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TRIBAL BUSINESS COUNCIL MEETING NO. 1

SPECIAL MEETING

DATE: January 04, 2000 TIME: 1:28 PM

01. Call Meeting to Order and Opening Prayer

The Special Tribal Business Council Meeting of January 4, 2000 was called to order by Chairman Tex Hall at 1:28 PM in the Tribal Council Chambers. A moment of silent prayer was held.

02. Roll Call

Present: Chairman Tex Hall, Vice Chairman Mark Fox, Treasurer Marcus Wells, Jr., Secretary Daylon Spotted Bear, Councilman Austin Gillette, Councilman, Pete Hale, Councilman Thomas Bird Bear. Recording Secretary Marlien Mossett Gillette.

03. Announcements

Chairman Hall announced that the livestock in forty-one range units has been counted and the applications for grazing privileges on those range units will be considered by the Council at today's meeting.

Chairman Hall announced that in December, 1999, the Tribal Business Council passed the resolution for a \$14 million draw on JTAC interest funds in the following areas:

1. Education - \$1.2 million

(Undergraduate and graduate students, vocational and technical education students)

2. Social Welfare - \$3.6 million

(Senior Citizens, Day Care, Ambulatory Services, CHR Services, Aging Meal Sites, Drug & Alcohol Program Development, Health Facility)

- 3. Economic Development - \$7. 5 million (Competitive Pool for Business Development, Gaming Commission, Transportation Planning, Economic Development, Tourism, Agriculture Department, Central Planning Office, Roads Department, New Roads Equipment, Law Enforcement Center)
- 4. Other Programs - \$1.5 million (Six Segments at \$125,000 each, Cultural Preservation Office)

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5. **Referendum Vote -** \$30 million

March 28, 2000 (by mail) eligible tribal members shall vote on whether the balance of \$30 million should be invested over a number of years to earn interest. (Example: Invest the of \$30 million over a 10 year period at 10% interest to earn \$186 million and leverage a cap of 30% or \$9 million on a continual basis).

The Tribe will continue to focus on not supplanting any federal program funds or the attached trust responsibility for the provision of those services to Tribal members.

Tribal Business Council members reviewed and shared their itineraries and scheduled meetings.

Summary of Meetings:

1-05-00: Chairman Hall will attend the HUD Consultation Meeting in Phoenix, AZ as the Representative Great Plains area.

1-13-00: Regular Tribal Business Council Meeting at 10:00 AM in the Tribal Chambers

1-14-99: Special Tribal Business Council Meeting at 10:00 AM in the Tribal Chambers to complete Range Unit Allocations.

Councilman Pete Hale announced that the Mandaree Solid Surfacing Company conducted sixteen interviews on January 3, 2000. Two of the interviewees will be sent to Minneapolis, Minnesota for training within three weeks.

04. Approval of Agenda

Motion by Austin Gillette to approve the agenda as amended to add the Fort Berthold Agency Superintendent Resolution, COLA (3.8% increase) Resolution, Medical Assistance, and Graduate Student Assistance.

Second by Pete Hale.

Vote: 5 in favor, 2 absent. Motion Carried.

05. Fort Berthold Agency Superintendent Resolution

Motion by Austin Gillette to pass a resolution that the Tribal Business Council formally recommends to the BIA that Paige Baker, Jr. be appointed and assigned to duty in the position of Superintendent of the Fort Berthold Agency.

Second by Daylon Spotted Bear.

Discussion: The resolution will be amended to reflect the name "Paige Baker, Jr.". **Vote:** 6 in favor, 1 absent.

Motion Carried.

Resolution No. 00-01-DSB

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06. Amendment of Range Unit Resolution

In 1994, the Three Affiliated Tribes had enacted Resolution No. 94-40-DSB, which set forth criteria and procedure for allocating the range units managed by the Tribe and the BIA, as amended by Resolution No. 95-234-DSB.

