



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
Fax (701) 627-3805

SPECIAL TRIBAL BUSINESS COUNCIL MEETING

FRIDAY, JUNE 16, 1995, 11:00 A.M.

I. CALL MEETING TO ORDER & PRAYER.

Meeting called to order by Chairman Russell D. Mason, Sr.
A moment of silent prayer and meditation was held.

II. ROLL CALL.

Secretary Daylon Spotted Bear took roll call. Six members present. One member absent. Quorum was established.

A. Members Present:

1. Chairman Mason
2. Vice Chairman Edwin Hall
3. Secretary Spotted Bear
4. Treasurer Mark N. Fox
5. Councilman Austin Gillette
6. Councilman George Fast Dog

B. Member Absent:

1. Councilman Ivan Johnson

C. Employees Present: C. J. Packineau, Sergeant at Arms; Jackie Morsette, Acting Recording Secretary; Harley "Texx" Lone Bear, MR&I; Norma Staples, Material Resources; Elizabeth Morsette, Material Resources; Audrey Davy, Social Services; Harry Sitting Bear, Property & Supply; Marcus Wells, Jr., TERO; John Danks, Tribal Programs Analyst; Ed Lone Fight, Tribal Programs Manager.

D. Others Present: Terry Red Fox, Fort Berthold Housing Authority; John Fox, Jr., Bill Jacobs and Ken Stevenson, LCM; Tom Alberts.

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III. APPROVAL OF AGENDA.

A. Additions to Agenda.

1. Rachel Bell Loan Request (Chairman Mason)
2. White Shield School Issues (Austin Gillette)
3. Resolution for FBCE IRS Agreement (Mark N. Fox)
4. Resolution for Indirect Cost Rate Proposal (Mark N. Fox)
5. Summer Intern Selections (Mark N. Fox)
6. McKenzie Bay Lease Extension Request (H. Texx Fox)

B. Deletions from Agenda.

1. David J. Hilleran, RECD (Handouts from Mr. Hilleran were given to council by George Fast Dog. Mr. Hilleran on travel.)

C. Motion to Approve Agenda.

Motion: Austin Gillette
Second: Edwin Hall
Vote: All in favor. Motion Carried.

IV. NEW BUSINESS.

A. Fort Berthold Communication Enterprise/TAT Renegotiated Agreement with Internal Revenue Service.

This resolution provides for the tribes to pay IRS a monthly amount of \$5,000 for the FBCE IRS debt, until the debt of \$100,460.57 is paid in full.

Motion made to approve resolution by George Fast Dog; seconded by Mark Fox. All in favor. Motion Carried.

Motion: George Fast Dog
Second: Mark Fox
Vote: 6 in favor. 1 absent.
Motion Carried.

RESOLUTION NO. 95-136-DSB

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- B. Motion made by George Fast Dog and seconded by Austin Gillette to approve loan request of Rachel Bell in the amount of \$450.00.

Discussion was held as to whether or not the community van for New Town could be used as a part of this request. Mr. Fast Dog stated the New Town van is used to take food to the elderly. Council sent for Social Services to address the council. (See "B. Continued" after Item D.)

NOTE: Mr. Fast Dog and Mr. Gillette withdrew their motion and second at this time.

- C. While council was waiting for Social Services, Mr. Gillette presented the White Shield School issues, which were (1) the 2% fee owed by the school board to TERO, and (2) equipment for fire protection. Both items were decided to be relegated to the Natural Resource Committee for action.

- D. Material Resources Emergency Water & Sewage Priority List.

Councilmen were asked to identify those homesites in their respective segments which are in need of emergency water and sewage services and repair. Mr. Gillette asked Material Resource Personnel to provide a list of those applicants who received prior services, for his reference. Mr. Fox requested Material Resource Personnel to initiate and work with the community workers to get the information out and the applications in. Material Resources to provide preference and priority guidelines to council.

Council to review point system to be used in the future by applicants for water and sewage facilities. All of this to be addressed further.

NOTE: Item B Continued From Above: Audrey Davy of Social Services entered the meeting and was apprised of the situation involving Rachel Bell's family. Social Services was asked to contact Mrs. Bell to see if there was anything that they could do. Mrs. Davy said they would do so.

