

**DISCLAIMER:** The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.



# TRIBAL BUSINESS COUNCIL MEETING NO. 9

## REGULAR MEETING

DATE: JUNE 10, 1999 TIME: 10:00 AM

### 01. Call Meeting to Order and Opening Prayer

The Regular meeting of June 10, 1999 was called to order by Chairman Tex Hall, at 11:40 AM in the Tribal Council Chambers. A moment of silent prayer was held.

### 02. Roll Call

Members present for roll call were Chairman Tex Hall, Vice-Chairman Mark Fox, Treasurer Marcus Wells, Jr., Secretary Daylon Spotted Bear, Councilman Austin Gillette, Councilman Thomas Bird Bear, and Councilman Pete Hale.  
Recording Secretary Marlien Gillette.

### 03. Announcements

Tribal Business Council members reviewed and shared their itineraries and scheduled meetings.

Upcoming meetings include:

June 16, 1999:	BIA Funding Testimony, Washington, DC
June 17, 1999:	CERT Meeting with ITMA, Milwaukee, WI.
June 19, 1999:	Native American Bank Meeting
June 21, 1999:	JTAC/TBC Working Session, 4 Bears A-Frame
June 22, 1999:	Twin Buttes Manufacturing Meeting at Twin Buttes
June 24, 1999:	Little Missouri Grasslands Meeting
June 23, 1999:	Testify before Senate Select Committee on BIA Trust Funds.
June 30, 1999:	Testify before Senate Select Committee on Gaming Regulations.

Treasurer Marcus Wells, Jr. reported that Fred Baker, Programs Manager, is in the process of securing financial information from all federally funded Tribal Programs which will identify the FY99 allocation, the percentage used to date, and the remaining balance. The FY99 financials will be compared to FY98 financials, and the amount of Tribal dollars used to fund program shortfalls will be identified to justify unmet need.

### 04. Approval of Agenda

**Motion** by Tom Bird Bear to approve the agenda after changes in order of business, deletions, and additions.

**Motion** by Mark Fox to add Jack Rabbithead to the agenda to present a loan request for Kathleen Racine.

**Second** by Pete Hale.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Motion** by Marcus Wells, Jr. to approve a loan to Jack Rabbithead in the amount of \$1,768.65 to be paid back \$50.00 per pay period.

**Second** by Mark Fox.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Motion** by Mark Fox that the \$1,000.00 loan assessed to the Kathleen Racine account will be reclassified as a \$1,000.00 "loss of home" grant and to approve a loan for Ms. Racine in the amount of \$500.00 to be paid back \$50.00 per pay period.

**Second** by Austin Gillette.

**Vote:** 5 in favor, 2 abstained.

**Motion Carried.**

**15. Barb Baker – Fort Berthold Housing Authority**

**a. Fortuna Units**

James Heckman, Environmental Division, informed the Tribal Business Council that the Fortuna units do not meet EPA standards due to lead-based paint, etc., thus the Tribe would be held liable for future environment mitigation costs relating to the units.

**Recommendations:**

1. Reject the Levi Bruce Home and return for claim purposes.
2. Salvage the office building, pending cost.
3. Work with Bill Delmore who is retained by the Environmental Division to do code work. Mr. Delmore may assist the Tribe in settling a case as Arvid Barstad of Williston failed to provide the Tribe information pertaining to lead-based paint, etc. A notice of non-compliance can be served on Mr. Barstad.
4. Reject the remaining units and secure FEMA homes to replace the rejected units.
5. Release liability for the John Danks unit and reduce the claim by \$8,000.

**b. Resolution – Transfer of Home Improvement Program**

**Motion** by Marcus Wells, Jr. to pass a resolution authorizing the transfer of the Home Improvement Program under Fort Berthold Housing Authority beginning October 1, 1999, subject to concurrence of BIA approval.