Due to the outcome of a lawsuit against the Tribe by members of the Tribe in May 1996, changes needed to be made to Resolution No. 94-40-DSB, including creating an appeal process for adverse actions taken pursuant to the Resolution and to clarify the intent and procedures of Resolution No. 94-40-DSB.

The Tribal Business Council critiqued amendments to the first draft of the amended Range Unit Resolution at the Special meeting of December 21, 1999. The Council noted that this resolution rescinds the Range Unit Resolution No. 94-40-DSB, but does not rescind Resolution No. 96-157-DSB that preserves access across right-of-ways.

In this resolution, the Tribal Business Council sets forth provisions for allocation of grazing units, and establishes an appeal process.

Page 2 of 8:

Memorandum of Understanding: page 2 of 8

The Council requests that the BIA assist the Tribe in enforcement of the provisions for allocation of grazing units set forth in this resolution, and authorizes the Tribal Natural Resources Committee to negotiate a Memorandum of Understanding between the Tribe and BIA under a *separate resolution*.

Pages 2 and 3 of 8:

After discussing <u>Provision for Allocation of Grazing Permits</u> on pages 2 and 3 of 8, the Council discussed adding criteria for the rancher who owns 100% of their livestock to the provision:

- 1. The applicant is a "bona fide rancher" who owns 100% of their livestock to be grazed on the unit applied for...
- 2. The applicant is a "bona fide rancher" who owns 50% of their livestock to be grazed on the unit applied for... and will own 80% of the livestock within 3 years...
- 3. The applicant is a "bona fide rancher" who owns less than 50% of their livestock to be grazed on the unit applied for... and will own 50% of their livestock within 1 year...

TRIBAL BUSINESS COUNCIL SPECIAL MEETING NO. 3 PAGE 4 OF 15

Pages 4 and 5 of 8:

The Council discussed the definition of a <u>Beginning Rancher</u> on page 4 of 8 and decided to word the definition as follows:

(h) 3. Applicant is a "beginning rancher", defined as someone who meets the conditions of participation in the Cattle Relending Program of the Three Affiliated Tribes and other beginning farm and ranch programs.

The Council reprioritized part (h) on pages 4 and 5 of 8 entitled "In the event two or more eligible applicants apply for an allocation of the same range unit, the unit shall be awarded according to the following order of preference:"

(h) Item 6 regarding "... owning largest interest of land in the unit..." was reprioritized to item 3 and item 3 regarding "beginning ranchers" was reprioritized to item 6.

Pages 3 and 4 of 8:

The Council discussed Item 2 (d) on page 3 of 8 regarding "All allocations shall not exceed 300 animal units year long..." and no changes were made.

The Council discussed item 2 (f) on pages 3 and 4 of 8 regarding "Satisfactory proof of ownership..."

Item 1. Bill of Sale from seller for applicant... no changes were made.

Item 2. The statement "For a beginning rancher" was deleted and the remainder of the statement was not changed: "A purchase agreement or letter of intent as executed by any legitimate lender such as a bank,... and the Council inserted a statement at the end of item 2: "...or accompanied by the owners registered brand through the compliance check; or"

Item 3. For a beginning rancher, the word "only" was added.

Page 5 of 8:

Item (k): If an applicant has filed false or misleading information, his/her application will be immediately rejected and will not be eligible for an allocation for a (2) year period.

The Council deleted the statement "for a (2) year period" and replaced the statement with: "for the current allocation permit period."

Item 3: Permittees shall pay grazing fees by certified check, money order or bank draft. All grazing fees are due December 1s^t of each year...

The Council asked Angus Fox find out if the grazing fee due date can be moved from December 1^{st} to January 1^{st} .

Page 6 of 8:

Item 8: (Last sentence in the paragraph) The Superintendent can take similar action if an individual is utilizing his own funds....

The Council changed the statement to read: "The Superintendent and the Natural Resources Committee can take similar action if an individual is utilizing his own funds..."

Item 10: Separate authorizations for cutting hay must be obtained in advance from the local BIA superintendent at a minimum rate for allotted land to be established annually by the Superintendent and \$_____ per acre...

