

DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.





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. 2001-38
DECEMBER 26, 2001

01. CALL TO ORDER AND PRAYER:

Chairman Hall called the meeting to order at 3:55 p.m. Chairman announced the two elders names that passed on this week: Florence White's funeral was held today and Lawrence Bird Bill's wake would begin this evening. Chairman Hall asked all present to say a silent prayer for all who are sick, grieving and less fortunate during this 2001 Christmas Season.

02. ROLL CALL: Members Present: Councilman Spotted Bear, Councilman Phelan, Councilman Wolf, Councilman Fox, Secretary Wells and Chairman Hall.

Members absent: Treasurer Gillette (*arrived at 4:56 p.m. to the meeting.*)

Others present: Patti Jo Thomas, Pat Wilkinson, Georgia Fox, Personnel Department, Belle Chase, and Jean Baker, Recording Secretary.

03. AGENDA: Councilman Phelan motioned to accept the agenda as amended. Seconded by Councilman Wells.

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

04. UNFINISHED BUSINESS:

PRESENTATION DAN ISRAEL & M3 ENERGY: **Defer Until Jan. 11, 2002.**

B. ROADS/PUBLIC WORKS ADMINISTRATOR: Personnel Matter

C. ROADS CLERK: Personnel Matter

MOTION: Councilman Wells motioned to set the Tribal Business Council Regular Meeting date for Jan 11, 2002. Seconded by Councilman Phelan.

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

NOTE: Austin Gillette arrived at 4:56 p.m. to the meeting.

C. **CORPORATE BOARD RESOLUTION: LEGAL DEPARTMENT:** Tom Disselhorst: Deferred until January 11, 2002.

D. **FOUR BEARS CASINO LODGE: 401K PLAN:**

1. Councilman Fox motioned to accept the 401K Plan for the Four Bears Casino and Lodge as presented. Seconded by Councilman Wells.

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

2. **CASINO MANAGEMENT PERSONNEL WAGES: Personnel Matter**

Councilman Gillette motioned to defer until a later date until the personnel matter is taken care of. Seconded by Councilman ?

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

E. **CULTURAL SITES**

Councilman Wolf motioned to approve a Consultant Agreement beginning January 03, 2002 executed between Pemina Yellow Bird and the Three Affiliated Tribes in the amount of \$20.00 per hour of services rendered under this agreement. Seconded by Councilman Fox.

DISCUSSION: Reimbursement of the actual costs of telephone, fax, postage and shipping expenses incurred in the conjunction with the performance of services under this agreement, including airfare, lodging, car rental, and mileage for use of personal vehicle, all of which expenses to be fully documented evidencing actual costs incurred. Total fees and expenses shall not exceed the combined amount of \$41,600, provided that such amount may be increased upon approval of the Tribal Council.

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

E. **TWIN BUTTES CUSTOM HOMES:**
RESOLUTION NO. #01-309MWJR:

Councilman Gillette Transfer funds from the General Funds of the Three Affiliated Tribes to the Twin Buttes Custom Homes in the amount of \$200,000. Seconded by Councilman Spotted Bear.

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

F. RESOLUTION NO. #01-310MWJR: Signature Authority:

Councilman Gillette motioned to approve check signature authority for the acting Chief Executive Officer Signature with the Chairman and/or Vice-Chairman of the Twin Buttes Custom Homes for the purposes of payroll, travel, vendors, suppliers, sub-contractor and overhead expenses, limited in the amount of \$10,000 per invoice. Seconded by Councilman

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

RECOMMENDATION OF CFO: Access the budget balance in approximately 3-4 months and possibly draw down a \$500,000 dollar line of credit from JTAC Funds in the Albuquerque for FY02.

G. CEDAR WOMEN ENTERPRISES:

Councilman Gillette motioned to approve the Business Development grant of \$3,500 and a \$3,500 Small Loan for Vivian Gillette, subject to the Small Loan requirements and the Business Development Program's guidelines. Seconded by Councilman Wells.

