

**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. #1
JANUARY 03, 2001**

01. CALL TO ORDER AND PRAYER:

Chairman Hall called the meeting to order at 11:00 a.m., and asked all present for a moment of silence to remember all those who are less fortunate, ill, or have lost loved ones.

02. ROLL CALL:

Members present: Councilman Spotted Bear, Chairman Hall, Councilman Phelan, Councilman Wells, and Councilman Fox. A quorum was established with 5 members present.

Councilman Wolf arrived at 11:05 a.m. Councilman Gillette arrived at 11:25 a.m.

03. PROGRAM REPORTS:

A.ENROLLMENT: John Charging

For the record, The Enrollment Director began his report at 10:45 a.m. with the Tribal Business Council members who were present. A quorum was not yet established with only four members present.

HIGHLIGHTS AND ISSUES:

- **CONSTITUTIONAL CHANGE-ARTICLE II-MEMBERSHIP:**
(C) The Director was asked to bring a proposal for review by the TBC.

- **PRIVACY ACT AND FREEDOM OF INFORMATION ACT:**
The Director will travel to Las Vegas, Nevada: February 14-15, 2001, to attend a conference on the Privacy Act and the FOIA.

- **TRIBAL IDENTIFICATION CARDS:**
Tribal Employee and Enrollment Identification cards will be available in the near future. The cards will display the new tribal logo and the federal ID number for travel purposes.

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B. SOCIAL SERVICES: Hugh Baker

● **MAJOR ACCOMPLISHMENTS:**

- A. Reduction of Foster Care Caseloads**
- B. Development of Children and Family Services Strength Based Delivery System of Services.**

- **Increase Staff and associated funding streams**
- **The development of better working relationships with State and Federal programs.**
- **Overall improved relationships with client through improved service delivery systems.**

● **PLANS FOR THIS YEAR:**

- **Focus on General Assistance Program to affect the development of an improved delivery system that is solution focused and strength based.**

- **Continuation of program development based on needs assessments and Tribal Council mandates.**

- **CHIPS/Medicad Outreach: Third Party Billing.**

- **TOTAL BUDGET FOR FY 2001: \$911.297.00**

C. 1. AGENCY EDUCATION: Bernadine Young Bird

HIGHLIGHTS AND ISSUES:

- **Element 10 funding is allocated from the Federal Government to fund the administration of Education programs. The TAT chose to contract the Education Dept., to improve local control of Indian Education. There has been funding cuts since 1995/96 but waivers have been requested. This FY the budget is zero. Bill Mehoja, from the OIEP desk indicated that OIEP would fund the TAT for FY 2000, but that FY 2001 funding was questionable without negotiations with the tribe. The Line Officer who is Dr. Loretta Delong, did not inform the tribe of funding problems. The appropriation funding issue is that Element 10 is non-contractual money.**

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- **Tribal Education Codes: A committee worked on a code since 1991.**
- **Truancy Officers**
- **Head Start Director and Facilities
High turn-over rate, on-going training.**
- **10th Annual Education Week: Feb. 12-16, 2001 by resolution.**
- **JTAC funding of 2 positions: MIS
Curriculum Developer:**
- **State**

**2. HIGHER EDUCATION: Martha Hunter
HIGHLIGHTS AND ISSUES:**

MOTION: Councilman Phelan motioned to approve for the Fall 2001, \$250 Start-up channeled thru Higher Education. Seconded by Councilman Wells.

The Higher Ed. Director will be traveling to different schools located within and near the reservation boundaries to help students fill out applications for higher education funding. This FY, the office started processing federal applications on-line, which hopefully, will help alleviate some of the barriers. A follow-up visit will be scheduled for March. Freshman students will be orientated on career planning and student aid.

MONETARY AWARDS:

Since the fall of 1998, Incentive Grants have been processed for students enrolled full-time and completed at least 8 credit hours. The Incentives vary from \$100, \$200, AND \$300 based on their GPA, source being from the JTAC funds. The Tribe also gave JTAC funding to help summer school students.