The Council inserted the dollar amount \$3.50 per acre...

Item 11: All stock within the boundaries of a range unit will be counted at least annually by the BIA or NRD personnel or both, against...

The Council deleted the word "against" and replaced it with "in accordance with ... "

The Council added the following statement to the end of the first paragraph in item 11: "The same brand on the grazing permit must be on the livestock in the Range Unit."

Page 7 of 8:

Item 12: All grazing permits issued to competitive bidders who are non-Tribal members shall be revocable...

The Council inserted this statement: "Only when there are no Tribal bidders" at the beginning of paragraph 12.

The Council added the following statement to the end of paragraph 12: "For non-Tribal members who are successful bidders, the bid shall be for one (1) year only and subject to the same resolution requirements.

Item 14: Allotted or Tribal lands being removed from a Range Unit by enrolled members must be fenced by the individual removing the land in accordance with the Tribal ordinance...

The Council amended the paragraph to read as follows:

14) Allotted lands or Tribal Lands being removed from a range unit in accordance with BIA regulations by the owner or owners of the land, including the Tribe, must be fenced by the owner or owners of the land being removed, except that where the cause of the removal of the land from the range unit is overgrazing, the Tribe and the BIA, or both, shall share equally the cost of such fencing, including any survey provided, with the land owner or owners. Whether or not overgrazing has occurred shall be determined in accordance with the MOU between the BIA and the Tribe mentioned herein. Tribal lands shall not be removed from a range unit without the approval of the Tribal Business Council.

Item 15: The Council inserted language as follows:

Access for the purposes of hunting on Tribal lands located within a range unit will be pursuant to the Game and Fish Department of the Three Affiliated Tribes and Chapter 18 of the Code of Laws of the Three Affiliated Tribes, known as the Game and Fish Code, and in accordance with Resolution No. 96-157-DSB. Locks on gates preventing access to Tribal lands for the purpose of hunting are prohibited.

Page 8 of 8:

Item 17: The Council changed "...Federal Regulations which are not inconsistent..." to read "Federal Regulation which are consistent..."

The Council and individual in attendance discussed various Turn Out Dates for grazing livestock and decided to readdress the issue in April 2000.

Page 2 of 8:

Rates Issue:

The Council decided that the rate per AUM per year shall be established after an appraisal of the appropriate rate is conducted and completed within 45 days by an independent appraiser hired by the Three Affiliated Tribes.

Motion by Austin Gillette to pass the Range Unit Resolution as amended above. Second by Pete Hale. Vote: 7 in favor. Motion Carried. Resolution No. 00-02-DSB (Needs Amended Language)

TRIBAL BUSINESS COUNCIL SPECIAL MEETING NO. 3 PAGE 7 OF 15

Seasonal Rate Issue:

Ranchers discussed the option of establishing a \$6.00 rate for allotted and tribal lands on an interim basis for 45 days or until the appraisal is conducted and completed by the independent appraiser so those involved can continue with their business at hand rather than wait another 45 days.

The Council discussed that the BIA's recommended rate is \$6.92 for allotted land based on their appraisal of land near Bismarck and the BIA may not accept the lower rate of \$6.00 without conducting another desk-top appraisal that could lapse beyond 45 more days anyway.

The seasonal rate of \$11.45 for outside cattle is not included in this resolution. That rate is subject to a tribal-specific appraisal.

Motion by Marcus Wells, Jr. to set the rate for Tribal lands at \$6.00 and accept the BIA's recommendation of \$6.92 for allotted land.

Second by Mark Fox.

Discussion: The general consensus was that the method in which the BIA established the rate of \$6.92 for allotted lands was unfair and excluded Tribal consultation and the Tribe prefers to follow through with a tribal-specific appraisal that is in the best interest of the Tribe and allottees. The Council discussed that the tribal-specific appraisal should include representation from the BIA, Tribal Natural Resources Committee, Livestock Association, and the Landowners Association.

Second Withdrawn No Second. Motion Fails.

