

SPECIAL MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

TRIBAL COUNCIL CHAMBERS
TRIBAL BUILDING
MAY 5, 1983

PRESENT: ALYCE SPOTTED BEAR, CHAIRMAN; TILLIE WALKER, VICE CHAIRMAN; MATTHEW MASON, SECRETARY; DENNIS HUBER, TREASURER; ROY BIRD BEAR, PETE COFFEY, DONALD MALNOURIE, ERNEST STONE, GERALD WHITE

ABSENT : NATHAN PAUL GOODIRON, MARIE WELLS

OTHERS : CHARLES HOBBS, HOBBS, STRAUS, DEAN & WILDER LAW OFFICES; KEITH MANDAN, FARM FAMILY FORECLOSURE LEGAL ASSISTANCE PROGRAM (FFFLAP); RANDY & COLLEEN KRAFT; BERNARD & EMMARINE CHASE: DON KELLAR, LAVONNE BRUCE, FORT BERTHOLD HOUSING AUTHORITY; JOHN DANKS, BIA RESOURCES DEVELOPMENT OFFICER; JOE DEANE, CDBG COORDINATOR; SID LENERTZ, LENERTZ STORE; JIM BLUESTONE, BUSINESS REGULATORY ENTERPRISE ASSISTANCE DEPARTMENT (BREAD); MIKE YELLOW BIRD, HUMAN RESOURCES DEPARTMENT ADMINISTRATOR; RAY CROSS, TRIBAL ATTORNEY; DELORES SAND, EUGENE VOIGHT, EVA BEAKS, ROSE CROW FLIES HIGH, CLYDE BRADY, SARGEANT-AT-ARMS: RACHEL GRADY, SECRETARY

CALL TO ORDER (Item No. 1)

Chairman Spotted Bear called the meeting to order at 1:42 p.m.

ROLL CALL (Item No. 2)

Roll call; quorum present. Chairman Spotted Bear reported that Dennis Huber and Paul Goodiron were attending a highway meeting at the Four Bears Motor Lodge with the State and County Highway Departments, Aberdeen Area Office and Bureau of Indian Affairs. Marie Wells is on emergency leave.

Item No. 3 FARM FAMILY FORECLOSURE LEGAL ASSISTANCE PROGRAM (FFFLAP)

Motion No. 1 - Tillie Walker, Vice Chairman, moved, seconded by Gerald White to donate \$1,000 to the FFFLAP Organization to help defray expenses. Eight (8) in favor, motion carried.
Resolution No. 83-99-S

Item No. 4 LENERTZ STORE

Tribal Council decided to have further study done to determine if it would be beneficial to the Tribe if the Tribe purchased it, and have recommendation at next meeting.

Item No. 5 SETTLEMENT BETWEEN STATE HIGHWAY DEPARTMENT & BERNARD CHASE

Motion No. 2 - Tillie Walker, Vice Chairma, moved, seconded by Councilman Coffey to have Tribal Business Council advance \$2,500 to the Chases for road rebuilding and landscaping, with a promissory note signed and delivered to Housing Authority by the Chases, so the Tribe will be repaid upon payment to Chases.

After remarks, motion was amended to change amount to \$5,000. Eight (8) in favor, motion carried. Resolution No. 83-100-S

Item No. 6 FORT BERTHOLD HOUSING AUTHORITY

Motion No. 3 - Councilman Stone moved, seconded by Councilman Coffey in supporting and endorsing Fort Berthold Housing Authority's application for more Mutual Self-Help housing and low-income rental housing units. Eight (8) in favor, motion carried. Resolution No. 83-101-S

Item No. 7 HOBBS, STRAUS, DEAN & WILDER'S FEES AND EXPENSES

Motion No. 4 - Councilman Coffey moved, seconded by Councilman Malnourie to authorize payment to the law firm of Hobbs, Straus, Dean & Wilder for fees in the amount of \$17,264.20 and for expenses in the amount of \$3,492.01, totaling \$20,756.21. Eight (8) in favor, motion carried. Resolution No. 83-102-S

