

REGULAR MEETING

NAME OF ORGANIZATION:

TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

PLACE OF MEETING :

CONFERENCE ROOM
JUNE 12, 1980

PRESENT

: Austin Gillette, Chairman; August Little Soldier, Vice-Chairman; Thomas Eagle, Treasurer; Eva Beaks, Roy Bird Bear, Theo Bird Bear, Ronald Little Owl, Marie Wells, Willard Yellow Bird.

Absent

: Tillie Walker, Secretary; Louis Felix.

Others

: Craig Vengi, Nitschke Wolfe & Company; John Holm, Tribal Attorney; Mary Baker, Programs Manager; Joe Monteau, Tribal Comptroller; Adeline Brunsell, BIA; Marcus Wells, Deb Malnourie, Elizabeth Morsette, Ron White Owl, Herman Monogram; Indian Action Staff; Titus Hall, North Segment Chairman; Mike Lincoln, Twin Buttes Chairman; Clyde Brady, Sergeant-at-Arms.

The meeting was called to order at 1:10p.m.

Roll call; Chairman appointed Marie Wells as Acting Secretary. Quorum present.

NITSCHKE WOLFE & COMPANY: Craig Vengi, auditor, Nitschke Wolfe & Company, reported on the Indian Action Team audit findings. The Indian Action Team was audited for a sixteenth month period ending January 17, 1980. The financial records were not completed at the time of the auditors first visit. The books were not current resulting in the delay of the audit. The auditor reported the books were one and half year behind in posting. Indian Action had on staff five bookkeepers. Travel advances were recorded improperly and the auditors have since reclassified these as travel expenses. All advances were made for 100%, but Personnel Policies and Procedures allows 80% with the balance to be adjusted upon return from the trip. Upon return, the advance should be reversed from accounts receivable and properly recorded as travel expense. The adjustment for this audit totaled \$6,151. The auditors questioned 16 travel advances made by Indian Action as documentation was incomplete. For Fiscal Year 1979 the following expense accounts were over the budgeted amount: Administrative salaries; administrative travel, supplies, heavy equipment instructors salaries, heavy equipment travel; heavy equipment repairs, and office equipment rental totaling \$49,116. It was reported that some Indian Action employees were being reimbursed for bookkeeping services from other program funds whose records were being handled by Indian Action. The auditors questioned whether these reimbursements were authorized by the Tribe or funding agency. For Fiscal Year 1979, Marcus Wells salary was \$16,500 but in addition to this he received \$7,189 for bookkeeping services, total salary \$23,689. The quarterly payroll tax reports had not been filed when due and necessary payroll tax deposits not made. \$5,993 of monthly payroll tax deposits for the 1979 Fourth Quarter were filed late and will result in assessments for penalty and interest by IRS.

NITSCHKE WOLFE & COMPANY Continued: The Federal Unemployment Report for 1979 has not been filed to date. In July 1979, a separate account for payroll was established. The auditors found that a number of payroll checks were still being written from the general checking account and that some payroll checks were written in advance of the actual payroll date. The auditors questioned if these payroll advances were authorized. Wage assignments were not being remitted promptly to BIA. Wage assignments are loans through BIA which are deducted from the employee's paycheck. A total of \$1,618 in wage assignments were not paid until January 18, 1980. These wage assignments dated back to payrolls of October 24 through December 31, 1979. As of January 17, 1980, the auditors found that a large number of outstanding bills had not been paid. Some of the bills dated back to April, 1979. The adjusted total of outstanding bills is \$44,916. The ONRED audit has not yet been started because the books are not current. The ONRED accounts were maintained by Indian Action.

TREASURER'S REPORT: Tom Eagle, Treasurer, reported that the Four Bears Utilities Commission is \$10,526.66 in the red. On Tribal Court, the auditors have completed their audit of the difference of monies receipted by Tribal Court and remitted to Tribal Finance. This is for period of September 1, 1977 through September 30, 1979. They found a difference of \$14,546 not accounted for. This will now be turned over to FBI agent, William Butcher, for investigation.

PROPERTY TRANSACTION: The Chairman read memorandum concerning Jarrett Johnson who wishes to sell personally owned property consisting of a house, pole barn, and shelter belt to the Tribe. The property transaction was referred to the Natural Resources Committee for consideration.

FINANCIAL REQUESTS: The Chairman read memorandum from Phyllis Howard, Fort Berthold Community College, seeking financial assistance for the continuation of the Earth Lodge Project. The request is for approximately \$2,500.