07. Range Unit Allocations:

A. Single Applicant Range Unit Allocations:

Myrna Bear, Natural Resources Department, reviewed the names of all applicants who applied for a range unit with no other applicants or who are considered 'single' applicants.

Motion by Mark Fox to approve all single applications, subject to them being in full compliance with the Resolution No. 00-02-DSB. Second by Daylon Spotted Bear.

Vote: 7

Motion Carried.

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Mandaree Area:		
01.	RU 4	Ivan Johnson
02.	RU 6	Morgan Fettig
03.	RU 16	Manuel Chase
04.	RU 26	James Danks
05.	RU 46	Delia Baker
06.	RU 99	Howard Gabe Fettig
07.	RU 100	Edward S. Danks, Sr. (Note: Patty Joe Thomas pulled her
		application – Council action for Mr. Danks is on page 9)
08.	RU 201	Elmer Fredericks
09.	RU 203	Wilbur Hunts Along
10.	RU 207	TAT Buffalo Project
11.	RU 224	Ethan Hall
12.	RU 429	Stella Berquist
13.	RU 430	Rudolph Sanders
14.	RU 505	Ethan Hall
15.	RU 506	Edwin Hall
16.	RU 605	Clement Baker
17.	RU 606	Ethan Hall
18.	RU 805	Ethan Hall
19.	RU 904	TAT Buffalo Project
20.	RU 906	Ivan Johnson
21.	RU 915	Rudolph Sanders

Four Bears Area:

22.	RU 96	Edward S. Danks, Sr.
23.	RU 912	John Danks

Twin Buttes Area:

24.	RU 10	Dennis Huber
25.	RU 11	Pete Fredericks
26.	RU 12	Kenneth Fredericks, Jr.
27.	RU 14	Rosella/Dale Little Soldier
28.	RU 17	Newton Little Soldier
29.	RU 55	Frank Titus Benson
30.	RU 56	Lonnie Spotted Bear
31.	RU 58	Morley Spotted Bear
32.	RU 60	Rosella/Dale Little Soldier
33.	RU 108	John Stone, Jr.
34.	RU 109	John Stone, Jr.

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Shel	Creek Area:	
35.	RU 8	Edward C. Fox
36.	RU 40	Delvin Driver
37.	RU 41	Matt Mason
38.	RU 140	Matt Mason

White Shield Area:

40. RU 28 W 41. RU 34 Au 42. RU 37 To 43. RU 39 Lo	ouis Simenson Veston Schettler ustin Gillette om Breuer ouis Simenson lmit Breuer
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45.	RU 44	Michael Jaeger
46.	RU 47	Wade Howard
47.	RU 72	Viola Schettler

(Note: Michael Jaeger pulled application)

Lucky Mound Area:

48.	RU 33	Mervin Packineau (Note: Delvin Foote pulled his application	1)
49.	RU 48	Delvin Foote	
50.	RU 51	James Foote	
51.	RU 156	Manuel Chase and Ramona Beaks Guimont – Mandaree Area	
52.	RU 913	Ed Fox – Shell Creek Area	

Leo Norman Baker pulled his application on Range Unit 1 in the Mandaree Area and that unit in now a bid unit.

Stella & Greg Berquist pulled their application on Range Unit 211 in the Mandaree Area Range Unit 94 in the Four Bears Area.

All single applicants listed above have until January 14, 2000 to come into compliance with Resolution No. 00-02-DSB.

<u>B.</u> Multiple Applicant Range Unit Allocations:

Motion by Marcus Wells, Jr. to approve Kyle Baker for RU 36. Second by Mark Fox.

Discussion: Kyle Baker applied for only two range units and Todd Hall applied for four range units. Another option discussed was since this range unit is Todd Hall's headquarters, the Council would consider Range Unit 98 for Kyle Baker since it is his homesite.

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Second Withdrawn.

53. RU 98 Kyle Baker Four Bears Area

Motion by Mark Fox to approve Kyle Baker for RU 98. Second by Marcus Wells, Jr. Vote: 7 in favor Motion Carried.

