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MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

404 Frontage Road • New Town, North Dakota 58763-9402

THREE AFFILIATED TRIBES TRIBAL BUSINESS COUNCIL SPECIAL MEETING NO. 2001-37 DECEMBER 19, 2001

9:00 a.m.

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

01. CALL TO ORDER AND PRAYER:

Chairman Hall called the meeting to order at 3:00 p.m.

02. ROLL CALL:

MEMBERS PRESENT: Daylon Spotted Bear, Austin Gillette, Tex G. Hall, Malcolm Wolf, Mark Fox, Marcus Wells, Jr. A quorum was established with six members present at roll call. **ABSENT:** Randy Phelan.

OTHERS PRESENT: Belle Dean Chase and Ardel Jean Baker, Recording Secretaries.

03. APPROVAL OF AGENDA:

Councilman Gillette moved to approve the agenda as amended. Seconded by Councilman Wells.

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

04. BURTON BELL REQUEST FOR REIMBURSEMENT OF SMALL LOAN:

The Tribal Business Council directed the Treasurer to work out with appropriate staff the validation of the Small Loan Committee who was appointed by prior administration and bring the information to the full Council on December 26, 2001.

05. TRIBAL LANDFILL:

Deferred to December 26, 2001 with report and negotiations with the county and state agencies. Mr. Jim Heckman's compensation will be discussed on December 26, 2001.

DISCUSSION: Jim Heckman, Tribal EPA Director made a presentation of an alternate proposal on the Four Bears landfill. He informed the Tribal Business Council of possible grants that could be applied for in March 2002 to fund this move. The landfill design could include a small cell to federal specifications utilizing the baling process, but the tribe will need to haul the waste. He further said permits could be done in six months if tests come back ideal, or EPA could give an ultimatum...fix or develop a new one.

06. **TRIBAL COURT ASSOCIATE JUDGES: RESOLUTION NO. 01-301MWJR.**

Councilman Fox motioned to formally appoint P. Diane Johnson, B.J. Jones, Mike Swallow and Terry Pechota to serve as Associate Judges in the Fort Berthold District Court during calendar year 2002. Seconded by Councilman Wells.

VOTE: 5 Ayes, 1 Nay, 0 Abstentions. Motion carried.

07. **OIL AND GAS PRESENTATION:**

Mr. Jerry Nagel, a tribal member presented a township proposal that he has been developing, however, the proposed marketing plan may further delay the process. Mr. Paige Baker will coordinate with TAT Legal Department, and BIA, Cora Jones to review Mr. Nagel's plan.

08. **NORTHERN LIGHTS UPDATE:**

Dale McGrady and Dennis Deutsch gave an update on the construction of the Northern Lights addition.

Councilman Gillette moved to approve Resolution #01-302-MWJR. After an amendment deleting second to the last paragraph on Page 2. Seconded by Councilman Wolf.

DISCUSSION: The amendment is: *From December 31, 2001 to extend to June 30, 2002*

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

09. **COUNCIL CHAMBERS SOUND SYSTEM:**

Councilman Gillette moved to designate MIS/Secretary's staff to negotiate and develop a proposal for the Council Chambers sound system. Seconded by Councilman Wells.

VOTE: 5 Ayes, 1 Nays, 0 Abstentions. Motion carried.

10. **1998 AUDIT REPORT:**

Councilman Gillette moved that future and present audits comply with 96-38 requirements regarding disclosure and designated Steve Salveson to draft resolution concerning the same by December 26, 2001. Seconded by Councilman Wells.

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

For the record, the 1999 audit will be completed in January 2002. The 2000 audit will be completed in March 2002. The 2001 audit should be completed by September 2002 and will need a new auditor.

Councilman Fox moved to direct Steve Salveson to develop plan concerning audit deficiencies, and direct the department heads to implement the plan. Seconded by Councilman Wells.

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

Councilman Gillette moved to accept the 1998 audit performed by KPMG on behalf of the Three Affiliated Tribes. Seconded by Councilman Wells.

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

11. KDU NURSES:

Councilman Fox moved to have I.H.S. report a detailed explanation on how the Mini-Tohe Clinic utilizes third-party billing Medicare reimbursements. Seconded by Councilman Wells.

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

Councilman Fox moved to approve the KDU Budget of \$1,066,667. Seconded by Councilman Wells.

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

Councilman Gillette moved to direct KDU to draft a Resolution #01-303-MWJR for additional funds for KDU based on original numbers and to direct the Chairman to lobby Congressional leaders on behalf of the Three Affiliated Tribes. Seconded by Councilman Fox.

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

Deb Thompson will also draft a letter concerning consultation policy.

PLUMMER TRIP REPORT:

Aileen Jackson

12. MISSY GILLIES:

Councilman Fox motioned to approve 80% salary advance for Missy Gillies from the CHR Program. Seconded by Councilman Wells.

VOTE: 5 Yes, 0 Nays, 1 Abstention, 1 Not voting. Motion carried.

13. **FOUR BEARS BRIDGE: RESOLUTION NO. 01-304MWJR.**
Councilman Wells motioned to approve the resolution that the Tribe claim ownership of the bridge. No second, Motion failed.

