

Tribal Business Council
Regular Meeting
July 19, 1984

CALL TO ORDER (Item No. 1)

Chairman Alyce Spotted Bear called the meeting to order at 10:00 a.m.

ROLL CALL (Item No. 2)

PRESENT: Alyce Spotted Bear, Tillie Walker, Dennis Huber, Matthew Mason, Roy Bird Bear, Gerald White, Ernest Stone, Pete Coffey, Sr., Marie Wells.

ABSENT: Paul Good Iron, Donald Malnourie.

There being a quorum present, the meeting was ruled in order to conduct business.

OTHERS: Bobby Bell, Claryssa Mandan, Janet Voight, Ed Bracklin, Reba White Shirt, Lyda Foote, Kip Quale, Pete Coffey, Jr., Celeste Eagleman, Gordon Balke, Gloria Fast Dog, John Fevold, Rosie Crow Flies High, Buddine Stewart, Lisa Redford, Mr. and Mrs. Michael Horn, Hazel Blake, John Charging, Pemina Yellow Bird, Recording Secretary.

Item No. 3 APPROVAL OF MINUTES

Motion No. 1 - Gerald White moved, seconded by Pete Coffey, to approve the minutes of the Regular Meetings of May 10, 1984, May 16, 1984, May 31, 1984, with corrections as noted. VOTE: All in favor, motion carried.

Motion No. 2 - Gerald White moved, seconded by Marie Wells, to approve the minutes of the Credit Committee, June 19, 1984; the Human Resources Committee of June 22, 1984, June 26, 1984, June 28, 1984, July 2, 1984, July 11, 1984, July 11, 1984, (Special); the Natural Resources Committee of June 25, 1984; and the Material Resources Committee of June 27, 1984. VOTE: All in favor, motion carried.

Item No. 4 APPOINTMENT OF NEW CHAIRMAN, HOUSING BOARD OF COMMISSIONERS

Motion No. 3 - Pete Coffey moved, seconded by Roy Bird Bear, to approve, by resolution, the appointment of Dennis Huber as the Chairman of the Ft. Berthold Housing Authority Board of Commissioners. VOTE: Eight (8) in favor, one (1) abstaining, motion carried.

Item No. 5 KILDEER ROUND-UP RODEO QUEEN

Motion No. 4 - Marie Wells moved, seconded by Tillie Walker, that we request support for Janet Voight, Miss Kildeer Round-up, who asked the Tribe for support in her bid during the Miss Rodeo North Dakota queen pagaent, to be given from her home community of Twin Buttes. VOTE: All in favor, motion carried.

Item No. 6 KILDEER ROUND-UP RODEO QUEEN

Motion No. 5 - Dennis Huber moved, seconded by Roy Bird Bear, that the Three Affiliated Tribes sponsor Janet and that \$1,000 be paid out of the balance of the Revenue Sharing monies and any new money that will come from FY85 monies be given her. VOTE: Six (6) in favor, two (2) opposed, one (1) abstaining, motion carried.

Item No. 7 KMHA PROPOSAL

Motion No. 6 - Tillie Walker moved, seconded by Marie Wells, to approve the resolution authorizing use of \$19,000 from the Revenue Sharing carry-over monies for the KMHA Radio Station, for operating expenses, with the remaining amount of the Revenue Sharing monies, \$713.69, to go for repair of the road grader. VOTE: All in favor, motion carried. (Reso. 84-185-S)

Item No. 8 IHS MASTER CONTRACT

Motion No. 7 - Matthew Mason moved, seconded by Pete Coffey, to approve the resolution authorizing the continuation of Indian Health Service Master Contract, which is requesting \$163,695 for the CHR Program, \$72,062 for the Alcoholism Program, \$78,953 for the Physician Extender Program, and \$13,977 for the Janitorial Program, with a total budget of \$328,687, with indirect cost included. VOTE: All in favor, motion carried. (Reso. 84-186-S)

Item No. 9 SECRETARIAL ELECTION AUTHORIZED

Motion No. 8 - Ernest Stone moved, seconded by Tillie Walker, to approve the resolution authorizing the Bureau of Indian Affairs to hold a Secretarial Election, which would change the words "Three Affiliated Tribes" to the "Mandan, Hidatsa and Arikara Nation", and we would be forever recognized as such. VOTE: All in favor, motion carried. (Reso. 84-187-S)

