



**Mandan, Hidatsa, & Arikara Nation**  
*Three Affiliated Tribes \* Fort Berthold Indian Reservation*  
404 Frontage Road \* New Town, North Dakota 58763-9402

**TRIBAL BUSINESS COUNCIL**  
**REGULAR MEETING NO. 2002-01**  
**JANUARY 11, 2002**

**01. CALL TO ORDER:**

Chairman Hall called the meeting to order at 1:40 p.m., with the invocation said by tribal elder John "Buzz" Fredericks.

**02. ROLL CALL:**

Members present: Chairman Tex G. Hall, Vice-Chairman Randy Phelan, Treasurer Austin Gillette, Secretary Marcus Wells, Jr., Councilman Mark Fox, Councilman Daylon Spotted Bear and Councilman Malcolm Wolf. Others: See attached sign-in sheet. Patti Jo Thomas, Office Manager, Pat Wilkinson, Programs Manager, Recording Committee Secretary Belle Dean Chase and Recording Secretary Ardel Jean Baker.

**03. APPROVAL OF AGENDA:**

Councilman Gillette moved for approval of the agenda as amended. Seconded by Councilman Phelan.

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

**04. CHRISTOPHER QUALE HONORARIUM:**

Councilman Fox moved for approval of an honorarium in the amount of \$500 for the Christopher Quale family, with a Pendleton blanket, on behalf of the Tribal Business Council. Seconded by Councilman Wells.

DISCUSSION: The Councilman Wolf family will provide the Pendleton blanket on behalf of the Tribal Business Council.

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

**05. TAT ENROLLMENT:**

Councilman Fox moved to approve Resolution #02-01-MWJR authorizing the enrollment of the attached list of 58 new members. Seconded by Councilman Wells.

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

**ENROLLMENT RELINQUISHMENT: DAKOTA EAGLE RESOLUTION NO. 02-02MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Dakota Eagle; Resolution #02-02-MWJR. Seconded by Councilman Gillette.

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

**ENROLLMENT RELINQUISHMENT OF ELDON REED; RESOLUTION #02-03-MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Eldon Reed Jr. Resolution #02-03-MWJR. Seconded by Councilman Wolf.

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

**ENROLLMENT RELINQUISHMENT OF ELVITA REED; RESOLUTION #02-04-MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Elvita J. Reed. Resolution #02-04-MWJR. Seconded by Councilman Phelan.

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

**ENROLLMENT RELINQUISHMENT OF MARILYN REED; RESOLUTION 02-05MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Marilyn Reed; Resolution #02-05-MWJR. Seconded by Councilman Phelan.

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

**ENROLLMENT RELINQUISHMENT OF RHIANNON WEEKS; RESOLUTION #02-06-MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Rhiannon Weeks; Resolution #02-06-MWJR. Seconded by Councilman Phelan.

VOTE: 6 Ayes, 1 Nay, 0 Abstentions. Motion carried.

**ENROLLMENT RELINQUISHMENT OF SAVANNAH SORENSON; RESOLUTION 02-07MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Savannah Sorenson; Resolution #02-07MWJR. Seconded by Councilman Phelan.

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

**ENROLLMENT RELINQUISHMENT NEVADA EAGLE RESOLUTION NO. 02-08MWJR**

Councilman Wells moved to approve the enrollment relinquishment of Nevada Eagle; Resolution #02-08-MWJR. Seconded by Councilman Wolf.

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

**ENROLLMENT RELINQUISHMENT OF TERESA BELL; RESOLUTION #02-09-MWJR.**

Councilman Gillette moved to approve the enrollment relinquishment of Teresa Bell; Resolution #02-09-MWJR. Seconded by Councilman Phelan.

VOTE: 6 Ayes, 1 Nay, 1 Abstention. Motion carried.

Councilman Wells moved to approve a surplus vehicle for TAT Enrollment for local travel from the TAT Enrollment budget. Seconded by Councilman Phelan.

VOTE: 5 Ayes, 1 Nay, 1 Abstention. Motion carried.

**06. MANDAREE PUBLIC SCHOOL EXPANSION; RESOLUTION 02-10MWJR**

Councilman Phelan moved to approve Resolution #02-10-MWJR for a 100% commitment, not to exceed \$100,000, to the Mandaree School for the annual debt payment (the original \$300,000 allocation will be utilized as equity) for proposed expansion project. Seconded by Councilman Fox.

DISCUSSION: Chairman Hall recommended a lesser amount of *20 years at \$45,000 for a total of \$900,000* to provide a portion of the annual debt payment, to research for the best package available and to provide a detailed analysis with the assistance of TAT Finance, TAT Legal, and Al Nygaard. The original \$300,000 allocation will be utilized as equity.

Councilman Phelan amended the motion for a 25% commitment, not to exceed *\$45,000 for a 20 year annual debt payment @ a total of \$900,000*. Councilman Fox concurred with the amendment to the motion.

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

**07. INVESTMENT RFP PROPOSAL ANALYSIS:**

Councilman Fox moved to direct Mr. Al Nygaard to draft an investment policy and to research SIPC (investment insurance) for review at the January 24, 2002 Special Meeting. Seconded by Councilman Phelan.

