

SPECIAL MEETING
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

TRIBAL COUNCIL CHAMBERS
TRIBAL BUILDING
MARCH 29, 1984

PRESENT: TILLIE WALKER, VICE CHAIRWOMAN; MATTHEW MASON, SECRETARY; NATHAN P. GOODIRON, TREASURER; ROY BIRD BEAR, PETE COFFEY, DONALD MALNOURIE, ERNEST STONE, MARIE WELLS, GERALD WHITE

ABSENT : ALYCE SPOTTED BEAR, CHAIRMAN; DENNIS HUBER

OTHERS : JOE GREGORY, BIA HIGHER EDUCATION DEPT.; LAWRIN BAKER, NATURAL RESOURCE DEPT. ADMINISTRATOR; JOHN DANKS, BIA RESOURCE DEVELOPMENT OFFICER; JOHN BJORKE, RAY ZINK, PHYLLIS EDVERSON, CHARLES GULLICKS, ND STATE HIGHWAY DEPT.; ARNIE GUIMONT, MATERIAL RESOURCE DEPT. ADMINISTRATOR; KATHY REALBIRD, RON SMITH, TERO DEPT.; DANI S. DEANE, SOCIAL SERVICES PROGRAM; MIKE YELLOW BIRD, HUMAN RESOURCE DEPT. ADMINISTRATOR; KIP QUALE, TRIBAL ATTORNEY; LEO CUMMINGS, JTPA DIRECTOR; ADELIN PORTER, BIA REALTY SPECIALIST; MIKE CROSS, DEED DIRECTOR; ALLAN MCKAY, GAME & FISH PROGRAMMER; KEN DEANE, TRIBAL PLANNER; BUDDINE STEWART, ROSE CROW FLIES HIGH, EVA BEAKS, GAINUS & LINDA LITTLE SOLDIER, BEULAH CHAPIN, JULIA PRICE, BASIL HUNTS ALONG, BROTHER BERNARD, WILBUR HUNTS ALONG, EMMARINE BIG POND, MARJORIE HUNTS ALONG, RHINE HUNTS ALONG, VINCENT HUNTS ALONG, JR., ELEANOR SORENSON, ED GRINNELL, ED HALL, BURTON BELL, MR. & MRS. JAMES WOLF, MYRA SNOW, ED BRACKLIN, SARGEANT-AT-ARMS; RACHEL GRADY, RECORDING SECRETARY

ITEM 1 STATE HIGHWAY DEPARTMENT

At the beginning of the meeting, there was an informal meeting with representatives from the ND State Highway Department regarding Highway 22. Tribal Council members and tribal members present expressed concerns about the project, and most questions asked were about employment for tribal members. The representatives were informed about the Tribes' TERO Ordinance about hiring and contracting, which they will be given a copy of. It was pointed out that the Tribes never had any part of any planning, construction, etc. of road projects, even for the projects located on Ft. Berthold Reservation, and the local towns were given a role in the whole process of building other roads. One thing to explore is Tribes having a role on funding transportation or more of a role with the State Highway Department. The representatives were told that the Tribe would like to see a certain percentage of people hired for the project be tribal members. Mr. Zink said 3.3% of work was done by minority contractors for this FY. It will probably be that again for the next FY, but they could stipulate how much work has to be done by minorities. Tillie Walker said the Tribe wanted a TERO member to be present prior to and after bid letting on Highway 22 project, and said this was discussed at State Highway meeting in Minot, ND yesterday, so contractors can be aware of what TERO Ordinance entails. Mr. Zink was asked, if there was stipulation to the percentage of local employment to

be hired, if the Tribe could hold him to that. He replied that if it was in the contract, the State Highway Department could hold the contractor to the stipulation. He said every project in the State has at least 8% to be done by minority contractors. Mr. Zink said the State Highway Department will stipulate on the contract that a certain percentage of the work will be done by minority contractors, and it will not be anything less than 8%, it might be more. It will be in the contract that contractor must comply with Tribes' TERO Ordinance, and it is up to the contractor to familiarize themselves with it. The Council told the representatives that the Tribe would like to negotiate each time projects come up regarding percentage of local employment.

Discussion followed on old Highway No. 8. The Council asked who sent a grader down there to maintain it, after the road has been abandoned and closed for years. Mr. Zink thought it was the County, but he will do some checking and let the Tribe know. John Danks said the Bureau did some checking into it before and found out the County acquired title to it, and when the Tribe wanted road closed, the Bureau served notice. That's what probably prompted grader to go down there after 30 years. By grading, they are causing more erosion and damage to the area, and they are traversing across pastures that belong to people and road is abandoned. The State Highway Department will get an answer back to the Council.