The TBC approved \$50,000 for this FY Start-up costs @\$250 for full-time students. Approximately 200 students received the start-up costs. The original intent of these costs was for students that needed money for transportation costs.

STUDENT LOAN REPAYMENT ASSISTANCE:

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The tribe allocated \$200,000 to help repay student loans. Assistance will be available to members who made loans during the time period of October, 1997 to September, 2000.

The Council approved of this time period because JTAC funding became available at that time.

MOTION: Councilman Phelan motioned that the requests for the \$250 Start-up Costs for the fall of 2000 and the spring of FY 2001 be channeled through a process with the Higher Education Program.

DISCUSSION: An analysis will be done on the disbursements to the 252 students. The Education Department will come back with a projected budget for the next FY.

**The Higher Education Budget: \$430,000
Loan pay-back @\$200,000, and \$200,000 for Fall of 98, and spring of 99: scholarships @ \$418,187. The total budget for Higher Education was \$506,126 for Higher Education. The Education Department's anticipated A one or two page summary of the strategy, the concerns and points that the Tribe is going to seek out in the Aberdeen meeting. budget is \$930,000.**

**VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not voting.
Motion carried.**

- E. EARLY CHILDHOOD: Bernadine Young Bird**
- **The BIA funds this program from birth to 5 years of age.**
 - **Budget is \$131,600 and we have carry-over funding**
 - **for FY2001 Federal Funding from IDEA: Individual Disability Education Act money very restricted money that can be used to hire very specialized people that are required under these funds.**
 - **Early child hood specialists,**
 - **Degree in Special education**
 - **An Exceptional Education Technician.**

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- **The Early Childhood Program does tracking of high risk families.**
- **HEADSTART:FUNDING:
Headstart funded for 9 centers but is only serving 8 centers, the budget needs revision. Recommendation that 4 centers be condemned and replaced.**
- **CHILD CARE:
A very large issue for working and student mothers. A task force needs to be formalized for child care needs.**

F. FIRE MANAGEMENT PROGRAM: Frank Chase

HIGHLIGHTS:

- **Reestablishing fire contract with Garrison, ND**
- **Salary increase for Fire Clerk**
- **Meeting on January 16, 2001 to Reestablish other fire contracts.**
- **Implement the same frequency as the game and Fish Department.**
- **Need training for fire fighters.**
- **Enforce the Alcohol and Drug Policy requirements**
- **Unmet need distance: Research the possibility of obtaining a helicopter from the Air Force Base.**
- **Incentive Awards**
- **Missing equipment**
- **No recording of serial numbers**

**MOTION: Councilman Wells motioned to direct the CEO and the Programs Manager to instruct all Departments to tag and inventory all equipment and provide a report within the next 30 days.
Seconded by Councilman Fox.**

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DISCUSSION:. Texx Lone Bear, Acting Administrator of the NRD and Harry Sitting Bear, Director of Property & Supply are responsible for the missing equipment of the Fire Management. Because of audit requirements the program equipment needs to be accounted for. A form should be developed from Personnel with a check-out system. The BIA has a federal responsibility to provide funding for fire management needs when they are on fire call. A budget needs to be submitted to the BIA to include permanent staff as opposed to on-call status.

AMENDED MOTION: Councilman Wells amended his motion to include the wording: Interim supplemental budget and to start working on a long term budget for Fire Management. The budget will fall under the JTAC funding. Councilman Fox amended his seconded.

VOTE: 7 Aye, 0 Nays, 0 Abstentions, 0 Not voting.
Motion carried.

