

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Special Meeting
October 11, 1991

PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice Chairman; John J. Rabbithead, Jr., Secretary; Roger Bird Bear, Treasurer; Austin Gillette, Councilmember; Theodore Lone Fight, III., Councilmember; Jim Mossett, Councilmember and LaVerne Brady, Recording Secretary.

ABSENT: None

OTHERS: Joe Walker, Tax Commissioner; Tom Needham, Tax Commissioner; Anthony Hale, Jr. Chief Judge; John Fox, Jr., Finance Officer/FBCE; Nina Fox, KMHA-FM Manager; Maria Kraft, Advertising; Harriet GoodIron; Pete Coffey, Jr., MHA Cultural Resource Person; Bernice Three Irons, Gilson Mandan and Dennis Burr, Chief Executive Officer.

ITEM 01: CALL TO ORDER:
Meeting called to order at 1:47 PM.

ITEM 02: ROLL CALL:
Roll called by Secretary Rabbithead. Quorum established.

ITEM 03: FORT BERTHOLD COMMUNUNICATIONS ENTERPRISE:
John Fox, Jr., explained the status of FBCE. He handed out the financial information which he put together for the Tribal Business Council's review. He stated he's gotten some of the paperwork together that shows the status of the station. The staff has come with me here for support.

The papers show:

First Quarter income: grants, dockets, sales advertising, indirect from ICA and paper sales. January through March, 1991. Delphine Baker in-1:52

Second Quarter-Items listed/April through June 1991

Third Quarter-again listed on handout: receivables, billings and other miscellaneous income, CPB, liabilities, accounts payable, taxes and insurance. This is a minus figure.

Mr. Fox stated the reason I'm here today is we are short at this time to make our payroll. In October,

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FORT BERTHOLD COMMUNICATIONS ENTERPRISE (CON'T):
we have 4 pay periods coming up along with the taxes that are due. I'm projecting that we may have income of only \$10,000.00 for October and November, we may have an average income of \$8,000.00. I do not put too much emphasis on the bingo games because it is not going very good. He explained what was owed to the IRS during the 1st quarter, April only. 2nd quarter explained and other bills owed include First American Bank, Gaffaney's, Satrom Travel and Eide Heimke. The loan from Watford City Bank was spent on the following: deposit, taxes, job service, payroll, miscellaneous bills and we ended up still short. I've revised the budget from the last time I presented one but I haven't gone over it with the staff. We still have to go over it and work some things out. Right now, we've been surviving off of, mostly paper ads. That has been paying a lot of our smaller debts. Bingo has been down and we have drawn most of whatever we had coming from the various grants. The Council of the Arts and Humanities are all we had and by May, we may have one coming from the Corporation of Public Broadcasting.

Mr. Fox was asked if he had a request? Response was yes, I have a request for our payroll. To make this payroll, I would need about 8,000.00 for this pay period.

Mr. Fox was questioned how many proposals and renewal requests have been submitted and he turned this question over to the Development Officer, Harriet Goodiron. This was explained by Harriet.

It was mentioned there was a high miscellaneous expense. It was stated we have to come up with the money somehow/tribal revenues/beyond what is allocated under the dockets. It was suggested to maybe help some of your costs that are not taken care of, here is a federal register that spells out the judgement plan from 1978, it has Tribal Administration (48% of the annual income shall be utilized for tribal Attorney fees and payment for Insurance Premium on Tribal property. It was intended that we would pay insurance on our buildings. Maybe that will help lessen some of the cost.

FORT BERTHOLD COMMUNICATIONS ENTERPRISE (CON'T):
Mr. Fox stated he talked with Frank and he is getting all my premiums and other costs together.

There was a question on the station being self-supporting and how long has it been in operation. Response was the paper ads have been carrying the load right now. It was stated you had this request before so what programs aren't paying for themselves? Response was KMHA just doesn't have the income now.

The Treasurer stated the Council has to discuss this matter amongst just themselves before I can disclose any comment on behalf of the Treasurer.