ITEM 2 CALL TO ORDER

Vice Chairwoman Walker called the meeting to order at 11:30 a.m.

ITEM 3 ROLL CALL

Secretary Mason called roll; quorum present. (9 present)

ITEM 4 1986 BUDGET FORMULATION ON BANDED PROGRAMS

The Budget Formulation was referred to the next full Council meeting, after John Danks meets with all Department Administrators.

ITEM 5 MINUTES

Motion No. 1 - Gerald White moved, seconded by Marie Wells for approval of March 22, 1984, Special Meeting minutes, with noted corrections. Eight (8) in favor, one (1) not voting, motion carried.

Motion No. 2 - Gerald White moved, seconded by Don Malnourie for approval of March 14, 1984, Material Resource Committee minutes. Eight (8) in favor, one (1) not voting, motion carried.

ITEM 6 RECESS

The meeting recessed at 11:55 a.m. and reconvened at 1:05 p.m. Nathan

P. Goodiron did not return for the afternoon session.

ITEM 7 GUARDIANSHIP

Motion No. 3 - Gerald White moved, seconded by Don Malnourie to refer the matter of guardianship for Basil Hunts Along to the Tribal Court. Remarks: Tribal Court said there will be a hearing on Friday, April 6, 1984. Seven (7) in favor, two (2) not voting, motion carried.

ITEM 8 NAPSIP

Motion No. 4 - Marie Wells moved, seconded by Ernest Stone to have the Tribal Council receive \$10,000 of the NAPSIP's unobligated funds for clean up of the Four Bears Motor Lodge. Five (5) in favor, two (2) opposed, two (2) not voting, motion carried.

Motion No. 5 - Marie Wells moved, seconded by Matt Mason to set aside \$2,700 of the NAPSIP funds to fund a position at the Minne-Tohe Health Center for a dental receptionist/typist for about three months. Seven (7) in favor, two (2) not voting, motion carried.

Motion No. 6 - Marie Wells moved, seconded by Gerald White to include TAT TERO - Classroom & OJT, White Shield, Inc. - OJT and Mandaree, Inc. - EGS OJT proposals in the \$42,000 NAPSIP unobligated funds. Five (5) in favor, one (1) opposed, three (3) not voting, motion carried.

Motion No. 7 - Marie Wells moved, seconded by Gerald White to accept the five businesses for funding under the NAPSIP unobligated funds: Lunch & Snack Bar - Rose Crow Flies High, West River Trading Post - Ed Hall, Sanish Manufacturing & Welding - Malcolm Wolf, J-S Arena - Rosie Stone and Little Soldier Feed Lots & Meat Processing - Gainun & Linda Little Soldier. Remarks: When all proposals were submitted, they requested a certain amount of funding from the \$42,000. Since there is not enough money for all proposals accepted, they will have to meet and negotiate for amounts they will receive. This includes Mandaree, White Shield and TERO. Seven (7) in favor, two (2) not voting, motion carried.

Motion No. 8 - Gerald White moved, seconded by Pete Coffey to refer the eight proposals accepted for funding from NAPSIP to the Private Industry Council (PIC) for negotiations on amount of funding they will receive. Seven (7) in favor, two (2) not voting, motion carried.

ITEM 9 MATERIAL RESOURCE DEPARTMENT BUDGET MODIFICATION

Motion No. 9 - Pete Coffey moved, seconded by Gerald White to approve budget modification for the Material Resource Department, which will include funding for the Administrator, Out-reach Worker and Administrator Assistant, to July 21, 1984. Seven (7) in favor, two (2) not voting, motion carried.

ITEM 10 BUSINESS LICENSE

Motion No. 10 - Gerald White moved, seconded by Pete Coffey to approve a business license for James Wolf for an Indian craft shop, Wolf's Trading Post, from June 30, 1984 to June 30, 1985. Seven (7) in favor, two (2) not voting, motion carried.

