



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

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

TRIBAL BUSINESS COUNCIL  
Office (701) 627-4781  
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## MINUTES OF

### SPECIAL TRIBAL BUSINESS COUNCIL MEETING

WEDNESDAY, MARCH 15, 1995, 10:40 A.M.

- I. CALL TO ORDER. Chairman Mason called the meeting to order at 10:40 a.m. Moment of silence for prayer was asked for.
- II. ROLL CALL. Secretary Spotted Bear called roll.
  - A. Members Present:
    1. Russell D. Mason, Sr., Chairman
    2. Edwin Hall, Vice Chairman
    3. Mark Fox, Treasurer
    4. Austin Gillette, Councilman
    5. Ivan Johnson, Councilman
    6. George Fast Dog, Councilman
    7. Daylon Spotted Bear, Secretary
  - B. All Members Present. Quorum Established.
  - C. Employees Present:

C. J. Packineau, Sergeant at Arms; Marian Spotted Bear, Recording Secretary; John H. Danks, Tribal Programs Analyst; Christopher D. Quale, Tribal Attorney; Kyle Baker, Natural Resources Administrator; Cheryl M. White, Personnel Director (Part-Time); G. Janet Gunderson, Social Services Director; Ed Lone Fight, Tribal Programs Manager; Joe Henry, Food Services Director; Frank White Calfe, Boss Farmer, CRP/Buffalo Project Manager; Delores White, Field Aide, CRP; Jeanette Coffey, Comprehensive Management Assistance Officer; Tom Bird Bear; Terrance E. Fredericks, Twin Buttes Administrative Aide; Laverne Stands Alone, TBC General Assistant.
  - D. Others Present:

David A. Brendsel, Investment Consultant; John Fox, Jr., CEO, LCM; Robert Lattergrass, Grants Consultant; Lori L. Roget, HUD, Denver; Terry Red Fox, Fort Berthold Housing Authority Administrator; Clarence O'Berry, CEO, MEC; Paul Fredericks, Twin Buttes School; Bernie Fox, 4-Bears Casino.

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III. APPROVAL OF AGENDA.

A. Additions to Agenda.

1. Dave Brendsel, Investment Counselor/Consultant
2. Verbal Report on Washington, DC Trip, from Chairman Mason and Ed Lone Fight.
3. Tom Bird Bear Position
4. Head Start Cook at White Shield

B. Motion to Approve Agenda, with changes.

Motion: Austin Gillette  
Second: Daylon Spotted Bear  
Vote: 7 in favor. New agenda approved.

IV. APPROVAL OF MINUTES.

- A. Some page of the Minutes were not readable. Council requested new copies be run off, and they would go over these later in the meeting.

V. NEW BUSINESS.

- A. Hire Mr. David A. Brendsel as Financial and Investment Consultant for Three Affiliated Tribes.

Mr. Ed Lone Fight introduced Mr. David A. Brendsel to members of the council, and indicated he had talked to Mr. Brendsel about the possibility of serving as a financial and investment consultant for the tribes. Mr. Brendsel has excellent credentials, and has worked with the tribes in the past. He currently serves on the Board of Directors of the 1st International Bank in Watford City.

Mr. Brendsel was asked to give a presentation to the council, which he did. He said the tribe, itself, is a very large organization, and is a business. It is very important for the tribes' financial structure to be strong, so we can address the daily needs, as well as the mid-term and long-term needs, of the tribes.

After discussion of salary and expenses, Austin Gillette made a motion that the tribes employ Mr. David A. Brendsel as a Financial Consultant for a two-year period, with the understanding that his immediate job would be to assist the tribes in securing a loan sizeable enough to address our financial obligations. This motion would be subject to a negotiable contract to be drawn up between Treasurer Fox and Mr. Brendsel. Motion was seconded.

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Motion: Austin Gillette  
Second: Ivan Johnson  
Vote: 6 for, 1 abstention. Motion Carried.

(NOTE: At 11:00 a.m., Council took a break to attend the WIC Program being held in the Lobby of the Tribal Administration Building. Chairman Mason addressed the visitors and employees attending the WIC Program, and lunch was served to everyone. Council reconvened at 12:10 p.m.)

VI. PERSONNEL SELECTIONS & ACTIONS.

A. Personnel Rating System.

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9. Temp Child Welfare Investigator  
Joseph Walker
10. Salary Adjustment Request (Tribal Programs)

11. Salary Adjustment Request (CRP/Buffalo Project)

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12. George Fast Dog made a motion to extend the employment of employee liaison Karen Simmonds, who is being paid from T-2 funds.

13. Proposal to Hire Robert Lattergrass as Consultant to Submit Proposal for HOME Project under HUD.

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14. Thomas Bird Bear Reassignment as Tax Director.

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VII. OTHER BUSINESS.