Eagle moved to table financial request from Earth Lodge Project for future consideration; second by Little Owl. Vote: Eight (8) in favor, motion carried.

The Chairman read memorandum from Ed Fox, tribally-enrolled member, requesting \$500 financial assistance. Mr. Fox will be participating in the 1980 National Inter-collegiate Rodeo Finals at Bozeman, Montana, June 16-22.

Roy Bird Bear moved to approve \$100 financial assistance to Ed Fox for rodeo expenses; second by Little Owl. Vote: One (1) in favor, two (2) opposed, four (4) abstentions, motion defeated.

DINAP: Leo Cummings, DINAP Director, was called on. He presented position requests from the segments for available slots under Title III Work Experience Program. The number of slots available is six. He reported Council approval is needed for these six slots. The Chairman requested two manager positions for the Four Bears Park and Golf Course areas.

Little Owl moved to refer selection of the six available slots, Title III Work Experience, to the Human Resources Committee; second by Eagle. Vote: Eight (8) in favor, motion carried.

638 CONTRACT REVIEW: Mary Baker, Tribal Programs Manager, reviewed the following 638 contracts. The Council must approve the contract budget modifications made with FY 1979 carry over monies.

Tribal Court: Two positions were added to the contract, Public Defender and Assistant Prosecutor. Additional funds were added to the Court Administrator line item to meet the terms of the salary negotiation, also funds were made available for evaluation of Tribal Court.

Adult Education: The total amount of carry over is \$8,289.76. Funds will be added to the budget for FY 1980. Travel and per diem will be increased by \$3,000, GED will receive \$1,469, supplies, telephone, seminars, consultants and utilities/maintenance will also be increased.

Home Improvement Program: The total amount of carry over is \$7,560.69 to be put into materials listed as Category A and B.

Tribal Work Experience: Funds will be added to mileage and office expense line items, workmen's compensation and general assistance.

Child Welfare: The total amount of carry over is \$32,791.96, the funds will be used for training/travel, telephone and miscellaneous line items and more funds will be added to salaries and fringe benefits.

BIA Summer Youth Program: There were sufficient funds for an additional 13 student work/learn positions. Travel, telephone and supplies line items will also be increased with carry over funds.

Game & Fish: Carry over funds will be reprogrammed for Game Warden Travel, reproduction and printing, supplies, telephone and postage.

Little Owl moved to approve 638 contract budget modifications made with FY 1979 carry over funds for Criminal Justice, Adult Education, Tribal Work Experience, Child Welfare, BIA Summer Youth, and Game & Fish; second by Beaks. Vote: Eight in favor, motion carried.

INDIAN ACTION TEAM: Marcus Wells was called on. He asked if the Indian Action administrative staff and Heavy Equipment crew could return to work as the audits were now complete. In memorandum of February 6, the Tribal Chairman directed Marcus Wells to complete FY 1980 proposal which had not been submitted to the Council for consideration as of that date. To assure that the proposal would be written, the Tribal Chairman assigned the Indian Action Carpenter crew under the supervision of the HIP Director, Max James. On May 5, Mary Baker suspended the Indian Action administrative staff and Heavy Equipment crew concurred through the Tribal Chairman. The suspension was effective that date as Tribal Programs office had not received an operating budget for FY 1980. The suspension was to remain in effect until the close outs and audits for FY 1978 and 1979 were completed.

Discussion was held on whether to allow the Indian Action administrative staff and heavy equipment crew to return to work. There is approximately \$80,000 remaining in the Indian Action Team account as of January 17, 1980. If Indian Action staff and heavy equipment crew were reinstated today, it would cost approximately \$30,000 for wages, \$25,000 for payment of outstanding bills, leaving a balance of \$25,000 for projects. The Tribal Chairman asked Marcus Wells to make cuts in the budget last February so there would be sufficient funds for projects, and Mr. Wells failed to do so. It was suggested that a cost study be prepared on the operation of the Indian Action Team before reinstating the administrative staff and heavy equipment crew. Review was held on the salaries of the staff and crew. It was suggested that the program would be able to get by with a Director, Secretary, Heavy Equipment Foreman, and two Heavy Equipment Operators for the remainder of the Fiscal Year.

Little Owl moved to have the Tribal Programs Manager and the Tribal Comptroller prepare a cost study on the operation of the Indian Action Team program; second by Eagle. Vote: Eight (8) in favor, motion carried.

