

**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. 29
SEPTEMBER 27, 2001**

01. CALL TO ORDER AND PRAYER:

Vice-Chairman Phelan called the Special Meeting to order at 2:00 p.m., with the invocation offered by Councilman Wolf.

02. ROLL CALL:

Members present: Councilman Spotted Bear, Councilman Gillette, Councilman Wolf, Councilman Fox, Vice-Chairman Phelan, and Secretary Wells. Members absent: Chairman Hall. A quorum was established with six members present.

03. APPROVAL OF AGENDA:

Councilman Gillette moved for approval with additions. Seconded by Councilman Fox.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent. Motion carried.

Item (11) is deferred until October 11, 2001 meeting.

04. FORT BERTHOLD INDIAN SCHOOLS: RESOLUTION NO. 01- 240MWJR.

Councilman Wells motioned to authorize continued funding for a five year period for six juvenile truancy officer positions for each segment in the amount of \$32,259.18 per segment for a total amount of \$193,555.08 per year through FY2007, JTAC Funds will be used to fund this program, and each school will cost share in the operational expenses, subject to the availability of tribal funds. Seconded by Councilman Fox.

DISCUSSION: The Job Description requirements will include an AA Degree or an equivalent of 2 Years experience as a truancy officer.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Absent. Motion carried.

NOTE: Chairman Hall entered the meeting at 2:38 p.m. A full quorum is now present at the meeting.

Agenda Issues: The agenda was prioritized to include only the Personnel and FY Three Affiliated Tribes FY 02 budget.

The Health and Human Committee went on record directing the Personnel Director, the CEO or the Programs Manager attend all HHR Committee Meetings and remain at the meetings until the conclusion, this directive to include all Tribal Business Meetings.

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The Legal Department and Sergeant At Arms were also given the same directive to attend and remain at all Tribal Council Meetings until the conclusion of the meeting.

REVISED PERSONNEL POLICIES AND PROCEDURES:

Councilman Wells motioned to approve the revised Personnel Policy and Procedure manual as a draft for an additional comment period of 60 days to be reviewed and finalized at the conclusion of 60 days.

DISCUSSION: The areas of concern discussed were hiring process, Alcohol and Drug Testing, rating and priority, transfers, evaluation of upper management staff, orientation and training, salary schedule / pay classification review and the Employee Assistance Program: Personnel and Finance will develop a Master File Policy and Personnel will be the trustees. This will be completed by November 9, 2001 Meeting.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

05. FOUR BEARS CASINO ATTORNEY – RECOMMENDATION

Councilman Phelan motioned to send a recommendation for hire to the Four Bears Casino and Lodge to employ Vance Gillette as the Legal Counsel, with conditions as stated. Seconded by Councilman Wolf.

DISCUSSION: The conditions are that Vance Gillette will terminate any representation with existing clients pertaining to lawsuits against the Casino because of potential conflict of interest. On the contract submitted under #7: Change: to 60 days as opposed to 2 years severance pay if terminated before the two-year period.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

06. TRIBAL COURT DISTRICT JUDGE:

Councilman Wells motioned to hire El-Marie Conklin as the Tribal Court District Judge for the Three Affiliated Tribes, effective immediately. Seconded by Councilman Fox.

VOTE: 4 Ayes, 1 Nay, 2 Abstentions, 0 Absent. Motion carried.

07. TAX DEPARTMENT:

Councilman Gillette motioned to transfer the Tax Commissioner and all of the duties to the Legal Department and that Mr. Quale, as Supervising Attorney determine who will be delegated those duties. Seconded by Councilman Wells.

DISCUSSION: This transfer would be a savings to the Tribal Budget. Although there will no longer be a Tax Department , it will still be monitored by a governing body.

VOTE:

TRIBAL CHILDRENS SERVICES COORDINATING COMMITTEE:

Rebecca Staples Pay Schedule: This items was deferred until November 08, 2001 Regular Meeting.

Councilman Gillette motioned to reinstate Waylon Good Left as the White Shield Truancy Officer. Seconded by Councilman _____.

DISCUSSION: The White Shield Superintendent and some of the Board members want him reinstated.

VOTE:

08. DEFER THE TRANSFER OF STAFF TO/FROM THE PROGRAM MANAGER PROGRAM:

Councilman Phelan motioned to defer the transfer request of Alvina Wells and reinstatement of Sue Romero as the Assistant to Programs Manager until October 11, 2001. Seconded by Councilman Gillette.

VOTE: 6 Ayes, 0 Nays, 1 Abstention (Wells) 0 Absent. Motion carried.

09. ASSISTANT CRIMINAL INVESTIGATOR

Councilman Wells motioned to assign the Cops Fast Program 2001 Expedition vehicle or a 2001 model vehicle to the Criminal Investigator, Rick Little Swallow. Seconded by Councilman Wolf.

DISCUSSION: The Four Bears Expedition was assigned to Four Bears Cops Fast Police Officer.

VOTE: 4 Ayes, 0 Nays, 1 Abstention, 2 Absent. Motion carried.

DISCUSSION: For the record, Chairman Hall will support 638 Law Enforcement.

10. PAVING PROJECT FOUR BEARS COMMUNITY BUILDING

Councilman Wolf motioned to authorize the Executive Committee to negotiate with either Keller Paving or Northern Improvement for the lowest bid on the Four Bears Parking Lot. Project approved prior on June 28, 2001, to be finalized by the Executive Committee. Seconded by Councilman Wells.

DISCUSSION: The Four Bears parking lot project was approved on June 28, 2001, and all the Four Bears Community needed to do was solicit proposals for the work.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

11. BALANCED TAT BUDGET RESOLUTION:

Councilman Phelan motioned to direct Steve Salvesson, Chief Financial Officer to come up with a plan for a balanced budget resolution and a three year plan for department reduction. Seconded by Councilman Wells.