Item No. 10 PROPOSED TRIBAL LAND USE PLAN

Motion No. 9 - Dennis Huber moved, seconded by Roy Bird Bear, to approve the resolution directing the Legal Department and the Natural Resources Department to prepare a proposed comprehensive Tribal land use plan. VOTE: All in favor, motion carried. (Reso. 84-188-S)

Item No. 11 APPOINTMENT OF TREASURER, TRIBAL BUSINESS COUNCIL

Motion No. 10 - Ernest Stone moved, seconded by Roy Bird Bear, to approve the resolution appointing Dennis Huber as Treasurer of the Tribal Business Council, and accepting Paul Good Iron's resignation as Treasurer, effective 5:00 p.m., July 20, 1984. VOTE: Six (6) in favor, three (3) opposed, motion carried. (Reso. 84-189-S)

Item No. 12 RECESS AND RECONVENE

The meeting was recessed at 12:00 for lunch, and was reconvened and called to order at 1:15 p.m.

Item No. 13 GRAZING POLICIES

Motion No. 11 - Tillie Walker moved, seconded by Marie Wells, to allow the Council a review period of one week regarding the proposed grazing policies (to allow the Councilmembers to meet with their respective communities) and take the matter up at the meeting on July 26, 1984. VOTE: Four (4) in favor, one (1) opposed, three (3) abstaining, motion carried.

Item No. 14 ACCEPTANCE OF ARCO BIDS ON TRIBAL TRACTS

Motion No. 12 - Dennis Huber moved, seconded by Gerald White, to approve the resolution accepting high bids from Arco Oil Exploration Company on the following tracts: T-34, T-35, T-68, T-69, T-70, and T-72. VOTE: All in favor, motion carried. (Reso. 34-190-S)

Item No. 15 ACCEPTANCE OF COLUMBIA GAS BIDS ON TRIBAL TRACTS

Motion No. 13 - Marie Wells moved, seconded by Gerald White, to approve the resolution accepting high bids from Columbia Gas Development Corporation on the following tracts: T-890, T-107, T-108. VOTE: All in favor, motion carried. (Reso.84-191-S)

Item No. 16 ACCEPTANCE OF PENNZOIL BIDS ON TRIBAL TRACTS

Motion No. 14 - Marie Wells moved, seconded by Gerald White, to approve the resolution accepting high bids from Pennzoil Company on the following tribal tracts: T-71. VOTE: All in favor, motion carried. (Reso. 84-192-S)

Item No. 17 RE-ADVERTISEMENT OF THREE TRIBAL TRACTS

Motion No. 15 - Dennis Huber moved, seconded by Tillie Walker, to re-advertise three tribal tracts for which Tenneco submitted low bids, to be bid on in the fall lease sale. VOTE: All in favor, motion carried.

Item No. 18 FT. BERTHOLD NATIVE AMERICAN CHURCH

Motion No. 16 - Matthew Mason moved, seconded by Gerald White, to approve the resolution granting a non-profit corporate charter to the Fort Berthold Native American Church. VOTE: All in favor, motion carried. (Reso. 84-193-S)

Item No. 19 ENROLLMENT OF RED STAR HORN

Motion No. 17 - Dennis Huber moved, seconded by Gerald White, to approve the enrollment of Red Star Horn, son of Michael Horn, Sr., enrolled member. VOTE: All in favor, motion carried. (Reso. 84-194-S)

Item No. 20 TRANSFER OF ROAD GRADER TO TRANSPORTATION COMMITTEE

Motion No. 18 - Dennis Huber moved, seconded by Ernest Stone, to approve the resolution directing that the 1974 - 930 Caterpillar front-loader and road grader under current use permit from the Bureau of Indian Affairs be transferred to the Transportation Committee. VOTE: Seven (7) in favor, one (1) opposed, one (1) abstaining, motion carried. (Reso. 84-195-S)

Item No. 21 AGREEMENT BETWEEN TRIBES AND DORNBUSCH & CO.

