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TRIBAL BUSINESS COUNCIL MEETING NO. 10
SPECIAL MEETING
JUNE 23, 1999
MINUTES

01. Call meeting to order and Opening prayer

The Special Meeting of June 23, 1999, was called to order by Chairman Tex G. Hall, at 1:34pm in the Tribal Council Chambers. A moment of silent prayer was held.

02. Roll call

Members present for roll call were Chairman Tex G. Hall, Vice Chairman, Mark Fox, Secretary, Daylon Spotted Bear Councilman Tom Bird Bear and Councilman Pete Hale.

Members absent were Treasure Marcus Wells and Austin Gillette.
Recording Secretary Sherri Gillette

03. Announcements

Vice President, Mark Fox had a clean up day in Parshall, all went well. Mark, Daylon, Marcus and Tom Dishorst, June 17, 1999, meeting with Native American Bank Concept and potential financing with Skip Hayward. DOI Grant is beginning Kevin Keckler, KKE will prepare a needs analysis. On July 1, 1999 will follow up at the

Gaming Committee Meeting.

Pete Hale: Spoke of developing a new gas station, USDA, Daycare and an Elderly Program.

Tom Bird Bear: Mark Shar is in the new office for Rural Development

Daylon Spotted Bear: Expressed his condolences to the Allen "Butch" Stone Family on the loss of their loved one. Also expressed his thanks to the

Councilman that the attended the meeting in the Twin Buttes meeting regarding the Twin Buttes Manufacturing.

Chairman Tex Hall reported that BIA opinion on the Elderly Pension plan. Many of the Elderly people would like to know when we are going to pass this.

Aberdeen states that this would still be considered a per capita. They are now checking if the payments came off the interest, the BIA Cora Jones will submit a formal opinion to the Council and will post in the Minutes. May be able to have the elderly paid to tell stories, etc

July 19, 1999, at 10:00 am at the A Frames will be the 4th planning meeting for 4 Bears Bridge – Dan Israel

BIA – HIS were in Washington last week testifying and looking at the unmet needs. 29% cut will be looking at a \$1,000,000.00 cut. Of the Tribal Chairman 24 leaders voted unanimously that the BIA should not be cut because they had to do their trust responsibility.

HIS Tex is the Delegate looking at new health care facilities.

Marcus Well Jr. in at 2:00 pm

Tom Kadus Sioux Falls at Prairie Winds do evaluations on our Casino. They will do an evaluation and will brief the counsel on some issues. (a 4-team member evaluation team. They would come in and provide those services.

The Small loans program must be directed to get applications processed in a more timely fashion.

Top 10 priorities will be made.....

Agenda add on's: Pete Hale: Luther Grinnell will be deferred adding on Connie Fox and Mike Huber.

Marcus Wells: Mary Lou and Harry Sitting Bear and Renita Otterman Mandan

Mark Fox: Ramona Foolish Bear

Daylon Spotted Bear: MRI

MOTION by Mark Fox to give the United Tribes Pow-Wow an equal rate of what the other Reservations are giving for their annual Pow Wow. The amount is not to exceed \$4,000.00.

SECOND by Pete

stated **DISCUSSION:** Tom Bird Bear stated his concern if all Reservations gave more than \$4,000.00 would we have to give more. Mark Fox stated that there is a cap *stated* in the motion of \$4,000.00 which was the amount given in past years.

VOTE: 6 in favor

MOTION CARRIED.

04. **Approval of Agenda**

MOTION by Tom Bird Bear to approve the Agenda with the add on's

SECOND by Pete

VOTE: 6 in favor

05. **Al Nygaard**

MOTION by Pete to enter into an agreement with Consulting Investments with Al Nygard Consulting, 917 North 10th Street, Bismarck, ND 58601. Mr. Nygard brought in a proposal for a Native American Bank, Investments and JTAC Planning. The JTAC plan would not change what had been done but would enhance the current plan in place. The time frame would begin July 1, 1999, and continue on for a 3 month period. No Second, motion dies.

MOTION by Pete to accept just the portion of the Al Nygard's Consulting Agreement, which pertains to the JTAC plan in the amount of \$10,000.00.

SECOND by Tom

DISCUSSION: Mark stated that he could see the JTAC plan for now as it is more pressed for time the others, investments and the bank could wait. Prepare resolution and consultant agreement in the amount of \$10,000 for the July 15th meeting. Such agreement will reflect a 3 month time frame.

VOTE: 6 in favor motion carries.

06. **A. Tribal Education**

Bernadine Young Bird submitted her State Reservation Report (SRE) with the added executive summary attached. Also would like as many Councilmen as possible to attend the Tribal Education Department Forum on July 21, 1999 from 11:30 - 5:00 pm in Albuquerque. NM.

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MOTION by Marcus Wells to reinstate the Tribal Education Code

SECOND by Pete Hale

DISCUSSION: Bernadine brought up the SRE be recognized as a formal document and have the Tribal Education Code include it and use it to initiate the Tribal Education Code, and add some language that will be more enhancing of our strengths.