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

I. LINETTE CROWS HEART – EDUCATION

1. Councilman Wells motioned to approve a \$2,500 Educational loan at 2% pay back plan to Linette Crows Heart, subject to the requirements of the Small Loan Program. Seconded by Councilman Gillette.

DISCUSSION: The check will be made directly to the University of Minnesota.

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

2. CHRISTINE ROSS EDUCATION LOAN @ 2%:

Councilman Gillette motioned to approve an educational loan of \$843 to Christine Ross, with a repayment schedule of 2%. Seconded by Councilman Wells.

DISCUSSION: The check will be made directly to Minot State University.

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

3. **JOETTA ROBERTS**: Referred to Small Loans

4. **DIANE JOHNSON**

Councilman Phelan motioned to defer this request for \$1,677 for tutorial fees for her son Rocky Avery and direct Patti Jo Thomas to research JOM and other funding possibilities and to provide recommendations to the Tribal Business Council. Seconded by Councilman Wells.

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

Note: Councilman Spotted Bear left the meeting at 6:30 p.m.

5. **LESLIE MORSETTE**

Councilman Fox motioned to approve of current loan refinance at 2%, (\$500 existing \$500 loan for \$1,000 total education loan. Seconded by Councilman Wolf.

DISCUSSION: Leslie Morsette will be allowed to roll current loan into the other educational loan.

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

6. **RUPERTA LARSON**

Councilman Gillette motioned to approve a \$3,500 loan and a \$3,500 grant, subject to the requirements of the Small Loan Program and the Business Development Program.

DISCUSSION: A secondary lien on the home will be listed as collateral to secure the debt.

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

7. **MERANDA SANDERSON**

Councilman Wells motioned to approve \$1,000 loan and to roll it in her current balance. Seconded by Councilman Wolf.

DISCUSSION: Because of her housing situation, she will receive preference for obtaining a loan. She will be allowed refinancing of current loan. Balance is \$2,002.54 and requested another \$1,000 for housing bills. She does have the title of her vehicle in the Small Loan Department to use as collateral. Her loan is for delinquent housing loan.

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

8. MASON STAR - HOME LOAN

Councilman Gillette motioned to approve \$15% of the value of the house, a total of \$5,500. Seconded by Councilman Fox.

Gillette amended his motion to read: option 15% max for home loan or maximum \$3,500 Small loan and to use the house as collateral.
Seconded by Councilman Fox

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

9. PATTI JO THOMAS:

Councilman Gillette motioned to approve a \$2,800 loan for Patti Jo Thomas, subject to the requirements of the Small Loan Program. Seconded by Councilman Phelan.

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

10. KERMIT HEART:

Councilman Gillette motioned to approve a Small Loan of \$3,500 to Kermit Heart, Subject to the requirements of the Small Loan Program. Seconded by Councilman Fox.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions,

11. KATHERINE YOUNG BEAR

Councilman Phelan motioned to approve \$1,000 Education Loan @ 2% payback. Seconded by Councilman Wolf.

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

12. BLAKE STIFFARM:

Councilman Wells motioned to approve a loan for \$600 with a repayment of 2% for Blake Stiffarm. Seconded by Councilman Wolf.

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

13. SHARI WOLF:

Councilman Gillette motioned to approve of Shari Wolf \$2,500 request through the 477 Program and to expedite the process. Seconded by Councilman Wells.

DISCUSSION: Pat Wilkinson will follow the request.

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

08. MIDWINTER POW-WOW:

Councilman Phelan motioned to approve an additional \$2,000 for the Mid-Winter Pow-wow. Seconded by Councilman Wells.

VOTE: 4 Ayes, 1 Nays, 1 Abstentions, 1 Not voting. Motion carried.

Councilman Gillette motioned to approve the closure of the Small Loan Program from January 2nd through the 16. Seconded by Councilman Wells.

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

09. ANNUAL LEAVE DISPUTE:

Dr. Biron Baker submitted a letter of dispute over Annual Leave upon his separation from employment with the Tribe.