Motion No. 19 - Gerald White moved, seconded by Roy Bird Bear, to approve the resolution authorizing that the agreement between the Three Affiliated Tribes and Dornbusch & Co. be extended to September 30, 1984, and that Alyce Spotted Bear, Tribal Chairman, be authorized to sign this agreement. VOTE: Five (5) in favor, one (1) opposed, three (3) abstaining, motion carried. (Reso. 84-196-S)

Item No. 22 ELECTION ORDINANCE AMENDMENTS

Motion No. 20 - Matthew Mason moved, seconded by Tillie Walker, to change Page 6, Part II, Section 1 of the Election Ordinance to delete the following language, "who has registered in accordance with Part III of this Ordinance or who has met the requirements of Part VII of this Ordinance...". VOTE: All in favor, motion carried.

Paul Good Iron joined the meeting at 4:28 p.m.

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Item No. 22 ELECTION ORDINANCE AMENDMENTS

Motion No. 21 - Dennis Huber moved, seconded by Gerald White, to amend Page 6, Part II, Section 2(c) of the Election Ordinance to read as follows: "He has not been found guilty by a court of competent jurisdiction of a felony within the last five years next preceding the date of the election." VOTE: Six (6) in favor, three (3) opposed, one (1) abstaining, motion carried.

Motion No. 22 - Tillie Walker moved, seconded by Gerald White, that a re-vote be taken on Motion 21, since there was a misunderstanding of the motion. VOTE: Seven (7) in favor, two (2) opposed, one not voting, motion carried.

Motion No. 23 - Dennis Huber moved, seconded by Gerald White, to amend Page 6, Part II, Section 2(c) of the Election Ordinance to read as follows: "He has not been found guilty by a court of competent jurisdiction of a felony within the last five years next preceding the date of the election." FINAL VOTE: Five ~~(5)~~⁶ in favor, three ~~(3)~~ opposed, two ~~(2)~~ abstaining, motion carried.

It was at this point that the number voting was reduced to nine (9) members, but it was not noted by the Recording Secretary as to which member left the meeting.

Motion No. 24 - Gerald White moved, seconded by Pete Coffey, to amend Page 6, Part II, Section 2(d), to read, "has a discharge other than 'Honorable' from the Armed Services...". VOTE: All in favor, motion carried.

Motion No. 25 - Marie Wells moved, seconded by Gerald White, that Page 6, Part II, Section 2(c) of the Election Ordinance shall include the following categories: all Housing Authority debts in which candidate is delinquent, all leases entered into with the Tribe, court fines and costs, loans, property owned by the Tribe, outstanding travel expenses, and all other delinquent amounts owed to the Three Affiliated Tribes. VOTE: All in favor, motion carried.

Motion No. 26 - Gerald White moved, seconded by Ernest Stone, that the date upon which all financial delinquencies must be satisfied, will be no later than 5:00 p.m. on the date when the Election Board must rule on the challenge to the individual's candidacy. VOTE: All in favor, motion carried.

Item No. 22 ELECTION ORDINANCE AMENDMENTS

Motion No. 27 - Dennis Huber moved, seconded by Ernest Stone, to amend Page 6, Part II, Section 2(f) to read as follows: "If the Tribal employee wishes to run for membership on the Council in an election year, the Tribal employee should inform the Personnel Department and their respective Committee, and submit his/her resignation in writing to them, upon filing of his/her candidacy for Tribal office. If the Tribal employee is not successful in his/her bid for Tribal office, he/she shall be re-established in his/her former position with the Tribe." VOTE: Seven (7) in favor, one (1) opposed, one (1) not voting, motion carried.

Motion No. 28 - Dennis Huber moved, seconded by Marie Wells, to create Section 2(g) of Page 6, Part II, of the Election Ordinance, to read as follows: "Neither a consultant of the Three Affiliated Tribes, nor an incumbent of the Tribal Business Council, is deemed a Tribal employee for the purposes of Page 6, Part II, Section 2(f), and this amendment is hereby added to the Election Ordinance as Section 2(g). VOTE: All in favor, motion carried.