ITEM 11 GOOD BEAR LAND SALE

Motion No. 11 - Gerald White moved, seconded by Pete Coffey for approval of Tribe purchasing Allotment 301-1922, Lots 3 & 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 2, T. 149 N., R 93 W., exclusive of minerals, containing 319.54 acres, from Nancy Eve Fox, Maynard Good Bear and Merely Jean Good Bear, at a purchase price of \$43,140.00, with deferred payments, from the Tribes' Special IIM Account. The first payment will be in the amount of \$12,000, and the second and third payments will be in the amount of \$15,000, with one change in the resolution regarding interest accrued. It will be changed to "with no interest". Seven (7) in favor, two (2) not voting, motion carried. Reso. #84-91-S

ITEM 12 BUSINESS DEVELOPMENT FUND

Motion No. 12 - Matt Mason moved, seconded by Ernest Stone for approval of resolution regarding the adoption of a Plan of Operation for the Business Development Fund, Docket 350-G. Eight (8) in favor, one (1) not voting, motion carried. Reso. #84-92-S

ITEM 13 PHASE II WATER COMPACT

Motion No. 13 - Gerald White moved, seconded by Marie Wells for approval of resolution regarding the Tribe designating Natural Resource Department as the tribal entity charged with developing and administering Phase II of the Water Contract. Six (6) in favor, one (1) opposed, one (1) abstained, one (1) not voting, motion carried. Reso. #84-93-S

ITEM 14 TERO AMENDMENT

Motion No. 14 - Gerald White moved, seconded by Roy Bird Bear for approval of resolution regarding the amendment of the TERO Ordinance's employment rights fee from one half ($\frac{1}{2}$ %) percent of one percent to one percent (1%) of the total gross contract price per each contract entered into. Eight (8) in favor, one (1) not voting, motion carried. Reso. #83-94-S

ITEM 15 INDIAN HEALTH EMPLOYEES SCHOLARSHIP, INC.

The requests from Indian Health Employees Scholarship, Inc. from Aberdeen, SD and Miss Teen North Dakota Contest for contributions were referred to the Tribal Treasurer, and he is requested to report back to the Council, if he finds any funding. The Indian Health Employees Scholarship is sponsoring a Oyate Wanjipila (All Nations in One) Pow-Wow on May 12-13, 1984. They provide scholarships for Indian students in health careers.

ITEM 16 DR. BARNES' TRAVEL EXPENSES

Motion No. 15 - Gerald White moved, seconded by Marie Wells to rescind Resolution No. 84-70-S, regarding Mrs. Allan Barnes' transportation fees for travel to New Town, ND, because memorandum was received from Mike Yellow Bird informing the Council that Mrs. Barnes will be traveling via automobile, so Tribe will not have to pay for any transportation fees. Seven (7) in favor, two (2) not voting, motion carried.

ITEM 17 ELK

Discussion followed on the State holding an open season on elk herd located in McKenzie County. The elk were originally placed on the Ft. Berthold Reservation, but got out. Some Council members said, if the State is going to charge license fees, the Tribe should receive some of the profits, since the elk belong to the Tribe. The reason why the State wants to hold an open season is because of complaints made by ranchers. Hugh Baker said he has contacted Dale Henegar, State Game & Fish Commissioner, and they will be meeting with him during the week of April 23, 1984. A date is not set yet.

ITEM 18 GOOD BEAR RECREATION AREA

Motion No. 16 - Gerald White moved, seconded by Ernest Stone for approval of resolution regarding the modification of lease agreement entered into between the State of North Dakota and the Tribes. The modification is in regards to the Tribe consenting to a waiver of their sovereign immunity from suit relative to the Lease Agreement. Four (4) in favor, one (1) opposed, one (1) abstained, three (3) not voting, motion carried.
Reso. #84-95-S

ITEM 19 ANA-SEDS PROPOSAL

Motion No. 17 - Gerald White moved, seconded by Don Malnourie for approval of resolution regarding the execution and filing of the grant application for financial assistance from the Administration for Native Americans for the ANA 1984-85 Grant Period of July 1, 1984 to June 30, 1985. Seven (7) in favor, two (2) not voting, motion carried. Reso. #84-96-S

ITEM 20 AHEAD OF THE HERD

Motion No. 18 - Marie Wells moved, seconded by Gerald White for approval of resolution regarding Ahead of the Herd, tribal newspaper, securing a loan of \$20,000 from Lakeside State Bank, using Tribes' land lease income as collateral. Seven (7) in favor, two (2) not voting, motion carried.
Reso. #84-97-S

ITEM 21 ADJOURNMENT

SPECIAL MEETING
MARCH 29, 1984
PAGE SIX

The meeting adjourned at 4:30 p.m.

Nathan P. Goodner

SECRETARY, TRIBAL BUSINESS COUNCIL

DATE: May 10, 1984

ATTEST:

Alyce J. [unclear]

CHAIRMAN, TRIBAL BUSINESS COUNCIL