- E. Property and Supply Request for Consideration of Matching Grant Proposal Submitted by Al Nygaard, ND Economic & Development, for a Document Imaging Scanner.

Request deferred until Mr. Harry Sitting Bear could write up a proposal for the council's review.

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F. Natural Resource Committee Update and Report to Council.

Mr. Gillette, Committee Chairman, reported they have held nine committee meetings since February 28, 1995. Minutes of the meetings were distributed to council. Eugene Voigt and John Stone, Jr., are the public representatives on the committee. Concerns they are presently addressing include where to place the buffalo project, and the 1994 leafy spurge and fencing contracts. There is a \$3,700 debt remaining on the fencing contract. They have asked the Natural Resource Department to do a listing of all leased tribal lands.

Chairman Mason suggested the council have a work session on the buffalo project, with full discussion of pros and cons.

Austin Gillette made a motion that a moratorium be placed on buffalo donations until the buffalo herd has increased, is financially stable, and until it is economically justifiable, due to the cost and reproduction factor causing us some problems in our financing. Seconded by Edwin Hall.

Natural Resources to draw up a resolution to be acted on to hold off giving any buffalo out this year.

Motion: Austin Gillette
Second: Edwin Hall
Vote: 6 in favor, 1 absent.
Motion Passed.

G. 90-Day Extension on McKenzie Bay Marina Club Lease.

Edwin Hall made a motion to approve a 90-day extension on the lease of the McKenzie Bay Marina Club. Seconded by Austin Gillette.

Motion: Edwin Hall
Second: Austin Gillette
Vote: 6 in favor, 1 absent.
Motion Carried.

NOTE: Council adjourned for lunch at 12:30 p.m., and reconvened at 1:50 p.m.

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- H. Financial Assistance Request for Daughters, Vicky & Vonnie, by Tom Alberts.

Mr. Alberts' daughters will be attending advanced math courses in Wisconsin and Bozeman and are requesting assistance to offset these training courses. Motion made by Mark N. Fox to approve request for \$150.00 apiece. Seconded by Mr. Edwin Hall.

Motion: Mark N. Fox
Second: Edwin Hall
Vote: 6 in favor, 1 absent.
Motion Carried.

V. OTHER BUSINESS.

- A. Gaming Matter.

Mr. Christopher D. Quale, Tribal Attorney, briefed the council on the progress of the arbitration selection. After the briefing, Mark N. Fox made a motion to grant authority to the Gaming Committee to approve/disapprove the third neutral arbitrator. Seconded by Edwin Hall.

Motion: Mark N. Fox
Second: Edwin Hall
Vote: 5 in favor, 2 absent. (AG out)

- B. Range Unit Injunction Suit.

Closed Session.

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NOTE: At this time, Mr. Virgil Hill paid an informal visit to the Tribal Business Council. After introductions were made, pleasantries exchanged, and autographs obtained, Mr. Hill toured the Tribal Administration Building.

C. Fort Berthold Housing Authority/LCM Report.

Terry Red Fox and John Danks presented a letter to the council on back payments due housing from tribal members, along with a plan of action to remedy this situation. Mr. Red Fox requested support from the council and the tribal court in helping with these collections. Mr. Danks has been working with LCM in attempting to formulate a plan with them for reorganization, along with a plan for LCM to work with the housing authority.

Mr. Danks was requested to give the council a timeframe for the reorganization of LCM; and, also permission was requested of the Natural Resource Committee Chairman to become part of a plan of recommendation to get LCM moving.

Further discussion was held on conflicts between LCM and FBHA, which are presently hindering progress and development.

D. Bruce Johnson, Johnson Associates, IDC Rate Proposal for 1995.

Presentation by Treasurer Mark N. Fox. Resolution adopting indirect cost proposal at rate of 39.6% was presented at this time by Mr. John Danks, who recommended approval by council. Motion made by Mr. Edwin Hall, seconded by Mr. Daylon Spotted Bear, to pass the resolution.

Motion: Edwin Hall
Second: Daylon Spotted Bear
Vote: 5 in favor, 2 absent. (AG out)
Motion Carried.

