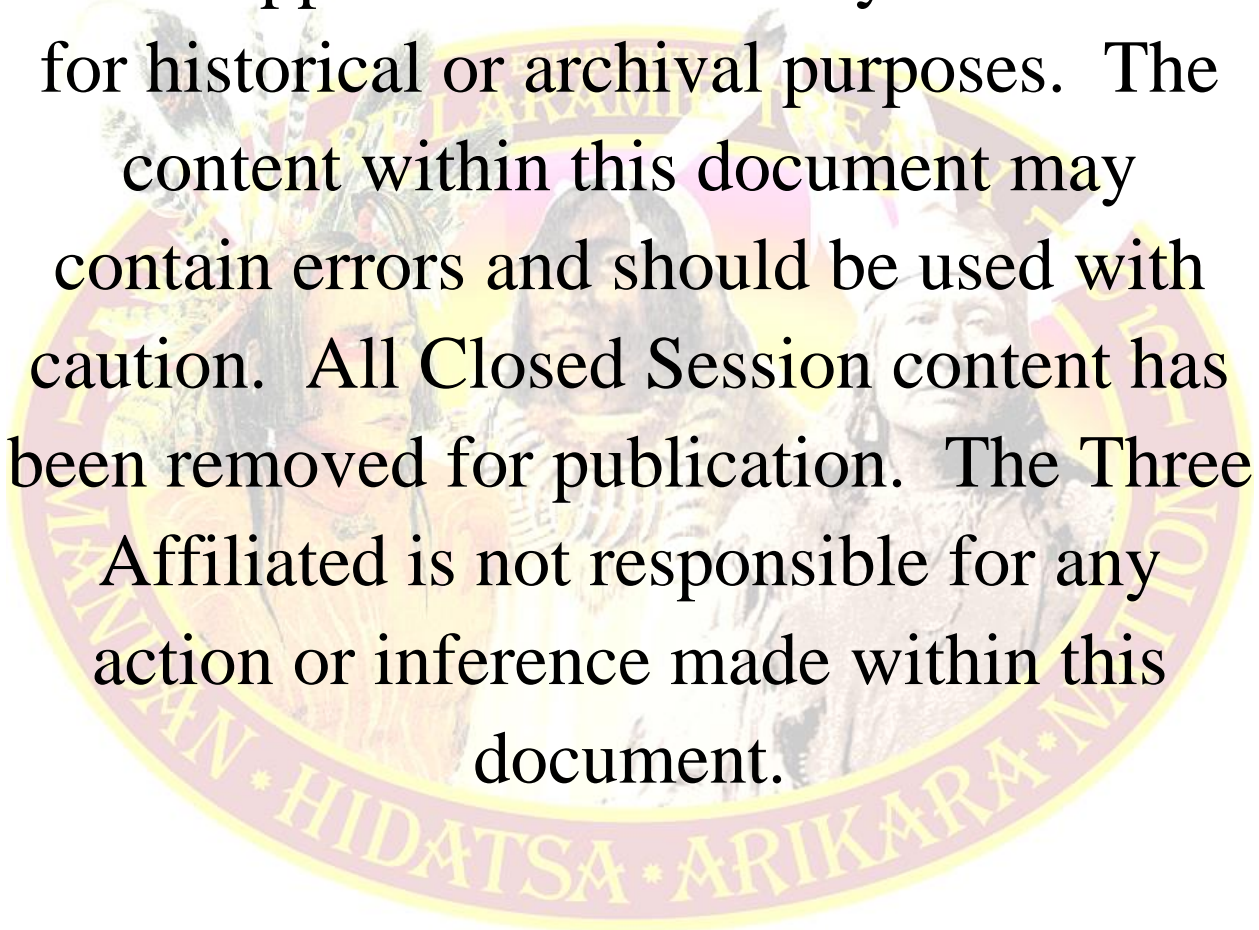


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TRIBAL BUSINESS COUNCIL MEETING NO. 5

EXECUTIVE MEETING

DATE: APRIL 2, 1999 TIME: 1:35 PM

01. Call Meeting to Order and Opening Prayer

The Executive meeting of April 2, 1999 was called to order by Chairman Tex Hall, at 1:30 PM in the Tribal Council Chambers.

02. Roll Call

Members present for roll call were Chairman Tex Hall, Vice-Chairman Mark Fox, Treasurer Marcus Wells, Secretary Daylon Spotted Bear, and Councilman Pete Hale.

Members absent were Councilman Austin Gillette and Councilman Thomas Bird Bear

03. Florence Brady – Personnel

Martha Hunter Leave Request:

Motion by Marcus wells to approve Martha Hunter's leave request as submitted to the Tribal Business Council, subject to full Council's final review and approval.

Second by Mark Fox.