Councilman Gillette motioned to accept Dr. Biron Baker's request for payment of 4 additional hours of Annual Leave based upon legal review. No second, motion failed.

Councilman Gillette motioned to accept the Legal Counsel Tom Disselhorst's recommendations for payment of 4 additional hours of Annual Leave. Seconded by Councilman Phelan.

VOTE:4 Ayes, 1 Nays, 1 Abstentions, 0 Not voting. Motion carried.

10. **TRIBAL COURT: SHARON BLAKE GRIEVANCE:**

Requested a transfer to another department. Non-enrolled member is working in the Court system. Personnel Policy does not have a RIF Policy.

Austin Gillette left the meeting at 11:00 p.m.

11. **TAT PHYSICIANS RECRUITMENT:**

Councilman Fox motioned to employ Mike LaBeau, as a physician at the Minn-Tohe Clinic March- June, 2002 review and organize and bring it back to the next TBC Meeting January 11, 2001. seconded by Councilman

DISCUSSION: Deb Thompson will coordinate the process.

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

DR. SIMPSON:

Councilman Fox motioned to hire Dr. Loren Simpson at the same rate as Dr. Baker's package. Seconded by Councilman Wells.

DISCUSSION: Dr. Baker was hired at \$166,000. Dr. Simpson is asking for \$170,000. A background check will need to be initiated. The Tribe approved an amount of \$1500 for Dr. Simpson's moving expenses as opposed to \$4,000 that he requested.

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

12. **MHA TIMES:**

Councilman Wells motioned to direct the MHA Times and recommend to approve a meeting be set up with the MHA Board on January 11, 2002. Seconded by Councilman Phelan.

Discussion: Official notice will be sent out to the Board of Directors requesting them to be in attendance at the next Tribal Business Council Meeting. Also, request that the staff do all the necessary paperwork. Because of the lack of

meetings, the members may be out of compliance with the Articles of Incorporation.

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

13. **ANGELITA MAYER:**

Councilman Phelan motioned to direct Patti Jo Thomas, Office Manager to contact Joni Foote immediately to get the status on the house, Plan B draft up letter for Chairman, letter of support for the selection committee, submit all the receipts and that she be reimbursed for all the material that she put in the house. Seconded by Councilman Wolf.

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

14. **EMPLOYEE RELATIONS SPECIALIST:** *Georgia Fox, Personnel Matter*

15. **ADJOURNMENT:**

Councilman Phelan motioned to adjourn the meeting at 12:15 a.m. Seconded by Councilman Wells.

Transcribed by,

Ardel Jean Baker, Recording Secretary

Date

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

Date

ATTEST:

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes, Fort Berthold Indian Reservation
404 Frontage Road, New Town, North Dakota 58763-9402



To: Florence Brady, Director
Personnel Department

From: Ardel Jean Baker, Recording Secretary

Re: TBC Mtg. #38
December 26, 2001

Date: December 27, 2001

The Tribal Business Council held a Special Meeting #38 on Wednesday, December 26, 2001 and approved the following personnel matters:

01. **ROADS DEPARTMENT:** *Corrected on 01-03-02*

Councilman Wells motioned to hire Nathan Hale as the Roads Director at \$24 per hour. Seconded by Councilman Phelan.

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

02. **PATRICIA BLAKE EXTENSION:**

Councilman Phelan motioned to extend Patricia Blake temporary 30-day appointment at the current rate. Seconded by Councilman Wells.

Vote: 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

03. **WATER TREATMENT OPERATOR:**

Councilman Phelan motioned the four operators according to the scale based upon the Directors recommendation get a salary increase and use the scale that as approved by the Natural Resources, also that it be retroactive to October 01, 2001, after certification. Seconded by Councilman Wells.

