

**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. 36
DECEMBER 04, 2001**

01. CALL TO ORDER AND PRAYER

Chairman Hall called the meeting to order at 11:40 a.m. with the invocation said by Ronald Sam Little Owl.

02. ROLL CALL

Members present: Chairman Tex G. Hall; Vice-Chairman Randy Phelan; Treasurer Austin Gillette; Secretary Marcus Wells, Jr.; Councilman Daylon Spotted Bear; Councilman Malcolm Wolf; Councilman Mark Fox.

03. APPROVAL OF AGENDA

Councilman Wells motioned for approval of the agenda as amended. Seconded by Councilman Phelan.

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

04. COUNCIL REPORTS:

a. Chairman's Report.

- *Water issues of the Tribes in North Dakota Water User's Association in Bismarck, North Dakota.*
- *National Energy Conference in Denver, Colorado.*
- *Chairman Hall will provide testimony for the Cobell case in Washington, D.C.*
- *Chairman Hall will be in Albuquerque, New Mexico concerning the Bureau of Indian Affairs reorganization.*
- *The Elder's Christmas Dinner on December 19, 2001
Elders are in favor of continuing the Christmas Dinner and check distribution at the Four Bears Casino Events Center. No elder checks will be disbursed early.*

Councilman Wells motioned approve Resolution No. 01-203-MWJR to have the staff to coordinate the Elders Christmas Dinner with the Elder's Organization on December 19, 2001, not to exceed \$4,475. Seconded by Councilman Fox.

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

- *National Congress of American Indians (NCAI) Reception*
- *Tribal Business Council Regular Meeting No. 37:*

Councilman Gillette motioned to change and approve the date for the next Council meeting as December 20, 2001 at 10:00 a.m. Seconded by Councilman Fox.

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

TRIBAL ELDERS SENIOR CITIZEN DIVIDEND:

Councilman Gillette motioned to approve Resolution No. 01-294-MWJR which describes for the Senior Citizen Dividend of \$500 per elder (\$250,000 total). Seconded by Councilman Phelan.

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

• **FORT BERTHOLD HEADSTART CENTERS:**

Councilman Wells motioned for approval to allocate \$250 for each Head Start on Fort Berthold for Christmas 2001. Seconded by Councilman Phelan.

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

TRIBAL COUNCIL REPORTS CONTINUED:

- Tribal Elders Organization Election: 01/12/02.
- DOJ Center
- New Headstart Center – Parshall
- Job Training Center
- NCAI Chairmanship
- Parshall Elders Birthday Party: 12/14/01
- Parshall Area Christmas Party: 12/18/01
- 4-Bears Elder Christmas Party: 12/18/01
- 4-Bears 36-Apt. Complex Grand Opening

05. ELDER'S ORGANIZATION 2002 BUDGET:

The Elder's Organization is advocating for seniors and to provide assistance for independent living. Elders should meet with the Health and Human Resource Committee on December 11, 2001 to rework the budget.

Councilman Wells motioned for approval to allocate an additional \$500,000 for the Elder's Organization for a total of \$750,000 for the 2002 Elder Budget. Seconded by Councilman Gillette.

DISCUSSION: The allocation will be divided from \$300,000 to be taken from the Housing Development line item, \$100,000 from the Land line item, \$50,000 from the miscellaneous line item.

The remaining \$50,000 will be revisited on December 20, 2001 to determine if it

can be derived from the miscellaneous line item or the Small Home Loan line item.

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

The quorum was lost at 2:30 p.m. and re-established at 2:35 p.m.

06. THREE DIMENSION IMAGING:

Mr. Jerry Nagel presented a resolution to authorize bidding in township tracts. Mr. Kyle Baker provided a report on oil and gas bids and agreements. Since M3 Energy and the Bureau of Indian Affairs are not available, the Tribal Business Council deferred this agenda item to December 20, 2001 at 11:00 a.m.

07. AMICUS CURIAE BRIEF:

Councilman Gillette motioned for approval to support the Turtle Mountain Band of Chippewa Indians in the case Cass Co. Joint Water Resources District v. 1.43 Acres of Land, which is pending in the North Dakota Supreme Court and to direct TAT Legal Department to draft an amicus curiae brief on behalf of the Three Affiliated Tribes. Seconded by Councilman Wells.

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

08. KIDNEY DIALYSIS UNIT BUDGET:

Councilman Fox motioned to direct KDU to investigate and draft a proposal for additional funding for the Kidney Dialysis Unit with assistance from Hobbs Strauss. Seconded by

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

For the record, the issue on the evaluation of TAT Personnel should be addressed since applications for the KDU nurse positions are not being received or processed through KDU.