Item No. 8 MINERAL RESTORATION BILL

Motion No. 5 - Treasurer Huber moved, seconded by Councilman White to accept Version B for the Mineral Restoration Bill, in which the Tribe would get back all the minerals only in the Indian area of the reservation, and submit to Senator Andrews. Roll call vote: Mason, no; Walker, no; Malnourie, no; Coffey, yes; Stone, yes; White, yes; Huber, yes; Bird Bear, yes; and Chairman, yes. Six (6) in favor, three (3) opposed, motion carried. Resolution No. 83-103-S

RECESS: Meeting recessed at 5:10 p.m.

RECONVENEMENT: Meeting reconvened at 10:50 a.m., May 6, 1983.
Present: Alyce Spotted Bear, Chairman; Tillie Walker, Vice-Chairwoman; Matthew Mason, Secretary; Roy Bird Bear, Pete Coffey, Nathan Paul Goodiron, Donald Malnourie, Ernest Stone, Gerald White.
Absent: Dennis Huber, Secretary; Marie Wells. Others: Larry Parker, Ft. Berthold Community College; Mike Yellow Bird, Human Resources Administrator; John Danks, BIA Resources Development Officer; Lawrin Baker, Natural Resources Administrator; Mike Cross, Business Economic Development Specialist; Cris Carlson, Cable T. V.; Kip Quale, Tribal Attorney; Titus Hall, TERO Director; Don Rush, Growth & Development Specialist; John Young, Growth & Development Program Assistant; Eugene Voight, Delores Sand, Clyde Brady, Sargeant-At-Arms; Rachel Grady, Recording Secretary.

Item No. 9 MANDAREE SCHOOL 638 CONTRACT

Motion No. 6 - Councilman White moved, seconded by Councilman Malnourie to authorize the Mandaree School District to negotiate and enter into a contract with the Bureau of Indian Affairs for the total operation of the education program for the Mandaree Indian Children, with further resolve that resolution extends from

September 30, 1983 to September 30, 1986. Vote: Seven (7) in favor, motion carried. Resolution No. 83-104-S

Item No. 10 MENTAL & PHYSICAL HEALTH TREATMENT FACILITY

Motion No. 7 - Councilman Goodiron moved, seconded by Councilman Bird Bear to table proposed plan for a comprehensive Mental and Physical Health Treatment facility to be located at the Johnson Ranch, and to refer the plan to the Human Resources Committee. Vote: Seven (7) in favor, one (1) opposed, motion carried.

Item No. 11 SCHOLARSHIP ASSISTANCE

Kermit Heart requested scholarship assistance, but because the money is not available yet from the 20% of the Judgement Funds, the Council decided to table.

Item No. 12 COMPENSATION FOR FIRE ON PROPERTY

Fritz Bird Bear is requesting compensation for a fire on his land which started from the Mandaree dump grounds. The Council decided to table until more information is received.

Item no. 13 FORT BERTHOLD COMMUNITY COLLEGE

Larry Parker was present and said the Community College is requesting a reduction in rent where the science center is located, to \$250 a month. The Council decided to refer matter to the Material Resources Committee.

RECESS: Meeting recessed at 11:55 a.m.

RECOVENEMENT: Meeting reconvened at 1:00 p.m.

Item No. 14 PHASE III COAL STUDY

Motion No. 8 - Councilman White moved, seconded by Councilman Malnourie to have the Bureau of Indian affairs continue and complete the Phase III Coal Study on the Fort Berthold Reservation. Vote: Eight (8) in favor, motion carried. Resolution No. 83-105-S
John Danks said he will put in transmittal that the Tribe is interested in having input in any negotiations with an outside firm to do the coal study.

Item No. 15 TERO ORDINANCE

Motion No. 9 - Councilman Goodiron moved, seconded by Councilman Coffey for approval of the revised TERO Ordinance. Remarks: The Council, after discussion, decided the TERO Ordinance should be reviewed. Councilman Goodiron withdrew his motion.