It was questioned if a loan had been made earlier. Response was yes. What was the collateral on that loan? Mr. Fox explained it was intended to pay back with the CHD Money but when that money came in, it was absorbed into paying a lot of past due bills. We have a lot of past due bills that we would not even come close to paying off. Not unless we see a big surge in bingo, sales and etc.

There was a question of anticipated operating capital over a period of three, two or one year, being able to generate revenue to keep the radio going? Question was turned over to Harriet and Maria. Reason why these questions were asked was that during Alyce Spotted Bear's administration, the newspaper was subsidized by the Council every quarter. This is what is happening again and only one grant was mentioned. What happened to all the other grant Response was nothing was written from last year about this time. If some grants had been written the first part of the spring, this fall they would have become active but nothing was written and when we started, we have to pay for the taxes but there is no money to pay for. We lost that CHD for next year although there was a proposal in, since then they have turned us down.

Chairman Wilkinson stated I have some comments to make on this request. The Fort Berthold Communications Enterprise is a tribal economic initiative You all know we have assisted LCM with substantial amounts of money, Mandaree Electronics, we have put a great deal of money into, and the issue of repayability was never discussed. We contemplated each

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FORT BERTHOLD COMMUNICATIONS ENTERPRISE (CON'T):
business becoming stabilized. At that time, they
will start paying any money advanced to them by
the Three Affiliated Tribes. We also have put in
substantial amounts of money into the Buffalo
Project Enterprise too and the Fort Berthold Commu-
nications Enterprise is no different from the
existing organizations we have out there.

For the record: Chairman Wilkinson and the Tribal
Attorney primarily met with the First American Bank
yesterday to contemplate recovering \$60,000.00 that
was illegally removed from the Fort Berthold Commu-
nications Enterprise bank account and will concei-
vably be filing a lawsuit against First American to
recover that money and for damages suffered by the
enterprise.

Chairman Wilkinson stated I feel it's well within
reason to take into consideration the request to
authorize \$10,000.00 to the Enterprise to carry
them over this difficult period.

Councilman Gillette stated when the concept of a
radio station was first developed, we realized
there would be financial shortfalls in the operatio
We knew the Tribal Business Council would have to
support it. It doesn't generate money like a regu-
lar AM/FM radio as it is a public service for our
members. He further stated I would ask that Trea-
surer and Executive Officers review our Tribal
budget in regards to the Business Development sec-
tion of the 1982 docket plan and see if any money
might be available in there where we wouldn't have
to touch the T-2 funds-See if it's available there
and just give it to them or maybe use it as a match
say the Bush Foundation or whoever else (here's the
Tribes part and meantime we will give you the money
but match us cause it does provide a good service).

Chairman Wilkinson stated for the purpose of this
item on the agenda, I'll entertain a motion to ap-
prove a grant in the amount of \$10,000.00 for Fort
Berthold Communications Enterprise contingent upon
Tribal Business Council Treasurer making a deter-
mination.

FORT BERTHOLD COMMUNICATIONS ENTERPRISE (CON'T):
Councilman Gillette made a motion to approve for \$20,000.00 (up to \$20,000.00) based on research done by the Treasurer, seconded by Vice Chairman Hall.

Discussion: How much does the enterprise get from the Tribe monthly for advertising. Response was last month, the overall advertising was \$5,000.00 but it varies each month, whatever comes in, we use and we don't see all the monies at once.

Gilson Mandan, enrolled member stated he worked in the newspaper business for a long time and suggested he could get in contact with the largest newspaper chain to get a press so the enterprise could do their own printing, recycling and also do all the printing for the Tribe-then they wouldn't have to farm out there paperwork to different organizations. They could do everything here.

Mr. Fox stated we do advertising for our printing services and we do and have done a lot of that, at this time, right now.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 04: RESOLUTION/POSSESSORY INTEREST TAX: #91-159.
This resolution was read by Secretary Rabbithead.

Secretary Rabbithead made a motion to approve the resolution, seconded by Councilman Lone Fight.