VOTE: 6 in favor

MOTION CARRIED

MOTION by Mark Fox to approve Harry Sitting Bear for a loan in the amount of \$2,500.00 to be paid back on a 8.25 AAPR, at \$54.00 biweekly. Also an additional \$2,500.00 will be given to the Sitting Bear family through the FEMA monies through the Social Services Office.

SECONDED by Pete

DISCUSSION The original loan request was for \$5,000.00. \$2,500.00 will come from FEMA and \$2,500 will come from the Small loans program. Need resolution.

VOTE: 6 in favor

MOTION CARRIED

NEED RESOLUTION:

B. Twin Buttes Manufacturing

07. **Application to the Department of Justice**

1. **MOTION** made by Mark to approve Resolution #99-114-DSB **Seconded** by Pete **VOTE:** 6-0-0-0.

08. **Ramona Foolish Bear loan**

MOTION made by Mark to approve a Loan in the Amount of \$2,500.00 to be secured by her IIM account until paid in full to the Small Loans Program.

Seconded by Marcus Wells. **Discussion** Loan is to pay off rent due to the Fort Berthold Housing Authority. ~~Elderly women, raising a family has to pay such high rent. Need to have assessment completed by the Fort Be Housing as to why such high rent on such limited incomes and report back to the Council.~~

MOTION made by Pete to have the housing authority look into revising the elderly rental determination **Seconded** by Marcus. **VOTE:** 6-0-0-0.

09. **Florence Brady, Personnel**

1. **MOTION** by Pete Hale to temporarily hire Lavina Fox as the Mandaree CHR during Dave Chargings absence **Seconded** by Marcus. VOTE: 6-0-0-0
2. **MOTION** by Tom Bird Bear to hire Dana Deegan as the WIC Clerk **Seconded** by Daylon Spotted Bear. VOTE: 4-1-1-0 Motion carried
3. **MOTION** by Tom to rate all the applicants that apply to a position so that they can see all that are rated. **Seconded** by Pete. VOTE: 4-0-2-0
4. **MOTION** by Tom Bird Bear to direct Personnel to verify all enrollments through our enrollment books. **Seconded** by Mark Fox VOTE: 6-0-0-0
5. **MOTION** by Tom to prioritize education and education is given a higher preference. **Seconded** by Pete. VOTE: 6-0-0-0
6. **MOTION** by Marcus to define an Indian Preference clause as it is actually written under 638 in general. Mark stated his concerns about reverse discrimination. Legal will advise: **Seconded** by Tom VOTE: 5-0-1-0.
7. **MOTION** by Marcus to temporarily place Dana Lone Bear in the Small Loans Program as the Clerk for 60 days effective June 14, 1999. **Seconded** Mark Fox VOTE: 6-0-0-0.
8. **MOTION** by Mark to transfer Nancy Fox of the CHR office over to the Dialysis Program as A Dialysis Driver at or near the same rate of pay she is receiving now, provided she is willing to transfer. **Seconded** by Pete VOTE 6-0-0-0.
9. **MOTION** made by Pete to hire the fencing crew for Casey Frederick, Tribal Programs Analyst. Silas Howling Wolf Start date June 21, 1999 June 28th starting dates Ted Seirs, Jerry Reimer, ChaunDee Chase, Travis Fox, Loni Charging, Tracy Ogden, Chad Conner and Dustin Connor, Peter Fox, Yazzie Touchine, Keith McKenzie, Keith White Owl, Jerome Hunts Along, Tracy Wounded Face, and the alternates will be Valarion Finley, Jarren Bracklin and Anthony Beaks. **Seconded** by Mark. VOTE: 6-0-0-0.
10. **COPS FAST SETTLEMENT**
MOTION by Mark to counter offer settlement with Item 3# New Salary Schedule and Item 7 Attorney's fee's be reduced to \$1,000.00. Discussion: This would be the final offer made to them. The April 8th Memo stating salaries would stand as the salaries. Must try to recover losses out of the BIA contract for payment. **Seconded** by Daylon. VOTE: 5-0-1-0.
11. **Kami Fredericks -KDU Report**

INTRODUCTIONS: Paula Snow, Social Worker, completed a survey on the patients. There was 100% participation, it was kept confidential and patients surveyed to 100% satisfied. Tribal Chairman Tex Hall questioned the complaint procedure. Also would like a copy of the last Accreditation report. Also would like to have an Independent Evaluation, Fred Baker, Programs Manager will initiate.

FINANCES: Projected dollar amount to be collected through the Dialysis Program was \$500,000.00. To date \$333,000.00 has been collected to date and still have 8 months to bill for services rendered. Projecting \$600,000.00 to be collected by end of fiscal year. This is a 638 Contract.

Reiterated that ½ of Judy Young Bears salary was to be taken from the Dialysis program. Fred will check to make sure that this is being deducted. Kami Fredericks stated that currently Paula Snow is making \$15.44 per hour and would like to give her a raise retroactive to her starting date. Motion by Mark seconded by Tom. Tom withdraws his motion. Motion dies.

MOTION by Mark to give Paula Snow a raise effective June 23, 1999, if there is documentation to support that other Dialysis workers are receiving the same.