RU 100 Edward Sollie Danks, Sr (Counted on page 7 as a single applicant after Patty Joe Thomas pulled her application)

Motion by Austin Gillette to approve Edward Sollie Danks, Sr. as a single applicant for RU 100.

Second by Marcus Wells, Jr. Vote: 7 in favor. Motion Carried.

54. RU 36 Todd Hall Mandaree Area

Motion by Pete Hale to approve Todd Hall for RU 36.

Second by Mark Fox.

Discussion: The Council noted that Kyle Baker has a right to appeal this decision. **Vote:** 7 in favor.

Motion Carried.

55. RU 97 Lorry and Newlyn Little Swallow

Motion by Mark Fox to approve Lorry and Newlyn Little Swallow for RU 97. Second by Marcus Wells, Jr. Vote: 7 in favor. Motion Carried.

56. RU 101 Edwin Hall

Motion by Austin Gillette to approve Edwin Hall for RU 101. Second by Pete Hale. Vote: 7 in favor. Motion Carried.

RU 103 Jerret Johnson Motion Withdrawn

Motion by Marcus Wells, Jr. to approve Jerret Johnson for RU 103. No Second.

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Discussion: The Council decided to wait until January 14, 2000 because James Johnson's cattle have not been counted. **Motion Withdrawn**

RU 13 TAT

Motion Withdrawn

Motion by Pete Hale to approve the Three Affiliated Tribes for RU 13. Second by Marcus Wells, Jr.

Discussion: Council members opted to support tribal members' applicants over the Tribe's application for this range unit. The Tribe will incorporate language from the Buffalo Project resolution into a Tribal Feedlot Project resolution and other future projects resolutions.

Motion Withdrawn.

57. RU 13 Jerret Johnson (Note: Kieth Mandan pulled his application)

Motion by Pete Hale to approve Jerret Johnson for RU 13. Second by Marcus Wells, Jr. Vote: 7 in favor. Motion Carried.

58. RU 209 Keith, Shasta and Forest Mandan

Motion by Mark Fox to approve Keith, Shasta and Forest Mandan for RU 209. Second by Pete Hale. Discussion: The Council noted that Mr. Mandan's group him to be

Discussion: The Council noted that Mr. Mandan's ownership documents are in place. **Vote:** 7 in favor. **Motion Carried**.

59. RU 105 Ron and Cody Brugh

Motion by Thomas Bird Bear to approve Ron and Cody Brugh for RU 105.

Second by Mark Fox.

Discussion: Applicant considered beginning rancher and the Council is awaiting documentation. **Vote:** 7 in favor.

Motion Carried.

60. RU 111 Keith, Shasta and Forest Mandan

Motion by Austin Gillette to approve Keith, Shasta and Forest Mandan for RU 111. Second by Pete Hale. Vote: 6 in favor, 1 abstained. Motion Carried.

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61. RU 206 Lloyd Vigan and Leonard Hale

Motion by Austin Gillette to approve Lloyd Vigan and Leonard Hale RU 206. Second by Pete Hale. Vote: 7 in favor. Motion Carried.

62. RU 210 Morgan Fettig

Motion by Pete Hale to approve Morgan Fettig for RU 210. Second by Mark Fox. Vote: 7 in favor. Motion Carried.

63. RU 27 Dennis Huber

Motion by Mark Fox to approve Dennis Huber for RU 27. Second by Pete Hale. Vote: 6 in favor, 1 opposed. Motion Carried.

RU 91 Lester Crows Heart Motion Withdrawn

Motion by Marcus Wells, Jr. to approve Lester Crows Heart for RU 91. No Second. Motion Withdrawn.

64. RU 91 Dennis Huber and Lester Crows Heart

Motion by Mark Fox to approve Dennis Huber and Lester Crows Heart for RU 91. Second by Pete Hale. Vote: 7 in favor. Motion Carried.