**Second** by Pete Hale.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Resolution No. 99-100-DSB**

**16. Selection of Chairman of the Fort Berthold Housing Authority Board**

**Motion** by Tom Bird Bear to pass a resolution authorizing the selection of Casey Fredericks to serve as Chairman of the Fort Berthold Housing Authority Board of Directors.

**Second** by Pete Hale.

**Vote:** 5 in favor, 1 opposed, 1 absent.

**Motion Carried.**

**Resolution No. 99-101-DSB**

**17. FEMA Homes Assessment Authorization**

**Motion** by Marcus Wells, Jr. to authorize Fort Berthold Housing Authority and Tribal Social Services to conduct an assessment and to make a recommendation regarding how FEMA funds will be spent for HUD and Non-HUD homes.

**Second** by Pete Hale.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**18. FEMA Home Assignments**

**Motion** by Tom Bird Bear to allocate two FEMA trailers on the FEMA Trailer Priority List. The revised Priority List will include 2 units for Twin Buttes, 2 units for White Shield, 2 units for New Town, and 1 unit for Parshall, with the understanding that Mandaree received 2 units, 4 Bears received 2 units, and from the next group of trailers to arrive, Parshall will receive 1 unit, and any balance shall be decided upon but full Council.

**Second** by Pete Hale.

**Discussion:** Councilman Pete Hale will assign the Antoine Chamberlain unit (Item #5 on the Priority List of May 24, 1999) to Fort Berthold Housing Authority.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**19. Tribal Audit**

**Motion** by Marcus Wells, Jr. to pass a resolution authorizing the Tribe to enter into an agreement with Eide Bailly, CPA, to provide audit preparation services to the Tribe consistent with the proposal as presented to the Tribe by Eide Bailly to cover both audit

preparation services for audits of Federal and Tribal funds and other entities, with the total amount of the contract not to exceed \$50,000.00, plus necessary expenses.

**Second** by Pete Hale.

**Vote:** 4 in favor, 1 abstained, 2 absent.

**Motion Carried.**

**Resolution No. 99-102-DSB**

**Motion** by Marcus Wells, Jr. to pass a resolution authorizing the Tribe to enter into an agreement with KPMG, LLP, to provide audit services the Tribe and Tribal entities, excluding the 4 Bears Casino and Lodge, consistent with the proposal as presented to the Tribe to cover both audit services for Federal and Tribal funds and other Tribal entities, with the total amount of the contract not to exceed \$92,000.00, plus necessary expenses.

**Second** by Tom Bird Bear.

**Discussion:** Tribal entities include the Radio Station, FBDC, Small Loans, MEC, Utilities Commission, Tribal Court, and Administration.

**Vote:** 5 in favor, 2 opposed, 1 absent.

**Motion Carried.**

**Resolution No. 99-103-DSB**

**20. Jerry Nagel – 4 Bears Lagoon Project**

**Motion** by Marcus Wells, Jr. to pass a resolution to rescind Resolution No. 98-39-DSB in its entirety, due to the fact that, based on the judgment and recommendation of the Indian Health Service engineering staff, the Tribal Business Council has determined that Allotment 595A-C was deemed unsuitable for the location of the proposed lagoon.

**Second** by Daylon Spotted Bear.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Resolution No. 99-104**

**Motion** Marcus Wells, Jr. to accept the Memorandum of Agreement between the Indian Health Service and the Tribal Business Council in order to carry out Project AB-99-A71, the Construction of Sanitation Facilities to serve FIA Home Improvement and Tribal Housing Program units on Fort Berthold.

**Second** by Daylon Spotted Bear.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**21. Fort Berthold Utilities Commission**

**Motion** by Austin Gillette to add Elizabeth Morsette to the agenda to present a resolution regarding the Fort Berthold Utilities Commission.

**Second** by Pete Hale.

**Vote:** 5 in favor, 2 abstained.

**Motion Carried.**

**Motion** by Austin Gillette to pass a resolution authorizing the Fort Berthold Utilities Commission to secure a loan at the Lakeside State Bank for the purpose of purchasing a Tractor Mower for Lagoon Maintenance.