Item No. 23 WHITE SHIELD SCHOOL DISTRICT

Motion No. 29 - Gerald White moved, seconded by Marie Wells, to approve the resolution recognizing the White Shield School Board's right to contract with the Bureau of Indian Affairs's Aberdeen Area Office (under BIA's Chapter I) and Special Education 94-142, for services rendered for 84-85 school year. VOTE: All in favor, motion carried. (Reso. 84-196-S)

Item No. 24 TRIBAL BUSINESS COUNCIL BUDGET MODIFICATION

Motion No. 30 - Gerald White moved, seconded by Dennis Huber, to decrease the "Audit" line item by \$10,000, and increase the "Other" line item by \$4,064.00, and the "Attorney Fees" line item by \$5,936.00, in the T-2 budget. VOTE: Seven (7) in favor, two (2) not voting, motion carried.

Item No. 25 BINGO

Motion No. 31 - Tillie Walker moved, seconded by Gerald White, to authorize Luther Grinnell to explore the possibility of developing BINGO on the Ft. Berthold Reservation. VOTE: Seven (7) in favor, two (2) abstaining, motion carried.

Item No. 26 RECESS

The meeting was recessed at 4:45 p.m., to be reconvened at 1:00 p.m., Monday, July 26, 1984.

Item No. 27 RECONVENE

The meeting was reconvened at 10:45 a.m. on Monday, July 26, 1984. A roll call vote was taken, with the following Council members present: Alyce Spotted Bear, Tillie Walker, Dennis Huber, Matthew Mason, Roy Bird Bear, Paul Good Iron, Gerald White, Ernest Stone, Pete Coffey, Donald Malnourie, Marie Wells.

Item No. 28 APPROVAL OF MINUTES

Motion No. 32 - Gerald White moved, seconded by Paul Good Iron, to approve the minutes of the Regular Meeting of June 14, 1984, with corrections as noted. VOTE: Ten (10) in favor, one (1) abstaining, motion carried.

Item No. 29 GRAZING POLICIES RESOLUTION

Motion No. 33 - Tillie Walker moved, seconded by Marie Wells, that the land allocation in the proposed Grazing Policies Resolution remain at 200 head/grazing unit. VOTE: Three (3) in favor, seven (7) opposed, motion died.

Item No. 30 GRAZING POLICIES RESOLUTION

Motion No. 34 - Dennis Huber moved, seconded by Roy Bird Bear, to approve the Grazing Policies Resolution as read. VOTE: Six (6) in favor, three (3) opposed, one (1) abstaining, motion carried. (Reso. 84-198-S)

Item No. 31 CABIN SITE DEVELOPMENT ON JOE CHASE'S ALLOTTED LAND

Motion No. 35 - Dennis Huber moved, seconded by Donald Malnourie, to approve the resolution requesting cabin site development of Joe Chase's allotted land at Twin Butte's Old Highway #8 area. VOTE: All in favor, motion carried. (Reso. 84-199-S)

Item No. 32 PAYMENT IN ADVANCE

Motion No. 36 - Pete Coffey moved, seconded by Donald Malnourie, to table the request of Darry Hall (on behalf of Anthony Fast Dog) that Mr. Fast Dog be paid \$100.00 in advance for the painting of signs for the Diabetes Program, as he needed his money before purchase orders could be processed. VOTE: All in favor, motion carried.

Item No. 33 PROPOSED MOVE OF IHS AREA OFFICE TO RAPID CITY

Motion No. 37 - Gerald White moved, seconded by Pete Coffey, to disapprove the proposed move of IHS Area office to Rapid City, SD. VOTE: Eight (8) in favor, two (2) abstaining, one (1) not voting, motion carried. (Reso. 84-200-S)

Item No. 34 APPOINTMENT OF 1984 ELECTION BOARD MEMBERS

Motion No. 38 - Dennis Huber moved, seconded by Pete Coffey, to approve the appointment of the 1984 Election Board as follows: Alva Carlson, Chairman, Buddine Stewart, Norma Wolf, Richard Smith, and Joletta Bird Bear, to be paid at the rate of \$50.00 per day, and \$.20 per mile for mileage. VOTE: Seven (7) in favor, four (4) opposed, motion carried. (Reso. 84-201-S)

Item No. 35 RECESS AND RECONVENE

The meeting was recessed at 12:10 p.m. for lunch break. The meeting reconvened at 1:20 p.m.

