noticed, convened, and held on the first day of September, 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 6 members, and have not been amended in any way, except as noted by council when approved.

Dated this first day of September, 1998.

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

ATTEST:

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