DISCUSSION: Bruce Fox: over nine years of service \$18 level
Herman Monogram: over nine years of services, \$18 level
Carroll Howling Wolf: three years of service \$13.58 level
Tom Black Hawk : 4 Years @ \$13.58

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

04. **LESTER CROWS HEART SALARY INCREASE REQUEST:**

Councilman Phelan motioned to authorize the Natural Resource Committee to meet with Lester Crows Heart, the Personnel Director and Harley Lone Bear to resolve his request. Seconded by Councilman Fox.

**Three Affiliated Tribes
Personnel Matters
Special Meeting # 38
December 26, 2001
Page 2 of 6**

DISCUSSION: The Natural Resource Committee will meet on January 02, 2002.

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

05. TOURISM OFFICE ASSISTANT:

Councilman Fox motioned to approve of Sheila Many Ribs as Office Assistant. Seconded by Councilman Gillette.

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

06. BUSINESS ASSISTANT SPECIALIST

Councilman Fox motioned to hire Andrew Reed as the TBIC Business Assistant at the advertised rate of pay. Seconded by Councilman Gillette.

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

07. ANA DEVELOPMENT SPECIALIST:

Councilman Gillette motioned to hire Dominic Sillitti as the ANA Development Specialist. Seconded by Councilman Phelan.

DISCUSSION: Lawrence Parker was considered the alternate for the position, and is not enrolled with the TAT. The background investigation was discussed in great length.

VOTE: 3 Ayes, 3 Nays, 0 Abstentions, 1 Not voting. Motion failed.

DISCUSSION: The Tribal Business Council discussed a required background check for the 2 qualified applicants, who are Lawrence Parker and Dominic Sillitti.

Councilman Phelan amended his motion to do a background check on both applicants prior to hiring and bring back to the next Tribal Business Council Meeting for action.

VOTE: 3 Ayes, 0 Nays, 3 Abstentions, 1 Not voting. Motion carried.

08. ANA PROJECT DIRECTOR:

Councilman Fox motioned to hire Scott Eagle. Seconded by Councilman Wolf.

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

09. **SOCIAL SERVICES CHILDREN AND FAMILY:**

Councilman Fox motioned to hire Sharon Fredericks, as the Social Service Children and Family Liaison, with the alternate being Debra Moser. Seconded by Councilman Wolf.

DISCUSSION: According to Directors, she was called by them but did not return the messages.

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

COPS FAST POLICE OFFICERS:

Councilman Phelan motioned to hire Chad Harman and Matthew Yellow Wolf as Tribal Police officers and to include Wayne Deegan, all at \$12.90 per hour. Seconded by Councilman Wolf.

DISCUSSION: The Police Officers will begin employment immediately.

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

TRIBAL COURT PROSECUTOR: EVAN BURR:

Councilman Gillette motioned to accept the resignation of Evan Burr and to prepare a letter of appreciation and for 15 years of commendation for Chairman Hall's signature. Seconded by Councilman Phelan.

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

ELBOW WOODS WORKS PROGRAM:

Councilman Wolf motioned to accept the resignation of Ralph Howling Wolf. Seconded by Councilman Phelan.

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

ADMINISTRATIVE SECRETARY ELBOW WOODS WORKS:

Patti Jo Thomas reported that Tara Young Bird was transferred to the Elbow Woods Works on December 04, 2001, as a secretary, but she is under the impression that she will share the duties of the Director. Her current rate of pay is \$12.07, but it will be

**Three Affiliated Tribes
Personnel Matters
Special Meeting # 38
December 26, 2001
Page 4 of 6**

decreased anywhere from a \$1.00 to \$1.50 per hour. There will have to be some stipulations made prior to her going to the Elbow Woods Works. She will have to fully understand that she is going over to the program as an administrative secretary and not share the directorship.

When the Elbow Woods Works was transferred to the Tribe, the Personnel Department has not attached the tribal pay classification, as they did not receive job descriptions. Because of budgetary constraints, the Director chose not to accept the transfer of Tara Young Bird.