- **SALARY INCREASE FOR FIRE CLERK
Personnel Matter**

G. 477 PROGRAM: Leo Cummings

HIGHLIGHTS:

- **SURPLUS OF GA FUNDS**
- **TANF RECIPIENTS**
- **MANAGEMENT TRANSPORTATION 30% ADMIN. COSTS.**

MOTION: Councilman Phelan motioned to direct Leo Cummings and Hugh Baker to prepare one or two page summary of the strategy, concerns and points that the Tribe is going to seek out in the meeting scheduled with Cora Jones/Peggy Davis and bring back to the Tribe at the January 17, 2001 meeting. Seconded by Councilman Fox.

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DISCUSSION: Pat Wilkinson will draft a letter for Chairman Hall to Cora Jones requesting a meeting with her, the TAT Tribal Chairman, 477 Director and the Social Service Director to address TANF, GA issues and the budget reduction shortfalls since 1996 at the Roll Out Meeting on January 24, 2001.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 not voting. Motion carried.

- **CHILD CARE DEVELOPMENT FUND (CCDF) \$100,000 of funds set aside from CCDF that can go into helping to build a Child Care Center. The \$100,000 is available through the TAT Child Care Development Fund Block Grant. CEDS will work with the 477 Program and plan for developing a new daycare in Four Bears area for this year. The funds were available two or three years ago but the Tribal Business Council did not act on it so it went back into direct services.**
- **The 477 Program is very limited because the funds comes right out of the 477 direct service budget**
- **The 477 Program has quality money that can assist programs with minor renovations to buildings.**
- **The CEDS Director and the 477 Director were directed to get a plan and resolution together for and prioritize the Four Bears, Mandaree, and the Parshall areas for Day care facilities.**
- **Tribal Day Care versus Private Day Care Costs**
- **JOM:
It does not do very well when it comes in the advancement of goals, such as keeping children in school or out of school. It should be looked at part of a whole system, goal, philosophy, keeping kids in school, advancing their test scores.**

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HARVARD PROGRAM IS PUTTING UP AN INNOVATIONS PROGRAM THAT WE OUT IN FOR TWO YEARS BACK AND WE WERE UNSUCCESSFUL

- **He's going to actually write the proposal for the tribe. The tribe needs to have motion of support**
- **Harvard Program in Innovations in Tribal Government. What we're doing is putting in a proposal for the 477 program with example three Affiliated tribes.**

H. TRIBAL COURT:

HIGHLIGHTS:

- **Total Budget is \$377,000**
- **DUI Laws and Codes Status**
- **Criminal Case Disposition Reports**
- **Computer Upgrade and Software @ \$15,000**
- **Incidence Reports**
- **Data Entry Technician**
- **Back Log of Court Cases**
- **Truancy Officers**

MOTION: Councilman Fox motioned to direct the Management Information Specialist Department to prioritize working with the Tribal Court system to get an assessment, analysis and recommendations on what to do with the technology of the Program within 30 days. Seconded by Councilman Phelan.

DISCUSSION: The Judicial Committee Chairman was directed to keep an eye on that situation and to make sure that they written report is submitted to full Council after 30 days.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not voting. Motion carried.

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I. FISH AND GAME AND FISH: Todd Hall

- **Secretarial Order #3206: Endangered Species within the external boundaries of the Fort Berthold Indian Reservation.**
- **CFR Title 50 CHAPTER I, PART 22: EAGLE PERMITS**
- **CHAPTER 18, CODE OF LAWS for the Three Affiliated Tribes.**
- **Management Plan for Black Tailed Prairie Dog.**
- **Development of a Candidate Conservation Agreement with Assurances.**
- **Hunting Proclamations**
- **Enforcement Personnel Training**
- **Raised 300 pheasants and distributed them throughout the Reservation to replenish populations that were decimated in the late 90's and have yet to recover.**
- **Noxious Weed Management**
- **Support an Amendment to H.R. 701 to include federally recognized Indian Tribes in the apportionment of the CARA sub-account of the Federal Aid in Wildlife Restoration fund.**

J. SMALL LOANS:

- **A total recap on accounts for the FY00**
- **IIM Accounts**
- **Current Status on Loans**
- **Computer System**

DISCUSSION: The FBCC and the 4Bears Casino and Lodge deductions do not agree with the TAT Small Loan 9.5% Payback. In the best interests of the Tribe, the TBC needs to have a enforcement mechanism in place.