Item No. 36 AUTHORIZATION OF 4-BEARS MOTOR LODGE MGMT. TO APPLY FOR LOAN

Motion No. 39 - Pete Coffey moved, seconded by Donald Malnourie, to approve the resolution authorizing Sidney and Barbara Fox, managers of the 4-Bears Motor Lodge Complex, to make a loan, with the Assistance of the Chairman and Treasurer, at the Citizens Bank of Ray, in the amount of \$15,000. VOTE: Six (6) in favor, three (3) opposed, one (1) not voting, motion carried. (Reso. 84-202-S)

Item No. 37 Dennis Huber left the meeting at 12:00 noon.

Item No. 38 AUTHORIZATION OF USE OF MACHINE SIGNATURES

Motion No. 40 - Paul Good Iron moved, seconded by Gerald White, to approve the resolution authorizing the Lakeside State Bank to use machine signatures of Alyce Spotted Bear, Chairman, and Dennis Huber, Treasurer, on all Tribal checks. VOTE: Eight (8) in favor, two (2) opposed, motion carried. (Reso. 84-203-S)

Item No. 39 GOOD BEAR BAY AGREEMENT

Motion No. 41 - Gerald White moved, Ernest Stone seconded, to approve the formal entry of the Three Affiliated Tribes into an agreement between the State of North Dakota and the Tribe, for the operation and maintenance of the Good Bear Bay Recreational Site, and also authorizing Alyce Spotted Bear to execute said agreement. VOTE: Five (5) in favor, four (4) opposed, one (1) abstaining, motion carried. (Reso. 84-204-S)

Item No. 40 ELECTION ORDINANCE AMENDMENTS

Motion No. 42 - Tillie Walker moved, seconded by Pete Coffey, that for the purposes of Page 6, Part II, Section 2 (f), the position of Chief Judge be included as not being considered a Tribal employee. VOTE: Six (6) in favor, one (1) opposed, one (1) not voting, motion carried.

Motion No. 43 - Tillie Walker moved, seconded by Donald Malnourie, that Page 7, Part II, Section 3(a), whereby the filing fee for candidates for Tribal Office is set at \$25.00, will remain the same. VOTE: Eight (8) in favor, one (1) opposed, one (1) abstaining, motion carried.

Motion No. 44 - Gerald White moved, seconded by Matthew Mason, that Page 7, Part II, Section 3(a), whereby the time period for filing for Tribal office is set at 40 days, will be extended from 40 days to 50 days previous to the Election. VOTE: Nine (9) in favor, one (1) abstaining, motion carried.

Motion No. 45 - Paul Good Iron moved, seconded by Marie Wells, that Page 8, Part IV, Section 1(a) of the Election Ordinance have the following inclusions: "husband, wife, son, daughter, son-in-law, daughter-in-law, and any step-, foster-, or legally adopted relatives of the aforementioned...", and that these be made a part of this section. VOTE: Eight (8) in favor, two (2) abstaining, motion carried.

Motion No. 46 - Donald Malnourie moved, seconded by Gerald White, to extend Resolution 82-195, which authorizes the use of colored paper (under Page 10, Part IV, Section 2(e) of the Election Ordinance) instead of white paper, for the purpose of printing all Tribal Election ballots. VOTE: Nine (9) in favor, one (1) not voting, motion carried.

Motion No. 47 - Paul Good Iron moved, seconded by Marie Wells, that Page 11, Part IV, Section 3(a) of the Election Ordinance, whereby the time period allocated for the appointment of Segment Election Boards is set at 15 days, will be amended to extend the deadline to 20 days. VOTE: Eight (8) in favor, one (1) not voting, one (1) abstention, motion carried.

Motion No. 48 - Gerald White moved, seconded by Paul Good Iron, to approve the extension of Resolution 82-186, amending the Election Ordinance, and accepting the amendments to the Election Ordinance, and to have the Secretary of the Tribal Business Council delegate the authority and responsibility for delivering the absentee ballots to the place of canvassing, and for making a report on the absentee ballots, and that this amendment be incorporated into the Election Ordinance permanently. VOTE: Nine (9) in favor, one (1) abstaining, motion carried.

Item No. 40 ELECTION ORDINANCE AMENDMENTS

Motion No. 49 - Gerald White moved, seconded by Donald Malnourie, to accept resolutions 82-203 and 82-204, to be incorporated into the Election Ordinance, with the respective times and dates changed accordingly. VOTE: All in favor, motion carried.