RU 3 Hollis Blake Motion Withdrawn

Motion by Marcus Wells, Jr. to approve Hollis Blake for RU 3. No Second. Motion Fails.

65. RU 3 Edward S. Danks, Jr.
66. RU 21 Hollis Blake

TRIBAL BUSINESS COUNCIL SPECIAL MEETING NO. 3 **PAGE 13 OF 15**

Motion by Austin Gillette to approve Edward S. Danks, Jr. for RU 3 and to approve Hollis Blake for RU 21. Second by Pete Hale. Vote: 7 in favor. Motion Carried.

67. **RU 20** John Danks

Motion by Austin Gillette to approve John Danks for RU 20. Second by Mark Fox. Discussion: John Danks informed the Council that should he get approved for range units 20 and 93, he will withdraw his application for range unit 94. Vote: 4 in favor, 1 opposed, 1 abstained, 1 absent. Motion Carried.

68 **RU 93** Edward S. Danks, Jr.

Motion by Marcus Wells, Jr. to approve Edward S. Danks, Jr. for RU 93. Second by Thomas Bird Bear. Vote: 6 in favor, 1 absent. Motion Carried.

RU 95 Edward S. Danks, Jr.

Motion by Marcus Wells, Jr. to approve Edward S. Danks, Jr. for RU 95. Second by Thomas Bird Bear. Vote: 3 in favor, 3 opposed, 1 abstained. Motion Failed.

69. RU 95 John Danks

Motion by Pete Hale to approve John Danks for RU 95.

Second by Austin Gillette.

Discussion: Mr. Danks owns 100% of livestock and he will withdraw his application from range unit 94 if he get approved for range unit 95. Vote: 6 in favor, 1 opposed. Motion Carried.

70. RU 903 Linda Little Soldier

Motion by Pete Hale to approve Linda Little Soldier for RU 903. Second by Thomas Bird Bear. Vote: 7 in favor. Motion Carried.

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08. COLA Resolution

Motion by Marcus Wells, Jr. to pass a resolution to increase Tribal Employees Cost Of Living Allowance by 3.8% effective Pay Period # 1, January 2000. Second by Pete Hale. Discussion: Council discussed a number of financial issues that need to be resolved prior to authorizing a cost of living allowance for all tribal employees. Second Withdrawn Motion Failed.

09. Medical and Education Assistance

Motion by Austin Gillette to approve a medical request in the amount of \$250.00 for Alva Carlson. Second by Pete Hale. Vote: 6 in favor, 1 abstained. Motion Carried.

Motion by Mark Fox to approve an graduate grant in the amount of \$1,000.00 to Jerret Baker, subject to resolution. Second by Pete Hale. Vote: 7 in favor. Motion Carried. Resolution No. 00-03-DSB (Need to be written)

Motion by Thomas Bird Bear to add Mark Norby as item 10 to the agenda and COPSFAST as item 11 to the agenda. Second by Austin Gillette. Vote: 7 in favor. Motion Carried.

10. Mark Norby

Motion by Mark Fox to retain Mark Norby to provide technical assistance in Tribal Finance effective 10-1-99 to 9-30-00, amount not to exceed \$2,900.00. Second by Marcus Wells, Jr. Vote: 6 in favor, 1 opposed. Motion Carried.

11. COPSFAST

Motion by Thomas Bird Bear to appoint Rick Little Swallow as Lead Officer as required the the MOU.

Second by Marcus Wells, Jr.

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Discussion: The Council discussed reasons why this appointment should go through the Judicial Committee. Second Withdrawn. Motion Failed.

12. Adjournment

Motion by Austin Gillette to adjourn the Special Tribal Business Council meeting at 11:55 PM. Second by Pete Hale. Vote: 7 in favor. 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. ______ Members were present at a ______ Meeting thereof duly called, noticed, convened, and held on the ______ day of ______, 2000 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 ______ members, and have not been amended in any way, except as noted by council when approved.

Dated this ______ day of _____, 2000.

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

ATTEST:

Tex Hall, Chairman Tribal Business Council, Three Affiliated Tribes