Item No. 16 NATIONAL AMERICAN INDIAN DAY

Motion No. 10 - Councilman Coffey moved, seconded by Secretary Mason for approval of appropriating \$5,000 for National American Indian Day, with further resolve to have Tribal Treasurer determine line item. Vote: Four (4) in favor, two (2) opposed, one (1) abstention, motion carried. Resolution No. 83-106-S

Item No. 17 GROWTH AND DEVELOPMENT BUDGET MODIFICATION

Motion No. 11 - Secretary Mason moved, seconded by Councilman Malnourie for approval of budget modification for the Growth and Development Program. Vote: Seven (7) in favor, motion carried.

Item No. 18 BUREAU OF INDIAN AFFAIRS REALTY DEPARTMENT

The resolution presented in regards to having the Inspector General investigate the BIA Realty Department on Fort Berthold Reservation was referred to the Natural Resources Committee for their recommendation.

Item No. 19 UTILITIES COMMISSION

Motion No. 12 - Councilman Coffey moved, seconded by Vice Chairman Walker for approval of the Utilities Commission becoming a separate entity from the Material Resources Department upon approval of the plan by the Tribal Business Council. Vote: Seven (7) in favor, one (1) opposed, motion carried. Resolution No. 83-107-S

Item No. 20 TRIBAL FINANCE

The Tribal Business Council decided to table the resolution presented by the Tribal Finance office to purchase a IBM System 34 until the Tribal Comptroller is present to clarify questions.

Item No. 21 REQUEST FOR FUEL ASSISTANCE

Audrey Davy's request for fuel assistance was brought up. Material Resources Department's LIHEAP Program determined that she was ineligible. The Council decided they could not help her if she is over-income.

Item No. 22 TRIBAL STATE WATER COMPACT

Motion No. 13 - Councilman White moved, seconded by Councilman Stone for approval for Bureau of Indian Affairs to enter into a contract for the development and negotiation of the Tribe's water claims' contract in the amount of \$150,000. Vote: Eight (8) in

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favor, one (1) abstention, motion carried. Resolution No. 83-108-S

Item No. 23 HIRING OF TRIBAL POLICE OFFICERS

Discussion followed on the hiring of Tribal Police officers, and Chairman Spotted Bear entertained a motion to have the Department Administrators and Committee Chairman make selection of the department personnel. Moved by Councilman Stone. No Second, motion died.

Item No. 24 FIRE TRUCKS

Motion No. 14 - Councilman Goodiron moved, seconded by Councilman White to move one fire truck in the BIA Range Department in the New Town area to the White Shield area due to lack of fire protection equipment. Vote: Nine (9) in favor, motion carried.

Item No. 25 AMICUS BRIEF

Motion No. 15 - Councilman Goodiron moved, seconded by Councilman White for the Legal Department to submit an amicus brief in behalf of the four enrolled members with the 8th Circuit Court. This concerns the U. S. Government having secured civil monetary judgments against four members of the Three Affiliated Tribes attempting to garnish the August, 1983 per capita payments to these individuals. Vote: Nine (9) in favor, motion carried.

Item No. 26 CRESTA INDUSTRIES, INC.

Motion No. 16 - Vice Chairman Walker moved, seconded by Councilman White to have Dennis Huber, Dennis Maddox and Dale McGrady do study on Cresta Industris, Inc. rather than having auditors do it. Vote: Seven (7) in favor, two (2) opposed, motion carried.

Item No.27 THREE AFFILIATED TRIBES VS. WOLD ENGINEERING

Motion No. 17 - Councilman Goodiron moved, seconded by Councilman White requesting Native American Rights Fund and John Holm serve in the capacity of "of counsel" in conjunction with the Legal Department of the Three Affiliated Tribes in the court action entitled Three Affiliated Tribes vs. Wold Engineering. Vote: Eight (8) in favor, one (1) not voting, motion carried. Resolution No. 83-109-S

ADJOURNMENT: Meeting adjourned at 4:22 p.m.

APPROVED: June 16, 1983
DATE

ATTEST:


SECRETARY, TRIBAL BUSINESS COUNCIL