Seconded by Marcus **VOTE:** 5-0-1-0. Motion carried.

Dialysis Motor Vehicle Operator is need. Already has one written into the Budget, Motion by Mark to transfer Nancy Fox to the Dialysis project at or near the rate of pay she is currently receiving in the CHR Program. Seconded by Pete.

Discussion: Marcus stated the this is a transfer and not a new hire and should be handled by Personnel.

Need a Consultant to come in and review the Records to be in accordance with the State regulations.

MOTION made by Mark to hire Helen Dimaskin as the Consultant to do the evaluations on the Records. She would be hired as a consultant for one job in the amount of \$125.00. **Seconded** by Tom **VOTE:** 6-0-0-0.

MOTION made by Mark to hire Wendy Ellingson, a licensed dietician, under a Consultant agreement for approximately Sixteen (16) hours a month. **Seconded** by Pete **DISCUSSION:** To see if there was a Native that could take the job.

Celeste Hart, LSD, but not specialized in renal dietician. Consultant agreement for Wendy Ellingson will be till the end of the year. **VOTE:** 4-0-1-1. Motion carried.

Staff currently consists of Three (3) Registered Nurses and two (2) LPN's. With the funeral and other emergency leave, need a pool of nurses to have stand by's. 2 weeks to train and an average of 2 days monthly.

MOTION by Tom to interview and hire 2 substitute nurses. Seconded by Pete.

Discussion: Mark request that it be an advertised position for a breakdown of who's being hired. **VOTE:** 5-0-0-1. Motion Carried.

12. **Kyle Baker - Mineral & Gravel Itemized Costs**
Questions regarding the gravel that are leaving tribal gravel pits and they need to know where it's going. Where ever the gravel is going, the Tribe should be receiving \$.50 per ton. According to the spec's the Tribal Roads Department needs 79 miles of gravel for their roads. Need a Report from Bonnie Morin as to the exact dollar amount of the FEMA money that is obligated. Request from Bonnie Morin a print out to know exactly where we are dollar wise. Some question on the bidding process, and who should actually be handling the bid process.

MOTION by Pete for Three Affiliated Tribes Legal Department to handle the bid process for the gravel bids. **Seconded** by Tom **DISCUSSION:** All gravel bids would go through the Legal Department. The Tribal Roads Department would receive the bids after they are awarded. Legal Service, (Kip Quale and Tom Dissolhorst request technical assistance as bidding projects is not their specialty) Tex suggested, Roger Dorval with Kadrmas Lee and Jackson would be good technical assistance in this process.

VOTE: 5-0-1-0. Virgil will get with Kip regarding the bid process and upcoming jobs that need to be bid.

MOTION by Mark to have Kyle Baker, Natural Resources Department, submit to the Tribal Business Council on the July 15, 1999, meeting with a Budget, Obligation by dollars, average costs of gravel in the County and State and include the Parshall Roads in the cost estimates as Parshall is not included in the obligated dollars. Need a report on roads constructed with FEMA dollars, time frames and completion dates. **Seconded** by Pete **VOTE** 6-0-0-0. Motion carried.

MOTION by Marcus to do all roads in house through the Roads Department, without having to bid them, would go through the Force Account method. **Seconded** by Pete. **DISCUSSION:** When the Roads Department was 638 contracted, got equipment to maintain roads not to build roads. If the Roads department was to build roads they would have to get the equipment to do this. **VOTE:** 6-0-0-0. Motion carried.

13. **MRI**

Texx Lone Bear: in order to approve construction schedule, they need to the approval for the equipment match. Defer till the July 15, 1999.

14. **IHS Recommendation**

Mark Fox for the record we have concerns in the evaluation of the hiring of the Indian Health Service. The selection process did not allow the full Council to be in the overall process of selection. In the future the full Council would be in o the selection process. Tex Hall would like to have the scoring of the applicants for his information. Fred Baker informed the Council that usually it has a 3 member Council or appointee's and the IHS Advisory Board. Indian Health Service

would make the selection. Would like the process reevaluated. A letter will be written to find out of the hiring practices.

MOTION by Mark to have the full council informed when there is an Indian Health Service Selection, it must be brought before the full Council. **Seconded** by Marcus **VOTE: 4-0-1-1. Motion carried.**

15. **Legal Department:**
- a. **Farm Service Agency/Civil Rights Claim - Resolution**
 - c. **Proposed Equipment Lease Purchase Agreement RD**
 - d. **Tribal Roads Department - Resolution**
 - e. **Tribal Business License Application - TNT Fireworks**

16. **FINANCIAL REQUEST**
- a. **Stacy Schultz**
 - b. **Maggie Halvorson**
 - c. **Jodi Johnson**
 - d. **Izetta Latter Grass**
 - e. **Mike Huber**
 - f. **Mary & Harry Sitting Bear**
 - g. **Renity Mandan**
 - h. **Ramona Foolish Bear**
 - i. **Connie Fox**
 - j. **Furniture Business (Tom Bird Bear)**
 - k. **Commodity Warehouse**
 - l. **AMI**

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