Vote: 5 in favor.

Motion Carried.

Delmar Wilson – Roads Department:

Florence Brady, Personnel Director requested direction from the Tribal Business Council regarding the length of time that the Roads Department and Tribal Personnel can keep Delmar Wilson's position open while he is on suspension.

Motion by Mark Fox to give Delmar Wilson up to 60 days to finalize all court proceedings relating to his suspension.

Second by Daylon Spotted Bear.

Vote: 4 in favor, 1 absent.

Motion Carried.

Donation of Leave between employees:

Florence Brady, Personnel Director, requested direction from the Tribal Business Council regarding the donation of leave from one employee to another employee. Mrs. Brady informed the Council that the Family Medical Leave Act of 1993 allowed for the

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donation of leave from an employee to their parent, minor children, and spouse. The Tribe has not officially adopted the Family Medical Leave Act into the Tribal Personnel Policies and Procedures. The Personnel Department has allowed employees to use their sick leave when a minor child, parent, or spouse had been terminally ill, but the policy had not been officially adopted as part of the Tribal Personnel Policies and Procedures. The Mrs. Brady asked the Tribal Business Council to officially approve the current policy of allowing employees to use their sick leave when a parent, minor child, or a spouse is terminally ill or suffering from a serious health condition.

Motion by Mark Fox to formally adopt the Family Medical Leave Act of 1993 and add it to the Tribal Personnel Policies and Procedures.

Second by Marcus Wells.

Discussion: The Mrs. Brady informed the Council that in order for an employee to accept donated leave from another employee, the employee receiving the donated leave must first exhaust their own earned leave. Mrs. Brady informed the Council that Family Medical leave is classified as unpaid leave and by adopting the Family Medical Leave Act, the Tribe would be limiting employees the use of earned leave with pay while caring for an ill family member.

Mark Fox withdrew his motion.

Marcus Wells withdrew his second.

Florence Brady was asked to bring a formal policy back to the Tribal Business Council for final approval.

Florence Brady informed the Council that one employee is short of 40 hours this pay period because she had to care for a family member who was ill. She did not understand the sick leave policy and assumed she would be able to use leave with pay.

Motion by Mark Fox moved to allow employees to receive and use the donated leave until the Tribal Business Council formally adopts the leave policy to be developed and presented by the Personnel Department or by April 16, 1999.

No Second.

Motion Dies.

Job Announcements:

Florence Brady asked the Tribal Business Council if she should be advertising the following positions: Programs Manager, Programs Analyst, Financial Advisor, Reservation Programs Director and Chief Judge. The Council informed Mrs. Brady that she is to advertise the position for a period of two weeks. Other positions that were

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advertised and are ready for selection include TERO Director and Social Services Director, in addition to twenty other positions.

Elected Officials:

Florence Brady requested clarification on positions that she is going to advertise. She asked if the positions are considered political offices that will change as new administrations come in, such as the Programs Manager, Programs Analyst, and those offices' clerical positions.

Councilman Mark Fox explained that the politically or administratively appointed employees are considered 'at-will' employees and are subject to full Council dismissal or retention. Councilman Mark Fox stated that the Tribe has had two classifications of employees. One classification consists of positions that are required under 638 and other contracts, that require advertisement, and that are considered full-time permanent positions. The other classification consists of administratively or politically appointed positions that require full Council approval, the positions do not require advertisement, the positions are full-time, but are for a specific term, rather than permanent positions. These positions are subject to dismissal or retention by the full Council of each new administration. Mrs. Brady stated that she is familiar with the 'term-' and 'at-will' employees, but she needs a clear designation as to which positions belong in which classification to further determine which positions shall be advertised and selected.

Councilman Daylon Spotted Bear ask the Council for clarification on the status of the Document Specialist Position. The Council stated that Delvin Rabbit Head filled that position and the position is on hold until April 5, 1999. The position will be vacant and Councilman Spotted Bear requested appointment of someone to be placed in the Executive Secretary's office in New Town.

Florence Brady requested clarification of the clerical staff for the Program Analyst and for the Program Manager. The Council informed Mrs. Brady that the clerks are politically appointed positions and need to be approved by the full Council.

Councilman Marcus Wells requested that Florence Brady draft a memo clarifying which employees are classified as politically or administratively appointed positions.

Florence Brady informed the Tribal Business Council that according to payroll guidelines, the Tribe has the option to approve or disapprove holiday pay. In 1996 the Tribe established holiday pay only for KDU employees as an incentive to retain the nurses. The holiday pay has never applied to other Tribal employees.