Discussion: Councilman Hall requested for further explanation to the resolution. Tax Commissioner Walker explained the two exemptions. A question was raised of how much projected income was for 1992 in tax revenues. Mr. Walker stated \$140,000 minimum. The full rates set by Dr. Karoos were \$900,000.00.

Vote: 4 for, 1 opposed, 2 not voting. Motion Carried.

ITEM 05: TRIBAL MEMBERS REQUEST:
A letter of request from Joel Morsette was read by Secretary Rabbithead. He is requesting for financial assistance of \$1,000.00 to fix up heater in home at Parshall area. He had applied for HIP but was not approved for any services.

TRIBAL MEMBER REQUEST (CON'T):

Councilman Mossett made a motion ot help Joel and family with assistance of \$1,000.00 out of donation line, seconded by Secretary Rabbithead.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 06: MANDAREE ROADS:

Councilman Lone Fight explained that Mandaree has two short stretches of road that are not paved. Mr. Gene White, Roads Foreman measured it and it comes up to, approximately, a mile. Upon talking to Ken Danks, he has his paver right in Mandaree. My question is to authorize \$47,000.00 for Mandaree community. I talked with the Treasurer and the money is available. Ken will pull his paver out of there and it will cause twice as much to pave it later. Theresa Wilkinson/ElMarie Conklin-2:30.

Treasurer Bird Bear stated with respect to the money, this goes back to KMHA. There's some finances I need to discuss with solely just accounts cause in order to have to make a decision, how they want to expend this money-we do have resources available to cover these costs and it also goes back to what we discussed this morning. It's just a matter of identifying how we want to spend the money and I will be approaching the Council Tuesday and Wednesday on their thoughts and how we want to spend this money. We can make the committment today but the Council has to know that when we make this committment, this has to be allocated for this purpose meaning it can go back so when I develop a budget and you look at it, you decide (well this is the way it's going to be, you, at least have to keep in mind, this portion will be allocated for this purpose.)

Councilman Lone Fight made a motion to authorize \$47,000.00 to pave two roads in Mandaree that are not going to be paved by the Housing authority subject to the availability of funds, seconded by Treasurer Bird Bear.

Discussion: Where would that money be coming from? Response was it comes out of docket monies. Could you add on request for Twin Buttes which needs paving. New Town really needs paving-Four Bears, Parshall and White Shield, they all have paving requests in and they have been coming in. I realized

MANDAREE ROADS (CON'T):

there was no money to do this while the communities came in. One way to do this is to contract Road Construction, (BIA). Response was but we wouldn't have the resources available to do this. It was questioned if a priority listing was suggested? Councilman Mossett stated being on the Roads Committee, I know all the segments that need paving. It was mentioned that we already set our priority listing. Judgement funds were questioned. Treasurer Bird Bear stated we could take it out of indirect. The Inspector General has tentatively allowed the Tribe to collect indirect costs on total direct costs of all contracts. This money has been generating beginning this week and with a letter from the Inspector General, we will see an increase. This is to make up for the money paid in 1990. It was mentioned we have a high percentage of Farmer's and Rancher's in jeopardy of going out of business. That was one of the reasons I wanted to prepare this budget, prepare a proposal and you will all have the opportunity to have your input as to how these funds will be disbursed and that's why I want this meeting to be exclusively to Tribal Council members cause these are Tribal funds we are being reimbursed for out of contracts. Jacob Bird in 2:35.

Vote: 3 for, 3 opposed, Motion failed.

ITEM 07: STAMP ISSUE:

Chairman Wilkinson explained the Constitution requires that all checks bear the countersignatures of the Chairman. What created this issue was I gave a directive to the CEO and his staff that no vouchers be honored where there's no money in accounts when those accounts are in deficit. It is the duty of the Chairman that money needs to be available in those line items before expenditures are made. I'm asking the Tribal Business Council to by motion direct the Tribal Business Council Treasurer to prepare and present at the General Council Meeting next week, the updated T2 Budget for action.