Councilman Wells motioned to approve of Resolution No. 01-304MWJR, which describes in detail the reason for the Tribe to claim ownership of the Four Bears Bridge. Seconded by Councilman Gillette.

DISCUSSION: TAT Legal Counsel reviewed the resolution prior to presenting. Ed Hall will bring back at the next meeting.

VOTE: 5 Ayes, 0 Nays, 0 Abstention, 1 Not voting. Motion carried.

14. **FOUR BEARS CASINO 2002 LIQUOR LICENSE:**
Councilman Fox motioned to approve the Fort Berthold Development Liquor License for the year 2002. Seconded by Councilman Gillette.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 1 Not voting. Motion carried.

FOUR BEARS CASINO CO-GENERAL MANAGER: EXECUTIVE SESSION

15. **JEROME MORSETTE: RESOLUTION NO. 01-05MWJR**
Councilman Gillette motioned to approve the purchase of Jerome Morsette's land in allotment 104A-A, landowner owns 1/1 interest within NE1/4NW1/4, Section 8, Twp. 148 N. Range 88W, Fifth Principal Meridian, North Dakota containing 40.00 acres more or less, valued at \$13,500.00 and; Allotment No. 1490, landowner owns 1/1 interest within S1/2SW1/4, Section 5, Twp. 148N, Range. 88W. Fifth Principal Meridian, North Dakota, containing 80.00, more or less, valued at \$27,000. Seconded by Councilman _____.

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

16. **WHITE BEAR ENTERPRISES: RESOLUTION NO. 01-306MWJR:**
Councilman Gillette motioned to approve a \$3,500 Business Development Grant and a \$3,500 Business Development Loan to Jeff White Bear Enterprises, subject to the requirements of the program. Seconded by Councilman Fox.

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

17. **BRUCE BENSON: RESOLUTION NO. 01-307MWJR**

Councilman Fox motioned to approve a home loan for Bruce Benson, subject to program requirements, not to exceed \$10,000. Seconded by Councilman Spotted Bear.

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

18. VIRGINIA LAWRENCE RESOLUTION NO. 01-308MWJR:

Councilman Gillette motioned to appropriate to Virginia Johnson Lawrence a Business Development Grant of \$3,500 and a Business Development Loan of \$3,500, subject to the requirements of the program.

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

19. LEO CUMMINGS:

Leo Cummings gave an oral presentation regarding the 477 Program. He explained that he would return to his position within a few months. Also, he was directed to look into a possible reimbursement of airline tickets from the 477 Central Office.

20. ARCHEOLOGICAL SITES:

Councilman Fox motioned for authorization to draft a complaint to the Federal District Court, subject to legal analysis concerning off-reservation burial sites. Seconded by Councilman Gillette.

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

21. TRIBAL HOUSING POLICY:

Councilman Gillette motioned to adopt the Tribal Housing Policy on an interim basis. Seconded by Councilman Wolf.

DISCUSSION: The Tribal Business Council discussed the Tribal Housing Policy on an interim basis and sells the house to whoever is available and financially able to purchase the house and pay for the lot rent to the tribe.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 2 Not voting. Motion carried.

22. TRIBAL PROPERTIES: Councilman Fox motioned to establish a rental rate of \$200 per month, with a \$150 deposit for the two available tribal houses and give first option to Joni Foote, with Angelita Mayer as the second option. Seconded by Councilman Wells.

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

23. **SUE ROMERO SMALL LOAN:**

Councilman Fox motioned to authorize the release to Sue Romero a \$3500 Small Loan with the stipulation that she sign a formal agreement that the release of her final payroll check would be released only after payment of loan in full. Seconded by Councilman Spotted Bear.

DISCUSSION: The check will be released within a week after she pays off current loan paid off and to have legal draft up the agreement for her signature.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Not voting. Motion carried.

24. **BARB RAMEY:** The MHA Board of Directors hasn't responded to her request regarding compensation for being released without reason.

Councilman Wells motioned to direct Patti Jo Thomas to work on the Barb Ramey personnel matter with the MHA Times Board and Staff. Seconded by Councilman Gillette.

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

25. **MINUTES OF DECEMBER 4, 2001:**

Councilman Gillette motioned to approve the minutes with corrections: Amend Resolution 299, be it further resolved two split rates applied to the bi-weekly payments. Seconded by Councilman Spotted Bear.

DISCUSSION: Personnel Matters: Stipulation that there would be a 90 day probationary period.

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

26. **WALKING SHIELD:**

Councilman Wells motioned to approve the shipping and handling of 5000 toys to be distributed to all communities. Seconded by Councilman Gillette.

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

27. **EMPLOYEE RECOGNITION INCENTIVE:**

Councilman Gillette motioned to authorize \$20,000 from the General Fund Budget to recognize tribal employees for their years of service working for the Tribe.

Councilman Gillette amended his motion to include all tribal employees regardless of their status, not to exceed \$30,000 as of pay period #25. Seconded by Councilman

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

28. ADJOURNMENT:

**Councilman Gillette motioned to adjourn the meeting at 12:03 a.m.
Seconded by Councilman Wells.**

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

Transcribed by,

**Ardel Jean Baker, Recording Secretary
Executive Secretary's office
Three Affiliated Tribes**

Date

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

Date

ATTEST:

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

Date