MOTION: Councilman Fox motioned to direct Legal to develop a Garnishment Provision in the Tribal Code that will allow for the Court system to provide for garnishment; to be brought for critique by the Tribal Business Council for final review. Seconded by Councilman Spotted Bear.

DISCUSSION: This garnishment provision will apply to all entities under the Tribal Business Council who owe money to the Tribe.

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VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

MOTION: Councilman Fox motioned to direct the Small Loan Program to devise a signature form describing the specific amount a co-signature is fiscally responsible for in the event of non-payment by borrower of that particular loan. to provide a co-signature an option Seconded by Councilman Gillette.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

MOTION: Councilman Wells to approve Stacey Smith for a \$400 funeral loan, Mark Smith for a \$250 funeral loan and Kathleen Smith Delerosa for a \$250 funeral loan who has an outstanding loan of \$250; and to remove Marcus Wells, Jr. as co-signature of the Smiths. Seconded by Councilman Gillette.

DISCUSSION: For future reference, if Councilman Wells co-signs again, and the borrower does not pay, then the Councilman will be fiscally responsible. The Tribal Business Council will no longer over rule staff on Small Loan requirements.

Raymond Yellow Wolf applied for a emergency loan. He does not owe any money to the Small Loan Program. They will process the loan.

K. NATURAL RESOURCES:

- **Dakota Water Resource Act**
- **Water Treatment Operators are certified**
- **Provision Title 16 Class Three Water**
- **Title 16 Waste Water**
- **BOR Funding**
- **Utilities Program**
- **Realty Officer: Personnel Matter**
- **Utility Code**
- **Zoning Code**
- **Wind Energy**

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MOTION: Councilman Gillette motioned to direct Harley Texx Lone Bear to correct the fence construction to come in compliance with the BOR and tribal regulations. Seconded by Councilman Wolf.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not voting. Motion carried.

L. WATER RESOURCES/GIS REPORT

- **Western Area Power Administration**
- **Development of Business and elders List including account and meter numbers**
- **Working with current power suppliers in determining what type of delivery system would best suit our needs**
- **Developing all resolutions**
- **Corresponding with Western and the five power suppliers currently serving the Reservation.**
- **Served as liaison to the Corps of Engineers**
- **Developing MOA with COE ensuring annual meetings**
- **Developing shoreline Management Plan for eventual transfer of shoreline properties.**
- **Supervising intern's responsible for Water Safety Program.**
- **Assist with all projects on or near the Reservation with the COE.**
- **Assisted in securing a permit for the Four Bears Casino in the development of a Marina.**
- **Developing a Natural Resources Management Plan.**
- **The GIS produces on an average of 15 maps per week.**

L. FORESTRY DEPARTMENT:

- **Grazing Rights**
- **Aboriginal Rights**

M. CRIMINAL INVESTIGATIONS:

- **Creating a data base**
- **Forgery (1)**
- **Burglary (3)**

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- **Larceny (1)**
- **Assault w/ dangerous weapon (2)**
- **Assault (1)**
- **Sexual Assault (2)**
- **Sexual Abuse of Minor (3)**
- **Arson (1)**

MOTION: Councilman Phelan motioned to direct the Legal Counsel to develop an inter-agency Child Custody Policy in or on the Reservation. Seconded by Councilman Wolf.

DISCUSSION: Any child case should involve CI, Programs Manager and the Legal Counsel.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

MOTION: Councilman Phelan motioned to have the CI investigate the child welfare case, to involve the CI and the Social Service Department. Seconded by Councilman Wolf.

VOTE: 7 Ayes, 0 Nays, Abstentions, 0 Not voting. Motion carried.