**Second** by Pete Hale.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**Resolution No. 99-105-DSB**

**22. Lynn Leasure – Native American Scenic Byway**

Lynn Leasure with the Alliance of Tribal Tourism presentation on Native American Scenic Byways presented a recreational evaluation he had conducted for Lower Brule. Phase 1 of the project would cost \$10,000.00 to develop a plan. Phase 2 includes Evaluation of the reservation to increase tourism, identify a tourism route, design and build interpretive centers. Cost not available. Phase 3 would cost \$80,000.00, \$64,000 in Federal Funds and \$16,000 in Tribal Funds, provided the route is designated as a state scenic highway.

The Tribal Business Council asked Mr. Leasure to develop a detailed proposal and present before the Council at a future meeting.

**23. Sadie Mann, Financial Request for Sun Dance**

**Motion** by Marcus Wells, Jr. to grant \$2,500.00 for each of the seven sun dances and to issue a tribal permit to Sadie Mann to gather firewood from tribal lands.

**Second** by Daylon Spotted Bear.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Resolution No. 99-106-DSB**

**24. Ted Danks – TIP Plan**

**Motion** by Tom Bird Bear to direct the Roads Department and Transportation Department to follow up on road projects funded with FEMA funds and include an assessment of any additional costs to meet required specifications.

**Second** by Pete Hale.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**Motion** by Marcus Wells, Jr. to pass a resolution approving the Transportation Improvement Plan as recommended by the Tribe's Transportation Planner for approval as stated in said resolution.

**Second** by Austin Gillette.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Resolution No. 99-107-DSB**

**25. Resolution – Disaster Proclamation**

**Motion** by Austin Gillette to pass a resolution that the Three Affiliated Tribes declares Fort Berthold a disaster are due to severe weather conditions causing severe damages which have adversely impacted families, homes and resources.

**Second** by Tom Bird Bear.

**Vote:** 6 in favor, 1 absent.

**Motion Carried.**

**Resolution No. 99-108-DSB**

**26. Resolution – 4 Bears Bridge (Daniel Israel)**

**Motion** by Pete Hale to pass the resolution in which the Tribe authorizes the ND Congressional Delegation to develop and implement a Congressional authorization to have the demolition, design and construction of the 4 Bears Bridge be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

**Second** by Marcus Wells, Jr.

**Discussion:** The resolution language will be amended to exclude the State's provision of 20% of the costs required to complete the demolition, design and construction.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**Resolution Needs Amended Language**

**27. Construction Management & Analysis (CAM), Inc. Financial Documentation (Gary Otterstad via Teleconference)**

Gary Otterstad informed the Council that he will provide documentation on \$169,250 in draws on the \$187,000 and documentation that \$9,000 was paid in interest to Miller Schroeder.

CAM, Inc. will offer one \$2,000 scholarship per year to train community members.

Required changes were made on the Consultant Agreement then faxed to the Legal Department for Council review. The Tribal Business Council concurred with the revised CAM, Inc. consultant agreement.

**28. Jodi Hale Brieck – Business Proposal**

**Motion** by Pete Hale to pass a resolution approving a \$3,000 loan and a \$3,000 grant to Jodi Hale. The resolution is accompanied with a complete business proposal and other required documentation.

**Second** by Tom Bird Bear.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**Resolution No. 99-109-DSB**

**29. Resolution - Lindsey Nicole Swallow**

**Motion** by Tom Bird Bear to pass a resolution approving a grant in the amount of \$1,685.00 to Lindsey Nicole Swallow to cover educational expenses.

**Second** by Daylon Spotted Bear.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**Resolution No. 99-110-DSB**

**30. Adjournment**

**Motion** by Pete Hale to adjourn the Regular Tribal Business Council Meeting at 9:28 PM.

**Second** by Marcus Wells, Jr.

**Vote:** 5 in favor, 2 absent.

**Motion Carried.**

**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.

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

**ATTEST:**

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Tex Hall, Chairman  
Tribal Business Council, Three Affiliated Tribes