**09. VETERANS SERVICE PROGRAM:REBECCA CRONIS:
Personnel Matter**

10. REPORT ON CULTURAL SITES:

Mr. Ronald Little Owl reported on the status of cultural sites and the work that he has performed in the areas of repatriation, ancient site preservation and historical research. Mr. Little Owl is seeking compensation for consultation time (\$2,240) since he is unemployed.

Councilman Wells motioned for approval to compensate Mr. Ronald Little Owl in the amount of \$2,240 for consultation time, subject to submission of report and documentation. This will be paid out of the THPO line item. Seconded by Councilman Fox.

DISCUSSION: Councilman Wells requested that Mr. Elgin Crows Breast research to obtain funding to retain Mr. Little Owl on a permanent basis.

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

11. **MARY ALICE WELLS-CLOSED SESSION:**

12. **DARWIN DRIVER-CLOSED SESSION:**

Lost Quorum at 5:40 p.m. Quorum established at 5:43 p.m.

13. **FORT BERTHOLD DEVELOPMENT CORPORATION:**

Councilman Phelan motioned for approval of amended Resolution No. 01-296-MWJR subject to language change concerning the unconditional guarantee. Seconded by Councilman Fox.

VOTE: 6 Ayes, 0 Nays, 0 Abstention, 1 Not Voting. Motion carried.

14. **ROADS MAINTENANCE 638 CONTRACT:**

Mr. Nathan Hale provided the Tribal Business Council with a status report on the Roads Maintenance Contract. Road Maintenance failed to follow the correct formula. There must be a Memorandum of Agreement with the counties and State. The total population must be included in transportation issues.

Councilman Fox motioned to change the scope and to prioritize the areas of Lucky Mound and Shell Creek areas before the other areas. Seconded by Councilman Wolf.

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

DISCUSSION: the Roads personnel are submitting activity reports and the reporting will provide the Tribal Business Council with summaries for detailed information regarding the Roads Department work activities and tracking for 638 and tribal employees. There are 209 miles of Bureau roads and 220 home access roads, some of which are classified as bus routes. Mr. Hale stated that all of Mr.

Erdmann's concerns were addressed.

T-BENCH CONTRACT: Councilman Phelan motioned for approval of the \$11,000 final payment to T-Bench Construction for the completion of the 2001 seasonal gravel work. Seconded by Councilman Gillette.

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

DISCUSSION: A request of all efforts should require coordination through the TAT Roads Department to ensure that work projects can be prioritized.

Councilman Gillette motioned to authorize the Roads Director to coordinate the work schedule without directives from the Tribal Business Council, and to provide recommendation to the Tribal Business Council. Seconded by Councilman Wells.

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

Councilman Gillette motioned for approval of the restructuring plan of the Roads Maintenance Department, to include the reduction in salary of the Equipment Operator Lead from \$17.75 to \$15.00/hr, and be placed in Twin Buttes, effective immediately and to increase the salary for Administrative Assistant from \$12.75 to \$13.50 retroactive from October 1, 2001. Seconded by Councilman Phelan.

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

Councilman Phelan motioned for approval to extend Mr. Nathan Hale for an additional thirty days, at the same rate of pay. Seconded by Councilman Wells.

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

15. AL NYGARD CONSULTANT AGREEMENT:

Councilman Fox motioned for approval of the December 03, 2001 proposal for fees for services submitted by Al Nygard in the total amount of \$750 to prepare expert analysis of investment proposals for presentation on December 20, 2001. Seconded by Councilman Phelan.

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

**16. 1998 AUDIT REPORT:
Deferred to December 20, 2001.**

17. **SMALL LOANS:**

Sue Romero: Councilman Fox motioned for approval of small loan in the amount of \$3,500, subject to the repayment of the outstanding balance of \$933.77, and to be secured by assignment of retirement account. Seconded by Councilman Phelan.

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

LuAnn Phelan: Councilman Gillette motioned for approval subject to payment of the outstanding balance of \$754.67, and the requirements of the Small Loan Program. Seconded by Councilman Wolf.

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

Keith McKenzie: Councilman Gillette motioned for approval subject to payment Of outstanding balance of \$302.38, and the requirements of the Small Loan Program. Seconded by Councilman Phelan.

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

Robert Young Bird: This Small Loan application was deferred to December 20, 2001, because there was no amount requested, no current status nor a recommendation from the Small Loan Director.

Meranda Sanderson: Councilman Wells motioned to secure the loan balance of \$2,319.82 with title of her vehicle and to remove Clarice Big Back as co-signor. Seconded by Councilman Fox.

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

06. **Georgia Fox:** Councilman Phelan motioned to approve a \$3,500 loan to Georgia Fox, subject to collateral requirements. Seconded by Councilman Fox.

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

07. **Norman Benson:** Councilman Gillette motioned for approval of a Small Loan of \$3,000 pending adequate collateral. Seconded by Councilman Wells.