Motion No. 50 - Paul Good Iron moved, seconded by Donald Malnourie, to approve the incorporation of Resolution 82-205 into the Election Ordinance, which outlines the procedure for declaring only that portion of the ballot illegal which has been so marked by the voter as to place in doubt his/her intention. VOTE: Eight (8) in favor, two (2) in ~~favor~~, motion carried.

Motion No. 51 - Paul Good Iron moved, seconded by Gerald White, to approve the deletion of the following from Page 18, Part VI, Section 3: "the challenged vote does not have to come before the Certification Board...". VOTE: All in favor, motion carried.

Motion No. 52 - Paul Good Iron moved, seconded by Pete Coffey, to approve the amendment which will change the time periods within which the Election Board shall hold a hearing and shall render its written decision on the complaint. VOTE: All in favor, motion carried.

Motion No. 53 - Gerald White moved, seconded by Pete Coffey, that Page 19, Part VII, Section 1(a) of the Election Ordinance shall read as follows: "that the Election Board will mail to the absentee voter his/her absentee ballot on the day immediately following the day when the request is received. VOTE: All in favor, motion carried.

Motion No. 54 - Gerald White moved, seconded by Paul Good Iron, that, pursuant to Page 19, Part VII, Section 1(c) of the Election Ordinance, the Council disapprove the acceptance of hand-delivered absentee ballots to the Election Board, and that for the purpose of interpretation, the word "reached" shall be interpreted as "via mail". VOTE: All in favor, motion carried.

Motion No. 55 - Paul Good Iron moved, seconded by Gerald White, to incorporate Resolution 82-206 into Page 19, Part VIII, Section 1 of the Election Ordinance, which provides that voters who, for business or other matters beyond their control, could not vote in their respective segments on the election date, would be allowed to vote in the segment in which they find themselves, and that these ballots be placed in the "Challenged" envelope, to be checked later. VOTE: Nine (9) in favor, one (1) not voting, motion carried.

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Item No. 40 ELECTION ORDINANCE AMENDMENTS

Motion No. 56 - Tillie Walker moved, seconded by Gerald White, that the list of absentee voters be kept in the Tribal Business Council's Secretary's office, for the use of the candidates who are running for Tribal office. VOTE: Four (4) in favor, three (3) opposed, three (3) abstaining, motion carried.

Motion No. 57 - Tillie Walker moved, seconded by Paul Good Iron, to withdraw her previous motion allowing the absentee voter list to be released to candidates running for Tribal office, and to have a post card included in the mailing that goes out to every absentee voter and ask whether or not they would agree to having their name and address released to the candidates and only those people whose cards are returned marked "yes" will have their names and addresses released to the candidates. VOTE: Nine (9) in favor, one (1) abstaining, motion carried.

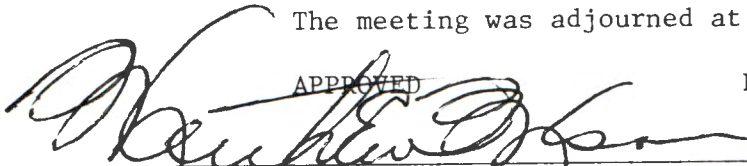
Motion No. 58 - Paul Good Iron moved, seconded by Donald Malnourie, to approve a new provision in the Election Ordinance, whereby a resident voter who will be unable to vote due to hospitalization or being home-bound due to illness, or who is travelling on business, could vote by signing a sworn affidavit, under oath, and vote via absentee ballot. If a person is hospitalized, they can vote via letter to the Election Board. VOTE: All in favor, motion carried.

Motion No. 59 - Gerald White moved, seconded by Marie Wells, to render the provisions of the Tribal Business Council elections applicable to the election of the office of Chief Judge as well. VOTE: All in favor, motion carried. (Section 2 of Part II)

Marie Wells left the meeting at 4:00, as she had to get to the Clinic to pick up medications before they closed.

Item No. 41 ADJOURNMENT

The meeting was adjourned at 4:20 p.m.

APPROVED  DISAPPROVED
Secretary, Tribal Business Council

10-11-84
~~11-10~~
Date

ATTEST:

Chairman, Tribal Business Council

10-11-84
Date