A. Lori L. Roget, HUD Representative from Denver, CO.

Ms. Roget addressed the council on the P.L. 184 Program. This is a loan guarantee program for HUD. This program works fine for tribal land, but nothing has been developed for allotted land. Tom Bird Bear has been given a sample certification package that the Processing Center has agreed is a good example. Council will also get one through the



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mail. Tribes should go ahead and try to get certified and can at least work within tribal lands. The FNMA will buy the loans on the secondary market. There is also a processing guide if tribes don't have one. Section 3 tells the tribe what they have to do in order to get certified. Tom Bird Bear is versed in the program. Ms. Roget encouraged the tribe to continue certifying. Hopefully, they will get some language out so that tribes can provide homes on allotted lands with guaranteed loans.

As of March 1, 1995, there have been eleven (11) tribes approved. Some have actually had loans processed.

B. Resolution in Support of FBHA Opposition to Cuts in HUD Programs.

Terry Red Fox presented a resolution for approval. Congress is proposing to cut a lot of HUD programs by a significant amount. Mr. Red Fox is Vice Chairman of UNIHA, Region 8, and they are opposing these cuts.

George Fast dog entertained a Motion to approve the resolution from the Tribes opposing these cuts also. Second was made by Ivan Johnson.

Motion: George Fast Dog  
Second: Ivan Johnson  
Vote: 6 for, 1 stepped out.  
Motion Carried.

RESOLUTION NO. 95-075-DSB.

Tom Bird Bear said he just came from a meeting in New Town with the VA on their direct loan program for Indian vets on trust land. The program has been billed as something for use on tribal land and allotted land. When people found out it was only for tribal land, everybody left. This program suffers from the same problem. He asked the tribal council to endorse this program, urging the Department of Interior to tell their Solicitor's Office to write something up on this for individual land. They haven't drafted anything regarding foreclosure evictions or priority of any requirements of individual lands. This works fine for tribal lands, but not individual lands.

Mr. Bird Bear was requested to draft a letter and circulate it to tribal business council members for review and comment. This should be done as soon as possible, i.e., within the next ten (10) days.

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C. Mandaree Electronics Request to Transfer to B2 Division.

Clarence O'Berry, Mandaree Electronics, had a letter from Northrop requesting a transfer of mentors from the Electronic Systems Division to the B2 Division. If the letter is signed off on by the tribal council, they will issue a Request for Quotes (RFQ) and will give us a purchase order which will allow Mandaree Electronics to start work on their project. The advantage of transferring to B2 is that they will have more work for MEC. Motion to approve by Ivan Johnson, seconded by Daylon Spotted Bear.

Motion: Ivan Johnson  
Second: Daylon Spotted Bear  
Vote: 4 for, 2 abstentions, 1 stepped out.  
Motion Passed.

Mr. O'Berry asked if the council could help MEC obtain TA monies through BIA. He was requested to go ahead and research this and find out what needs to be done, and bring before council for approval.

D. Specifications for Tribal Attorney Duties.

Motion made by Mark Fox that Christopher D. Quale devote all of his time to research of the casino management agreement, and that there be an agreement among the full tribal business council that Mr. Quale's time be devoted completely to the issue of gaming, and if there are additional items that he is asked to address, that he only do so upon his own approval.

Seconded by George Fast Dog. Vote: 7 in favor. Carried.

E. Gaming Arbitrator.

George Fast Dog moved that Tom Disselhorst be accepted as arbitrator in the gaming arbitration with Bruce H. Lien & Company. Mr. Disselhorst was selected by the Gaming Committee. He presently serves as legal counsel for United Tribes and also the Turtle Mountain Band of Chippewas.

Seconded by Mark Fox. Vote: 7 in favor. Carried.

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F. Twin Buttes Pow Wow Financial Assistance Request.

Terrance Fredericks, Drumkeeper for the Twin Buttes Pow Wow, and Paul Fredericks, Twin Buttes Community member, addressed the council regarding financial assistance for the Twin Buttes Pow Wow, which will be held June 15, 16, 17 and 18 this year. Council requested to reserve any action on any distribution of funds for community pow wows until April or May (not later than May), when they will be able to see where the tribes are monetarily. Amount will be based on the availability of funds at that time.

G. Washington, DC, Trip Report.

Chairman Mason and Tribal Programs Manager Ed Lone Fight reported on their recent trip to Washington. They reportedly had a tight agenda, and met with all the congressional delegates from North Dakota, Self-Determination staff from the Bureau of Indian Affairs on two occasions. They met on the 318,000 thousand dollars still due the tribes for indirect costs. During testimonies, the Three Affiliated Tribes were the only tribes, of all the tribes that testified, that testified over five minutes, which was the time allotted. We were also the only tribes which our congressional delegates introduced and gave us some good "strokes". The proposed streamlining of the Bureau of Indian Affairs, the continual increases and appropriations for both BIA and IHS that never reach the tribes, and how we continue to suffer from the deterioration of all services, were some of the topics covered.