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

Diana Poitra: Councilman Fox motioned for approval of a Small Loan \$3,500,

subject to the collateral requirements of the program. Seconded by Councilman Phelan.

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

Patricia Thomas: Councilman Wells motioned for approval of a Small Loan \$1,850 upon repayment of the outstanding balance of \$476.87, and subject to the collateral requirements of the program. Seconded by Councilman Fox.

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

Judy Brugh: Councilman Fox motioned to approve a \$3,000 loan for Judy Brugh, subject the requirements of the Small Loan Program. Seconded by Councilman Phelan.

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

Mike Blacksmith: Councilman Gillette to approve \$2,000 subject to payment of the outstanding balance of \$476.87, and the Small Loan requirements. Seconded by Councilman Phelan.

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

Kenneth Smith: Councilman Phelan motioned approve a \$2,500 Small Loan to Kenneth Smith, subject to paying off the balance of \$114.32, and the requirements of the Small Loan Program.

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

Ardel Jean Baker: Councilman Wells motioned for approval \$1,499, subject to paying off her outstanding balance of \$400, and secured by a wage assignment. Seconded by Councilman Phelan.

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

For the record, the loans will be processed within three working days. This is to enable staff time to prepare documentation and to process the loans through TAT Finance.

EDUCATIONAL LOAN:

Councilman Gillette to approve an Educational Loan to Marcus Wells, Jr. in the

amount of \$4,732, with a payback agreement at 2%, and secured by employee retirement account, and a Small Loan of \$1,000 at the regular 9.5% repayment. Seconded by Councilman Wolf.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not Voting. Motion carried.

Councilman Phelan motioned to approve a \$1,000 Small Loan for Marcus Wells, Jr. with the repayment requirements of 9.5%, and subject to Small Loan requirements. Seconded by Councilman Wolf.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not Voting. Motion carried.

18. TRIBAL COURT:

Councilman Gillette motioned for approval of the revised Tribal Court Budget with the recommended lay-offs and transfer as proposed. Seconded by Councilman Wells.

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

19. COPS FAST:

Councilman Phelan motioned to hire Demetrius Mandan for the Mandaree area. Seconded by Councilman Wells.

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

Councilman Fox motioned for approval for authority to hire temporary Parshall Clinic staff at \$9. Seconded by Councilman Phelan.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 Not Voting. Motion carried.

20. TWIN BUTTES DAY CARE:

Councilman Spotted Bear motioned to approve Resolution No. 01-297-MWJR for Twin Buttes Day Care. Seconded by Councilman

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

21. RATIFICATION OF RESOLUTION NO. 01-298-MWJR:

Councilman Wells motioned for approval of Resolution No. 01-298-MWJR for the Three Affiliated Tribes to host a NCAI reception on December 18, 2001. Seconded by Councilman Phelan.

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

22. **RATIFICATION OF RESOLUTION NO. 01-299-MWJR:**

No action on taken to approve Resolution No. 01-299-MWJR for the induction of Sakakawea to the North Dakota Cowboy Hall of Fame with a pledge of \$10,000.

23. **M3 ENERGY:**

Councilman Phelan motioned to extend the letter of intent for an additional thirty days. Seconded by Councilman Wells.

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

24. **PLANNING DIVISION-CLOSED SESSION:**

25. **APPROVAL OF MINUTES:**

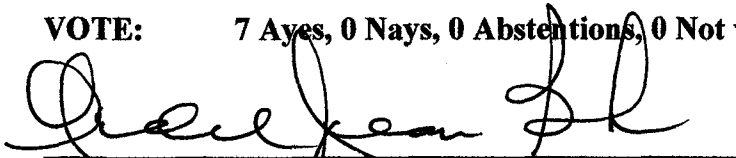
Councilman Phelan motioned for approval of the November 14, 2001 Minutes with amendments. Seconded by Councilman Wells.

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

26. **ADJOURNMENT:**

Councilman Phelan motioned to adjourn the meeting at 9:03 p.m. Seconded by Councilman Gillette.

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

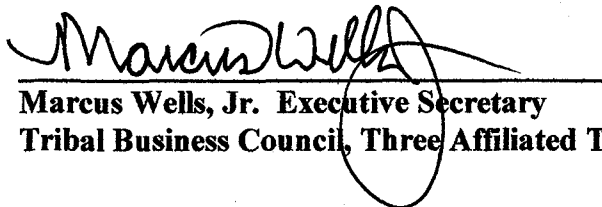


Ardel Jean Baker, Recording Secretary
Executive Secretary Office, Three Affiliated Tribes

ATTEST:

12-19-01

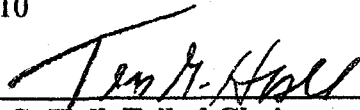
Date



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

12-19-01

Date



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

12.19.01

Date