DISCUSSION: On the expense side , it was determined there will be a 20% deduction of all programs or a 4.2 Million dollar cut from the General Fund for FY02. \$480,000 payroll will be reduced to \$400,000, with a savings of \$2.08 Million 1b. \$2.2 Million reduced to \$1.9 on accounts payable equivalent to \$300,000 X 12 months, is 3.6 Million, for a total of \$5.68 Million dollar in savings. This option will be a Long Term Debt Reduction Plan over three years minimum.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

DISCUSSION: Northern Improvement Service: Four Bears Parking Lot similar to the Mandaree Community Center. charge \$10.25 a sq. yd. 29800 sq. ft. They will submit a proposal for the Four Bears Paving Parking Lot Project.

12. ADJOURNMENT:

Councilman Phelan motioned to adjourn the meeting at 7:34p.m. Seconded by Councilman Spotted Bear.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

13. CALL BACK TO ORDER:

Chairman Hall called the meeting back to order at 7:35 p.m.

14. **NORTHERN LIGHTS:RESOLUTION NO. 01-241MWJR:**

Councilman Spotted Bear motioned to allow Councilman Wolf delegation of authority to approve of project expenditures, within projected budgetary limitations from budget #1, with utilization of Mr. Dennis Deutsch, Construction Coordinator, and includes the authority of hiring temporary and seasonal employees crucial to project completion, NTE 12-01-01. Seconded by Councilman Phelan.

DISCUSSION: The resolution was amended to contingency line item will be used to rent equipment to finish construction for the fall season.

AMENDED MOTION: Not To Exceed \$75,000 for the Northern Lights sub-division.

VOTE: 5 Ayes, 0 Nays, 0 Abstention, 2 Absent. Motion carried.

15. **HEALTH SYSTEMS SPECIALIST: PERSONNEL MATTER**

16. **BRADY MARTZ:**

Councilman Wells motioned to hire Brady Martz as an auditor at the rate of \$63,000 per year to audit the Three Affiliated Tribes financial statements and perform the audit of the Three Affiliated Tribes as of September 30, 2000 and 1999. Seconded by Councilman Wolf.

DISCUSSION: This contract will be a cost savings of \$18,000 for two years. This requirement will satisfy the audit requirements imposed by the Single Audit Act and the U.S. Office of Management and Budget OMB Circular No. A-133.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

17. **RECORDS MANAGER OF TAT: PERSONNEL MATTER**

18. **ELDER GARAGES FOUR BEARS:**

Councilman Wells motioned to approve a contract for Monte Packineau to construct 6 elder garages in Four Bears for the amount of \$9,000, which includes the construction and the labor for the installation of the concrete. Seconded by Councilman Spotted Bear.

DISCUSSION: The Treasurer instructed the Four Bears Representative to omit the cost of the concrete slab off, because a proposal to the tribe will be submitted to pay for concrete slabs of all elderly garages.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

19. ELDER GARAGES MANDAREE:

Councilman Phelan motioned to direct the Chairman to send a letter to the Treasurer informing him that the Tribal Business Council took action regarding the style of the Elder Garages, which is to remain stick built. Seconded by Councilman Wells.

DISCUSSION: The Treasurer ordered a pole barn type of garage for the other segments as opposed to the stick built garages ordered for the White Shield elders.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

MOTION TWO: Councilman Phelan motioned to approve James Johnson to construct the Mandaree garages for \$1,000 per garages. Seconded by Councilman Wells.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

20. ELDER GARAGES NEW TOWN:

Councilman Wolf motioned to approve James Johnson to construct the Mandaree garages for \$1,000 per garages. Seconded by Councilman Phelan.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

21. HEALTHY START PROGRAM:

Councilman Phelan motioned to provide financial support in the amount of \$6,333,34 or for 30 days of funding FY02. Seconded by Councilman Spotted Bear.

VOTE: 3 Ayes, 1 Nay, 1 Abstention, 2 Absent. Motion carried.

VOTE: 3 Ayes, 1 Nay, 1 Abstention, 2 Absent. Motion carried.

22. TERO COMMISSION FOUR BEARS: RESOLUTION NO. 01-242MWJR

Councilman Wells motioned to appoint Harry Sitting Bear to fill the position of TERO Commissioner until November 2002, subject to the unavailability of Roy Bird Bear. Seconded by Councilman Wolf.

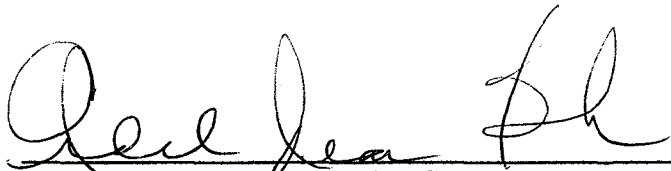
VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

23. ADJOURNMENT:

Councilman Wolf motioned to adjourn the meeting at 8:33 p.m. Seconded by Councilman Spotted Bear.

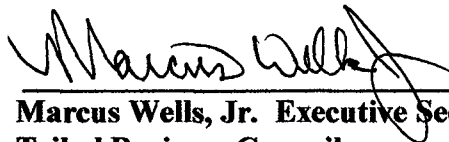
VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.

Respectfully submitted,



**Ardel Jean Baker, Recording Secretary
Tribal Business Council
Three Affiliated Tribes**


11-14-01
Date



**Marcus Wells, Jr. Executive Secretary
Tribal Business Council
Three Affiliated Tribes**

11-14-01
Date

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**Tex G. Hall, Tribal Chairman
Tribal Business Council
Three Affiliated Tribes**

11-14-01
Date