At the June 10, 1980, Human Resources Committee session Marcus Wells requested payment for 140 hours he worked with the auditors. Mr. Wells was on suspension and not authorized to do so but reported for work anyway. The hours were not verified with Personnel or Tribal Programs offices. The Committee approved Marcus Wells request for payment. The Chairman entertained motion to approve or disapprove Marcus Wells request for payment.

Eagle moved to disapprove Marcus Wells request for payment of 140 hours; second by Little Owl. Vote: Four (4) in favor, four (4) abstentions, motion carried.

INDIAN ACTION Continued: It was suggested that Marcus Wells be paid for the hours which he can verify.

Roy Bird Bear moved to approve payment to Marcus Wells for hours which he can verify with Tribal Programs, Tribal Personnel and the auditors; second by Wells. Vote: Six (6) in favor, two (2) abstentions, motion carried.

REQUEST FOR PAYMENT: Willard Yellow Bird, East Segment Council representative, requested payment for Council duties, May 26-30, while in Wahpeton for school board duties. The Treasurer explained that he denied payment to Willard Yellow Bird as it was an unauthorized trip by the Council, and that Mr. Yellow Bird does receive \$27 per diem and mileage from the school board. The Chairman entertained motion to approve or disapprove request for payment from Willard Yellow Bird.

Little Owl moved to approve Willard Yellow Bird request for payment while in Wahpeton for school board duties, May 26-30, at \$60/per day base pay and balance of \$23/in state travel per diem; second by Roy Bird Bear. Vote: Six (6) in favor, one (1) opposed, motion carried.

TWIN BUTTES COMMUNITY: Mike Lincoln, Twin Buttes Community Chairman, was called on. He presented Twin Buttes Community minutes requesting payment for outstanding bills from the balance of Community Development funds. The total amount of the outstanding bills exceed the balance of the Community Development funds. The Twin Buttes Community minutes were tabled until budget breakdown for disbursement of the balance of Community Development funds is presented.

RESOLUTIONS: Land Sale: Elgin and Wade White Body. The Chairman read resolution for purchase of 20 acres at \$6,604.50. The Tribe must write justification for purchase of the land as it is being purchased over the appraisal price. Any land being purchased \$50 over the appraisal price must be justified. The land will be acquired through Judgement Funds.

Yellow Bird moved to approve Elgin and Wade White Body land sale of 20 acres, Allotment 1450 S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3 T150N R92W at \$6,604.50 from Judgement Funds; second by Theo Bird Bear. Vote: Five (5) in favor, two (2) abstentions, motion carried. Resolution #80-90

RESOLUTIONS: Land Sale: Albert F. Koukol (non-Indian). The Chairman read resolution for purchase of 1/9 interest valued at \$8,355.55. The land is fee patent and will be acquired through Judgement Funds.

Eagle moved to approve Albert F. Koukol land sale, Allotment 575A NW $\frac{1}{4}$ Section 17 NE $\frac{1}{4}$ Section 18 T152N R93W share valued at \$8,355.55 to be acquired through Judgement Funds; second by Little Owl. Vote: Eight (8) in favor, motion carried. Resolution #80-91.

Land Sale: Regina Delores Foote Packineau. The Chairman read resolution for purchase of 10 acres at \$300/per acre totaling \$3,000. The land was appraised at \$275.50/per acre, but the Natural Resources Committee approved purchase at \$300/per acre upon request of applicant. The land is located in the Lucky Mound District and is approximately $\frac{1}{2}$ mile from the Take Area.

Eagle moved to approve Regina Delores Foote Packineau land sale of 10 acres, Allotment 280A NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 T149N R90W at \$3,000 to be acquired through Judgement Funds; second by Yellow Bird. Vote: Eight (8) in favor, motion carried. Resolution #80-92.

Tribal Trust Fund Budget: The Chairman read resolution revising the 1980 Tribal Trust Fund Budget. The FY 1980 Trust Fund Budget status was reviewed.

Beaks moved to approve revision of the 1980 Tribal Trust Fund Budget; second by Little Owl. Vote: Eight (8) in favor, motion carried. Resolution #80-93.

Tribal Budget 1980: The Chairman read resolution revising the 1980 Tribal operating budget. The revisions were reviewed.

Little Owl moved to approve revision of the 1980 Tribal operating budget; second by Eagle. Vote: Eight (8) in favor, motion carried. Resolution #80-94.

P.L. 93-638: The Chairman read resolution requesting funding for Tribal Business Management System, Natural Resources Planning, Tribal Business Council Natural Resources Training, and Natural Resources (Technical Assistance).