RESOLUTION NO. 95-137-DSB

NOTE: Chairman Mason commended the Washington Delegation (Mark Fox, Edwin Hall, Ivan Johnson, Ed Lone Fight, and David Brendsel) on the WAPA Payment efforts.

E. Employee Request for Educational Leave.

Motion was made by Mark Fox to deny this request in accordance with the recommendation of the Acting Personnel Director. Motion was seconded by Daylon Spotted Bear.

Motion: Mark N. Fox
Second: Daylon Spotted Bear
Vote: 4 in favor, 1 opposed, 2 absent.
Motion Carried. Request Denied.

F. Councilman Fast Dog Briefing.

Mr. Fast Dog stated his employee had been on compensatory time on the date in question; and that he had made the appointment to the housing board. Mark Fox stated, for the record, council did not direct Mr. Fast Dog to reprimand the employee, nor had he been asked to investigate the claimed working hours merely because employee was involved in a lawsuit against the tribes, as Mr. Fast Dog had just stated. Mr. Fox stated the council had asked Mr. Fast Dog to investigate which appeared to be a second incident of unauthorized pay. Also, only the full council can appoint members to the housing board. Mr. Fast Dog, as administrator, is responsible for actions of his staff and had been asked to account for these actions.

G. Ed Lone Fight Briefing.

Tribal Programs Manager Mr. Lone Fight reported on his attendance at the "Partnership with Tribes" Meeting on P.L. 413, Section 103, on tribal shares. Mr. Gillette recommended the North Dakota tribes be invited to a meeting at United Tribes on this. Mr. Lone Fight to handle preparations for meeting for first part of July.

VI. APPROVAL OF MINUTES.

Mark Fox and Chairman Mason requested the Minutes of May 01, 1995, be deferred for approval until the next scheduled meeting, due to Youth Rally and other activities being held at 4 Bears Casino.



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Inter-Office Memorandum

To: Bernadine Young Bird, Administrator
Tribal Education Department

From: Daylon Spotted Bear ^{DSP}
Executive Secretary, TAT

Subject: Reference your Memorandum Dated August 25, 1995

Date: 8/30/95

Be advised that your request for a correction of the minutes for June 16, 1995 (rather than June 14) has been taken into consideration.

After reviewing the minutes for both June 8 and June 16, it has been determined that when this issue was first brought to council, it was unclear whether this was a request for educational leave or a leave of absence; therefore, at that time, it was referred to as a "leave of absence". However, after the Personnel Department had a chance to review the documents, it was determined this was a request for educational leave.

Therefore, the minutes will remain as is, and a copy of this memorandum will be filed with the minutes of June 16, 1995.

Thank you for your interest and concern.



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Inter-Office Memorandum

To:	Daylon Spotted Bear Secretary Tribal Business Office	From:	Bernadine Young Bird Administrator Tribal Education Department
Subject:	Information	Date:	August 25, 1995

Please consider this a friendly reminder about the error on your minutes for the Tribal Business Council for the June 14th Meeting.

As discussed last month, I noted it has not been corrected. Please refer to the June 8th Meeting which clearly records a request for a **"Leave of Absence"**, but the minutes for June 14th Meeting have the Council acting on a request for **"Educational Leave"**.

Please put on the Agenda for corrections and ensure that the Council acted on the correct request.

Thank you.

cc: File

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VII. ADJOURN. Motion to adjourn meeting was made by Austin Gillette, seconded by Edwin Hall. Meeting adjourned at 3:20 p.m. Next scheduled meeting will be held on Wednesday, June 21, 1995, at 10:00 a.m.

Minutes recorded by Jackie Morsette, 06/16/95. Minutes transcribed and submitted by Marian Spotted Bear, Recording Secretary, 06/29/95.

CERTIFICATION of MINUTES

I, the undersigned, as 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.

6 members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13th day of July, 1995, 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 member(s), 0 member(s) opposed, 0 member(s) abstained, 1 member(s) absent and not voting; and that these Minutes have not been rescinded or amended in any way, except as noted by council when approved.

Dated this 13th day of July, 1995.

ACCEPTED:

Daylon Spotted Bear
Daylon Spotted Bear, Secretary
Tribal Business Council

ATTEST:


Russell D. Mason, Chairman
Tribal Business Council