MOTION: Councilman Fox motioned to authorize \$28,000 training funds to pay for training for COPS FAST officers @10 or as many as authorized by the Devils Lake Training Dept. Seconded by Councilman Phelan.

DISCUSSION: A recommendation to take the funds out of DOJ Contract, and to seek reimbursement out of federal funds and to possibly cost-share with the 477 program.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

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Q. ROADS DEPARTMENT:

- **Reference Personnel Matters 01-03-01**

R. TRANSPORTATION PLANNING

- **Indian Labor Force**
- **Mandaree Streets/Hill**
- **Force Account**
- **Tribal Administration Building Lights and Paved Roads**
- **Public Works**
- **Low Productivity**
- **Staff problems**

MOTION: Councilman Phelan motioned to direct the Treasurer to develop a Payroll Disbursement Policy. Seconded by Councilman Wolf.

Councilman Fox left the meeting at 8:25 p.m.

DISCUSSION: Tribal employees are standing in front of the Finance Office or the lobby waiting for their payroll checks as early as 11:00 a.m. The checks will be disbursed at 3:00 p.m. and possibly the Segment payroll checks could be mailed on Thursday evening before pay day.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions. 1 Not voting. Motion carried.

S. VETERANS PROGRAM: Thomas Crowsheart Sr.

- **Health Care Benefits**
- **Claims for Compensation**
- **DD214**
- **Burial Benefits**
- **Medical Appointments**
- **Transports**
- **Request to increase budget**

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T. QUARTER RENOVATION PROGRAM

- **Quarters Renovation Project: March 2000**
- **Value of contract \$264,000.00**
- **Final Inspection was done on July 13, 2000**

U. KIDNEY DIALYSIS UNIT PROGRAM

Personnel Matter: Rebecca Cronais.

MOTION: RECLASSIFICATION REVIEW COMMITTEE:

Councilman Wells motioned that the Chief Financial Officer, the Programs Manager, the Personnel Director and the Project Director consist of a Reclassification Committee. Seconded by Councilman Phelan.

DISCUSSION: The Reclassification Committee will amend the ranking system that is currently in place, review job positions and promote them in accordance to an amended ranking system. Prior to practicing the system, it will be reviewed and approved by full council action.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not voting. Motion carried.

V. CONTRACT HEALTH PHYSICIANS:

MOTION: Councilman Wells motioned to hire Dr. Mcrill at \$135,200 per year. Seconded by Councilman Phelan.

DISCUSSION: A Doctor will be provided in Mandaree for three days and in Parshall for two days during the winter months. Councilman Phelan withdrew his motion, and Councilman Phelan withdrew his second until Dr. Mcrill brings in his resume.

W. VAN NESS CONSULTANT AGREEMENT:

Councilman Wells motioned to execute a Consultant Agreement with Van Ness Feldman, Attorneys At Law.

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DISCUSSION: To cap the compensation at \$42,000 per year to reopen JTAC Legislation. Legal will develop a consultant agreement. Also, the Program Director was directed to look to the BIA for litigation dollars.

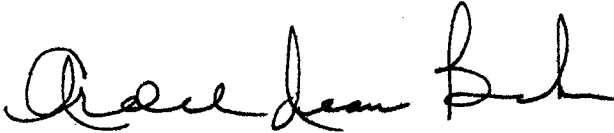
VOTE: 4 Ayes, 0 Nays, 1 Abstention 2 Not voting.

X. ADJOURNMENT:

Councilman Phelan motioned to adjourn the meeting at 11:35 p.m. Seconded by Councilman Wolf.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Not voting. Motion carried.

Respectfully submitted,



**Ardel Jean Baker, Recording Secretary
Office of the Secretary
THREE AFFILIATED TRIBES**

4/3/01

Date




**Marcus Wells, Jr. Executive Secretary
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES**

4/3/01

Date

ATTEST:



**Tex G. Hall, Tribal Chairman
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES**

4/2/01

Date