ELBOW WOODS WORKS- RESOLUTION NO. 01-312MWJR:

Councilman Phelan motioned to authorize the hire of Sherman Sierra, retroactive to December 11, 2001; Mike Short Bull, retroactive to December 12, 2001; and Todd Price retroactive to December 18, 2001. Seconded by Councilman Wolf.

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

CEDS DEPARTMENT:

MOTION: Councilman Phelan motioned to leave Tara Young Bird in the CEDS Department at the same salary until the grievance is addressed and to remain at the same salary.

DISCUSSION: Patti Jo Thomas, Office Manager will give a recommendation regarding Tara Young Bird.

MOTION: Councilman Phelan amended his motion that Tara Young Bird return to the CEDS Department and to direct her to accept job duties as assigned by the Director of the CEDS Department and follow the Personnel Policy Handbook if the duties are not adhered to. Seconded by Councilman Wolf.

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

RESIGNATION JASPER YOUNG BEAR:

Councilman Gillette motioned to approve the resignation of Jasper Young Bear. Seconded by Councilman Wells.

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

LII CHAMPS HEADSTART BUS DRIVER:

Councilman Wells motioned to accept the recommendation of John Tschaekofsky as

**Three Affiliated Tribes
Personnel Matters
Special Meeting # 38
December 26, 2001
Page 5 of 6**

the Lil' Champs bus driver and select Leon Little Owl to serve as an alternate. Seconded by Councilman Wolf.

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

SECURITY:

Councilman Phelan motioned to accept the resignations of Robert White and Mike Smith and to hire temporary part-time of Dan Hunts Along and Loren Walking Hawk, and Brandon Clark with Councilman Wells to seek 50% payment from the Fort Berthold Housing Authority for wages to pay Brandon Clark. Seconded by Councilman Wells.

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

CIRCLE OF LIFE INTAKE DATA CLERK:

Councilman Fox motioned to hire Elsie Bracklin as the Intake Data Clerk for the Circle of Life at the advertised rate as stated in the job announcement. Seconded by Councilman Wells.

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

TRIBAL ENVIRONMENTAL DIVISION

Councilman Gillette motioned to hire Jim Heckman as the Director of the Tribal Environmental Division at \$45,000 to include fringe. Seconded by Councilman Phelan.

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

DR. BIRON BAKER ANNUAL LEAVE DISPUTE:

Councilman Gillette motioned to accept the recommendations of the Legal Counsel. No second, motion failed.

Councilman Gillette motioned to accept the Legal Counsel Tom Disselhorst's recommendations for payment of 4 additional hours of Annual Leave. Seconded by Councilman Phelan.

VOTE: 4 Ayes, 1 Nays, 1 Abstentions, 0 Not voting. Motion carried.

TRIBAL COURT: SHARON BLAKE GRIEVANCE:

The Tribal Business Council listened to Requested a transfer to another department.

**Three Affiliated Tribes
Personnel Matters
Special Meeting # 38
December 26, 2001
Page 6 of 6**

Non-enrolled member is working in the Court system. Personnel Policy does not have a RIF Policy.

NOTE: Austin Gillette left the meeting at 11:00 p.m.

TAT PHYSICIANS RECRUITMENT:

Councilman Fox motioned to approve the review and organization for the hire of Michael LeBeau as a Physician of the Minni-To-He Clinic for presentation at the January 11, 2002 meeting from March 2002 to June 2002. Seconded by Councilman Wells.

DISCUSSION: The Tribal Health Director Deb Thompson will coordinate the process.

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

PHYSICIAN RELOCATION EXPENSES:

Councilman Fox motioned to approve the hire of Dr. Loren Simpson with similar agreement to Dr. Baker's contract. Seconded by Councilman Wells.

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

EMPLOYMENT ASSISTANCE PROGRAM: Georgia Fox

Councilman Phelan motioned to leave Georgia Fox at the same rate of pay of \$15.00, because of additional duties. Seconded by Councilman Wolf.

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

ATTEST:

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

Three Affiliated Tribes
Tribal Business Council
Special Meeting No. 2001-38
Page 9 of 8

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

Date