COPFAST Program Update:

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Elmer Four Dance informed the Tribal Business Council that three support services positions were filled in the New Town area under the COPSFAST Program and one position is pending. The positions are liaison positions that transport prisoners, work with the courthouse and work with juveniles. BJ Brady is an applicant who has a 4-year degree in Criminal Justice. BJ Standish and Todd Maquino were hired for the Four Bears District. Four Bears has one vacancy and Parshall has two vacancies. Marty Foote and Chad Johnson were hired as cops for the Parshall area. Steven Dubois applied the Four Bears and Parshall Districts. The four Mandaree positions are filled (Wendell White, Blain Flynn, Ken Smith and Francis White). One position was filled in Twin Buttes (Clement Packineau), one position is temporarily appointed Dimetrias Mandan and one position is vacant. The three White Shield positions are filled. Mark Nolan was the latest position to be filled. All employees hired under the COPSFAST program have agreed to move into the communities where they were hired.

Tye Hall questioned the availability of police officer positions. Elmer Four Dance informed him that the only police officer positions available are in Parshall and Twin Buttes and the Council Representatives for those communities make recommendations to fill those positions. Councilman Spotted Bear informed the Council that a resident of the community has applied for the one vacant position in Twin Buttes. If the applicant is not eligible, Tye Hall will be considered to fill the position.

Mr. Four Dance informed the Council that the rate of pay begins at \$9.00 per hour for trainees and increases to \$12.90 per hour once the trainee becomes certified. If the applicant holds at least an Associates Degree, her/his starting rate is at \$12.90 per hour. He stated that Central Office is supporting the development of a detention center on Fort Berthold due to the exceptionally high rate of intake per day. These positions were established in an effort to accommodate the high rate of intake per day. The Tribe has the option to pay a beginning rate of pay at \$12.90 per hour provided the money is available. The Council discussed the options of maintaining the current beginning rate of pay at \$9.00 per hour versus raising the beginning rate of pay to \$12.90 per hour. Compensatory time is not paid.

The COPSFAST Program funding is returned if it is not used. The Tribe has the responsibility to fund the COPSFAST positions for at least after the current COPSFAST Program is discontinued. The cost for twenty officers averages \$1 million per year in salary only. This does not include vehicles or equipment. Law Enforcement will develop a salary scale, and training and operating budgets for further review by the Tribal Business Council.

Officers are prepared to start firearms training and are short 10 firearms; thus bids were secured for the firearms at a decreased cost of \$5,700. It would cost approximately \$500,00 to \$800,000 in order to secure vehicles, uniforms, and equipment that are necessary to effectively operate the program. DOJ Grants, Troops to COPS Grants,

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School-Based Partnership Grants and other grant sources will be utilized to secure as many funds as possible. Elmer Four Dance and his staff will develop a projected cost analysis for future review by the Tribal Business Council.

Gray Area Positions:

Marilyn Yellow Bird Baker was hired as a registered nurse at the KDU and is now working as the CHR Supervisor. Phyllis Wells was hired at the District Court and is now working at KDU. Kenneth Stevenson was hired as the CDGB in Parshall and is now working as the IHS Expansion Project. Pat Wilkinson has been the Director of Reservation Programs, but that position has never been advertised. Mrs. Brady asked the Council if she should advertise these positions or leave these employees in the positions.

Marilyn Yellow Bird Baker: CHR Director Position

The Tribal Business Council recommended that Florence Brady advertise the position of CHR Director and allow Marilyn Yellow Bird Baker to apply for the position.

Phyllis Wells: KDU

The Council informed that Phyllis Wells was actually hired by full Council and will remain in her current position.

Kenneth Stevenson has been included in the Tribal Budget for the past two years as CEO of Fort Berthold Development Corporation. Councilman Mark Fox discussed the possibility of assigning Mr. Stevenson to the Parshall CDGB.

Florence Brady was directed by the Council to advertise the Reservations Programs Manager position.

The remainder of the positions in question will be presented to the full Council for final approval and/or final decision to advertise.

Appointment of Dorian Aho:

Motion by Marcus Wells to recommend the final approval of the appointment of Dorian Aho to full Council.

Second by Daylon Spotted Bear.

Vote: 4 in favor, 1 absent.

Motion Carried.

04. Adjournment

Motion by Mark Fox to adjourn the Executive Committee meeting at 4:10 PM.

Second by Daylon Spotted Bear.

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Vote: 4 in favor, 1 absent.

Motion Carried.

Executive Committee meeting adjourned at 4:10 PM.

CERTIFICATION OF MINUTES

I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum. _____ members were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 1999 whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

Said minutes were duly approved by the affirmative vote of _____ members, and have not been amended in any way, except as noted by council when approved.

Dated this _____ day of _____, 1999.

Daylon Spotted Bear, Executive Secretary
Tribal Business Council, Three Affiliated Tribes

ATTEST:

Tex Hall, Chairman
Tribal Business Council, Three Affiliated Tribes