Treasurer Bird Bear made the motion to prepare the Budget for action, seconded by Secretary Rabbithead

Discussion: It was questioned by preparing the budget, what does that have to do with the stamp? Chairman explained if a line item shows a deficit, no checks will be issued. It was stated the way

STAMP ISSUE (CON'T):

it used to be, the Council would approve any expenditures and would be processed at Finance at the Council's request. Chairman Wilkinson stated it is true, the Tribal Business Council makes the decision but also we have to adhere to the Constitution authorizing the Chairman to countersign each check that's issued.

A concern was why the CEO, Front Office have the stamp and not the Comptroller. The Treasurer has full authority over the funds and it's his responsibility. Several times, there was no stamp available so what is Finance for.

It was also stated that no one should let checks out of Finance without being stamped. It should be the Treasurer's responsibility. I cannot see why the stamp is locked up at all times. The Treasurer is responsible for the funds so he should be responsible for the stamp too but it can also be delegated to the custody of Finance as there is many emergencies that occur but it's a matter of the Treasurer and the Chairman working it out. The Treasurer's given a lot of responsibility and it needs full Council approval because we have policies we have to follow.

Chairman Wilkinson stated until the budget issue is resolved, we will have problems. It was also stated that of the Finance office, no matter who walked in, the Chairman, Treasurer or any Councilmember, if there was no minutes to back up approvals, no check will be issued. The issue of the budget needs to be rectified and an accurate figure needs to be put in the newspapers. It was further stated if the Treasurer complies with the request, then that will resolve the issue.

There was a discussion on printouts and budgets. Councilman Bird Bear stated he will have a tentative proposed budget on Monday and on Tuesday and Wednesday, he will be speaking to all Tribal Business Councilmembers

Vote: 7 for, 0 opposed. Motion Carried.

ITEM 08: CRIMINAL JURISDICTION ATTENDEES:
Treasurer Bird Bear stated we have a very critical issue we have to discuss right now. Greg Wallace,

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CRIMINAL JUSTICE WORKSHOP ATTENDEES (CON'T):
State Court Administrator needs to know who would be in attendance at a meeting on October 21 and 22 at Bismarck. There are 10 positions open.

Chairman Wilkinson stated I wish to add to that the Councilmen who will be in attendance with me at JTAC in Washington.

The following going to Bismarck are: Urban Don't Walk, Legal Counsel; El Marie Conklin, Legal Counsel; Anthony Hale, Jr., Chief Judge; Edith Likes Eagle, Court Administrator; Mark Fox, Law Student; Tom Bird Bear, Law Student; Theodore Lone Fight, III, Councilmember; Austin Gillette, Councilmember; Eugene White, Roads Foreman and William Strate, Associate Tribal Judge.

Meeting recessed at 3:02 PM.

Meeting reconvened at 3:40 PM.

ITEM 09: PERSONNEL:

This is a closed meeting for an executive session.

Selection were made for the following:

A. TRIBAL RANGER/GAME & FISH PROGRAM:

Cheryl White, Personnel Director stated there was a total of five applications. The cutoff date for the applications was August 27. Of the five applicants qualified were Twila Valandra, Ben Many Ribs and Fred Poitra.

Councilman Lone Fight made a motion to select Fred Poitra for Tribal Ranger, seconded by Treasurer Bird Bear.

Vote: 4 for, 0 opposed, 2 not voting.
Motion Carried.

Discussion: Alternate
Vice Chairman Hall made a motion to select Twila Valandra as alternate, seconded by Secretary Rabbithead.

Vote: 5 for, 0 opposed, 1 not voting.
Motion Carried.

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B. PERSONNEL RECORDS DATA CLERK/PERSONNEL OFFICE:
The Personnel Director explained upon review of all the applicants, she has conducted reference checks of the top three who are: Cletus Medicine Crow, Alvina Wells and Sherry Howling Wolf. Cletus is recommended.

Treasurer Bird Bear made a motion to select Cletus Medicine Crow, seconded by Secretary Rabbithead.

Discussion: question on veteran, Jim Waters. Cheryl explained he had no typing test.

Vote: 7 for, 0 opposed. Motion Carried.