Eagle moved to approve request of \$123,000 to Aberdeen Area Office for funding of Tribal Business Management System, Natural Resources Planning, Tribal Business Council Natural Resources Training, and Natural Resources (Technical Assistance); second by Little Owl. Vote: Eight (8) in favor, motion carried. Resolution #80-95.

RESOLUTIONS: The Chairman read resolution supporting Senate Resolution 448 to make permanent the Select Committee on Indian Affairs within the United States Senate.

Eagle moved that the Three Affiliated Tribes support Senate Resolution 448 to make permanent the Select Committee on Indian Affairs within the United States Senate; second by Wells. Vote: Eight (8) in favor, motion carried.
Resolution #80-96.

The Chairman read resolution officially approving the Feasibility Study and Tribal Personnel Handbook on health. The resolution also requests payment for services rendered to Don Jennings and Associates who were contracted for this.

Little Owl moved to approve final copy of the Feasibility Study and Tribal Personnel Handbook on Health and that payment be made to Don Jennings & Associates, Contract #241-780363 for services rendered; second by Yellow Bird. Vote: Eight (8) in favor, motion carried.
Resolution #80-97.

The Chairman read resolution authorizing the Coalition of Indian Controlled School Boards to conduct research on juvenile delinquency within Fort Berthold. The project will be for a three year period with local staff selected to conduct personal interviews.

Yellow Bird moved to authorize the Coalition of Indian Controlled School Boards to conduct a three year research on juvenile delinquency on the Fort Berthold Reservation; second by Wells. Vote: Seven (7) in favor, one (1) abstention, motion carried. Resolution #80-98.

INFORMATION: The Fort Berthold Land and Livestock Association's request to reverse the Aberdeen Area Director's decision raising the grazing fees on Fort Berthold was denied by the Board of Indian Appeals and referred to the Hearings Division.

RESOLUTIONS: Attorney Bills. The Chairman read resolution authorizing payment to Wilkinson Cragun & Barker for attorney bills.

Eagle moved to authorize payment to Wilkinson Cragun & Barker for legal services and expenses totaling \$1,153.33 for the month of January, 1980; second by Little Owl. Vote: Eight (8) in favor, motion carried.
Resolution #80-99.

RESOLUTIONS: Attorney Bills. The Chairman read resolution authorizing payment to Wilkinson Cragum & Barker for attorney bills.

Eagle moved to authorize payment to Wilkinson Cragum & Barker for legal services and expenses totaling \$1,483.93 for the month of February, 1980; second by Little Owl.
Vote: Eight (8) in favor, motion carried. Resolution #80-100.

The Chairman read resolution authorizing payment to Wilkinson Cragum & Barker for attorney bills.

Eagle moved to authorize payment to Wilkinson Cragum & Barker for legal services and expenses totaling \$1,154.57 for the month of March, 1980; second by Little Owl.
Vote: Eight (8) in favor, motion carried. Resolution #80-101.

The Chairman read resolution authorizing payment to Wilkinson Cragum & Barker for attorney bills.

Eagle moved to authorize payment to Wilkinson Cragum & Barker for legal services and expenses totaling \$2,593.32 for the month of April, 1980; second by Little Owl.
Vote: Eight (8) in favor, motion carried. Resolution #80-102.

The Chairman read resolution authorizing payment to John O. Holm for legal services and expenses for the month of May, 1980. The resolution was tabled as the Aberdeen Area Office has not yet officially approved Mr. Holm's contract.

The Chairman read resolution authorizing payment to Nitschke Wolfe and Company for services rendered in connection with the LIFT Program and Tribal Court audits totaling \$3,325.00.

Eagle moved to authorize payment to Nitschke Wolfe and Company for services rendered in connection with the LIFT Program and Tribal Court audits totaling \$3,325.00; second by Little Owl. Vote: Eight (8) in favor, motion carried.
Resolution #80-103.

The Chairman read resolution authorizing payment to Elaine's Floral for purchase of flowers for Marie Wells who was hospitalized, and payment to Bloom'n House for purchase of funeral bouquet for Nat an Little Soldier.

Yellow Bird moved to authorize payment of \$39.50 to Elaine's Floral and \$46.35 to Bloom'n House; second by Eagle. Vote Eight (8) in favor, motion carried. Resolution #80-104.

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MEETING: The meeting with Almit Bruer and Solly Danks regarding pending land exchanges was cancelled until next week. The meeting was scheduled for Friday, June 13.

ADJOURNMENT: The meeting adjourned at 4:50p.m.

Acting
SECRETARY, Marion A. Heels
Tribal Business Council

APPROVED: _____, 1980
(date)