They reported the ISEP application for New Town High School is going to be a tough fight. In addition to New Town's application, nine (9) other schools are vying for inclusion in 1995. Some politically tough states such as New Mexico and Arizona, including all the Alaskan Native schools, are vying for these funds. The North Dakota Congressional delegates have vowed to support New Town and the Three Affiliated Tribes in this effort. The appropriations language has to be such that it states they will accept New Town. It will be simpler to go through the appropriations rather than the authorization. We are going to go ahead and meet with Senator McCain's people to draw up some language. Chairman Mason is going to talk to Joe Trujillo, who is a staff member representing Senator Domenici on the Senate Select Committee, to see if we can work out a liaison with them. It will require a political partnership to get the job done. Doctor Edward Slocum and Marcus Wells, Jr., are to let the local community know that this is going to be a hard fought battle to get this done.

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They also met on the JTAC Funds, which is still an issue. Lee Foley is going to write some language to help change that. The BIA is going by the Solicitor's Opinion that we depend solely on appropriation dollars, based on the authorization of 6 million dollars; so, therefore, the 149 million is not guaranteed to us. We are looking at WAPA funding yet. Senator Conrad has assured us they are going to try to finesse the language. Otherwise, if we depend on the authorization language of 6 million dollars, there is a good chance that we are not going to realize the 149 million for the JTAC.

The possibility of the tribes obtaining a loan was discussed with Mr. Lee Foley, which sounds positive, at this time. We also got assurances from the congressional delegation that they would support any type of financial efforts we have.

#### H. Land Use Permit Request from 4-Bears Casino & Lodge.

Bernie Fox, Marketing Director for 4-Bears Casino, requested a land-use permit on behalf of the casino for the tribes' property between the museum and the earthlodge. The Casino proposes to hold a rodeo (or two) there; and, possibly a boxing match. They have scheduled a professional boxing match for June 17 this summer.

Council requested that he have Texx Lone Bear work with the tribes' Legal Department on this, as Bernie Fox had brought along a contract that he wished the council to approve. Council said they would like to have a stipulation in such a contract that this land would be available for use of campers during the Little Shell Pow Wow.

Chairman Mason thought any permanent improvements should be agreed on by the council before anything is done. The only permanent-type improvement Bernie Fox thought would be done would be to have electricity installed in the area.

The tribes' legal counsel is to review the contract and make recommendations to the Tribal Business Council.

Austin Gillette made a motion that final council approval be given now, subject to agreeable terms and review by the tribes' Legal Department. Edwin Hall seconded the motion.

Vote: 6 for, 1 stepped out.  
Motion Passed.

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VIII. OLD BUSINESS.

- A. Briefing on CDBG Grant Proposal; Economic Development Administration (EDA) Proposal; and Mandaree Community Building.

John Danks and Jeanette Coffey advised the council that since they had approved Resolution 95-53-DSB, which gives Mandaree priority for an industrial building, some Economic Development Administration (EDA) money has been found, and they have written a proposal for an industrial building in Mandaree. Mr. Danks advised that Cornelius Grant, EDA in Bismarck, had invited TAT to submit that proposal.

Mr. Danks questioned whether the council was aware of that proposal when they approved the resolution, and if they still wanted both EDA funding and CDBG funding to go for Mandaree? Ivan Johnson stated that he was not aware of this proposal, nor had he been informed of it. He stressed he would like to make sure Mandaree gets a building. John Danks said the application is complete and ready for submittal. There is no guarantee, however, that it will be accepted or approved.

It was decided that Resolution 95-53-DSB would not be changed at this time, and will be readdressed when the deadline for the CDBG Grant draws near, to see if anything has happened on the EDA grant application.

John Danks was also requested at this time to coordinate a meeting with Dale Little Soldier and the Tribal Business Council sometime during the week of March 27, 1995.

- B. Kathryn Young Bear Request for Reimbursement.

Reimbursement was requested by Ms. Young Bear from when she was employed under a grant project with the Legal Department in 1992. She had been initially hired at \$9.00 per hour, but her salary had later been decreased to \$6.00 per hour. She is requesting the \$3.00 difference in salary for the 570 hours worked at \$6.00 per hour, which would be \$1,710.00.

Austin Gillette made motion that the Chairman and Tribal Treasurer be authorized to settle the reimbursement issue with Kathryn Young Bear. Motion seconded by Ivan Johnson.

Vote: 5 for, 1 opposed, 1 abstention.  
Motion Carried.

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Secretary Spotted Bear advised council that they need to appoint a chairman for the Fort Berthold Housing Authority Board of Directors, as this is how it is written in their charter.

Council decided to hold off on any appointment until the final appointment to the board is made by George Fast Dog, after March 21, 1995.

IX. ADJOURN. Motion to Adjourn: Austin Gillette  
Second: Ivan Johnson  
Vote: 7 in favor. Adjournment.

Meeting of March 15, 1995, adjourned at 5:55 p.m. Next regular council meeting is scheduled for April 14, 1995.

NOTE: Council did not approve any minutes at this meeting, due to time element.

MINUTES recorded, transcribed, and submitted to council for approval

on April 14, 1995 by Marian Spotted Bear, Recording Secretary. *msb*

DATE MINUTES APPROVED & ACCEPTED BY TRIBAL BUSINESS COUNCIL: May 26, 1995

ACCEPTED:

*Daylon Spotted Bear*  
Daylon Spotted Bear  
Executive Secretary  
Tribal Business Council

ATTEST:

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