C. ENGINEERING EQUIPMENT OPERATOR:
Gene White in at 3:21.

Vice Chairman Hall made a motion to select William Wells, Jr. for Equipment Operator, seconded by Councilman Lone Fight.

Discussion: The Roads Foreman recommendation was Malcolm Bruce, Sr.

Vote: 3 for, 3 opposed. Motion failed.

Councilman Mossett made a motion to select Malcolm for Operator, seconded by Councilman Gillette.

Vote: 5 for, 0 opposed, 2 not voting.
Motion Carried.

D. GROWTH & DEVELOPMENT SPECIALIST:
Vice Chairman Hall made a motion to select Karen White Owl for Specialist, seconded by Treasurer Bird Bear.

Vote: 3 for, 4 opposed. Motion failed.

Discussion: Recommendation was Charles Moran.

Secretary Rabbithead made a motion to select the recommended applicant, seconded by Vice Chairman Hall.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

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GROWTH & DEVELOPMENT SPECIALIST (CON'T):
Discussion: He is presently employed as the
Youth Counselor for Alcoholism Program.

The effective date on all these positions to be
on Monday within the next pay period.

E. DIALYSIS TECHNICIAN:
Theresa Price in at 3:27.

Vice Chairman Hall made a motion to select Dawn
Kirkaldie, seconded by Treasurer Bird Bear.

Recommended applicant is Guy Packineau.

Vote: 3 for, 3 opposed. Motion failed.

Councilman Lone Fight made a motion to select
LouAnn Phelan. Motion failed due to lack of a
second.

Councilman Mossett made a motion to select the
recommended applicant, Guy Packineau, seconded
by Councilman Gillette.

Vote: 7 for, 0 opposed. Motion Carried.

F. DIALYSIS DRIVERS:
There are three positions open. One for Mandaree
and two for New Town. Reference checks were conduc-
ted with Tribal Court and ND Driver's License Divi-
sion. Recommendations were made.

Vice Chairman Hall made a motion to select
Karen White Owl, Bryan Young Bird and LouAnn
Phelan, seconded by Councilman Lone Fight.

It was mentioned that Karen came down from the
Sheriff's department in Minot.

Vote: 6 for, 0 opposed, 1 not voting.
Motion Carried.

G. ALCOHOLISM DIRECTOR:
Councilman Hall questioned why Theodora Starr's
application was not in with the application.
The Personnel Director explained an application
was given to Mrs. Starr but had not been received.

ALCOHOLISM DIRECTOR (CON'T):

Vice Chairman Hall made a motion to table selection until we find out if Mrs. Starr's application was submitted, seconded by Treasurer Bird Bear.

Discussion on closing date and until filled.

Vote: 3 for, 2 opposed, 2 not voting.
Motion Carried.

H. JUVENILE CLERK/TRIBAL COURT:

Vice Chairman Hall made a motion to select Katheryn Smith, seconded by Councilman Mossett.

She was the recommended applicant.

Vote: 5 for, 1 opposed, 1 not voting.
Motion Carried.

I. REGISTERED NURSE/DIALYSIS:

Councilman Lone Fight made a motion to select Deborah Thompson for this position, seconded by Councilman Gillette.

Mrs. Price conducted a special recruitment for this

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 10: HOLIDAY MEMORANDUM:

Secretary Rabbithead made a motion to approve the Holiday's, seconded by Councilman Gillette.

In addition, January 1 to be added on either the following Monday or following Friday.

Vote: 6 for, 0 opposed. Motion Carried.

Cheryl to complete for Chairman's signature.

ITEM 11: TRAVEL:

Councilman Hall made a motion to approve travel for JTAC in Washington and Criminal Justice Workshop in Bismarck, seconded by Councilman Lone Fight

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 12: ADJOURNMENT:

Meeting adjourned at 3:44 PM.

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Approved

John J. Rabbithead, Jr.
Secretary, John J. Rabbithead, Jr.

Disapproved
10-11-91
Date

ATTEST:

Wilbur D. Wilkinson
Chairman, Wilbur D. Wilkinson

10-11-91
Date