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

**08. M3 ENERGY OIL AND GAS AGREEMENT:**

Councilman Gillette moved to extend the M3 Energy Letter of Intent for an additional sixty days, with the opportunity for negotiation of the 50/50 split, prior to final approval. Seconded by Councilman Phelan.

**DISCUSSION:**

M3 expects the approval process to be completed by March 2002 and ultimately, begin drilling during the 2002 summer. A letter of intent can be drafted for wells outside of the proposed agreement.

Chairman Hall directed Kyle Baker to contact MMS and Bureau of Land Management to review the proposed M3 Energy Oil and Gas Agreement and to provide a recommendation to the Tribal Business Council.

Also, to organize a public hearing for review and discussion of the proposed agreement by all interested enrolled members/allottees. M3 Energy recommended: 1. To extend the letter of intent for sixty days, with the opportunity for public consultation, prior to final secretarial approval; or 2. To approve the final contract today, with the opportunity for public consultation, prior to final secretarial approval. Councilman Fox suggested a 70/30 split for future consideration.

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

**09. FOUR BEARS CASINO RENOVATION:**

Councilman Gillette moved to approve the \$2,284,000 with open invitation to bid for a general contractor. Seconded by Councilman Phelan.

DISCUSSION: The renovation will take approximately 6 months to complete. General contractor selection by invitational bid is the next priority.

VOTE: 6 Ayes, 1 Nay, 0 Abstentions. Motion carried.

**10. FOUR BEARS 1<sup>st</sup> QUARTER GOALS/OBJECTIVES:**

Councilman Phelan moved to approve the 1<sup>st</sup> Quarter goals and objectives, to include the points that were omitted from the December 19<sup>th</sup> meeting, for review at the January 24, 2002 meeting.

DISCUSSION: The 1<sup>st</sup> quarter goals/incentives of the Co-General Managers will be revised to include bidding procedures, check signing procedures, etc. for review by January 24, 2002.

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

**11. SURVEILLANCE EQUIPMENT:**

Councilman Gillette moved to approve to purchase surveillance equipment by amending the \$4.5 million Casino loan in the amount of \$100,000 (\$35,000 for training to be obtained from available tribal programs). Seconded by Councilman Wells.

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

12. **ENGINEERING TECHNICIAN: Personnel Matter**

13. **BARB RAMEY TERMINATION FROM TAT/MHA TIMES NEWSPAPER: Personnel Matter**

14. **TCSCC PROJECT MANAGER: Personnel Matter**

15. **DIANE RABBITHEAD:**

Councilman Phelan moved to authorize Patricia Thomas/Pat Wilkinson to assist Diane Rabbithead in obtaining refinancing and research for Social Services to lease the mobile home unit for a homeless shelter. Seconded by Councilman Wells.

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

*DISCUSSION: Councilman Gillette recommended that the Tribe assist in refinancing and relocating unit to a tribal lot to salvage Ms. Rabbithead's credit rating, to research the possibility of Social Services' lease of the unit for a homeless shelter.*

16. **LOAN REQUEST:**

Councilman Wells moved to approve a loan in the amount of \$3,500 for Lawrin Hugh Baker, subject to Small Loan requirements after office opening and in accordance with the current loan waiting list.

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

17. **TCSCC POSITION: Personnel Matter**

18. **REQUEST TO HIRE RICK SORENSON/ABERDEEN AREA DIRECTOR INDIAN HEALTH SERVICE: RESOLUTION NO. 02-11MWJR.**

Councilman Gillette moved that the Three Affiliated Tribes requests that I.H.S. Director Michael Trujillo appoint Rick Sorenson as Indian Health Service Aberdeen Area Director replacing Bruce Bad Moccasin. Seconded by Councilman Phelan.

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

19. **AMICUS BRIEF TO COBELL, et. al., v. NORTON; RESOLUTION NO. 02-12MWJR**

Councilman Fox moved the Three Affiliated Tribes authorizes litigation to be commenced on its behalf as outline early in 2002, prior to six years from date of the delivery of the Arthur Anderson reconciliation reports to the Tribe and that such lawsuit allege mismanagement by the U.S. Government of both the trust funds and assets belonging to the Three Affiliated Tribes. Seconded by Councilman Spotted Bear.

*DISCUSSION: The Tribal Business Council rescinds and revokes, in their entirety, any previously enacted resolution of the Tribal Business Council involving this subject matter which is not consistent with this resolution.*

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

**20. BUREAU OF INDIAN TRUST ASSETS MANAGEMENT: RESOLUTION NO. 02-13MWJR:**

Councilman Fox motioned to authorize the filing of an amicus brief with the U.S. District Court Reference: **Cobell v. Norton,, hereby opposing the transfer of the Department of Interior's fundamental trust obligations to a new agency with the Department of Interior, pending consultation with any and all Indian tribes over the next several months or more.** Seconded by Councilman Wells.

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

**21. FIRST AMERICANS IN THE ARTS: RESOLUTION NO. 02-15MWJR**

Councilman Phelan motioned to approve \$5,385 payable to Amtrak, for the Mandan, Hidatsa and Arikara Nation Dance Troupe to travel to Beverly Hill, California to participate in the Awards Show in Beverly Hill, California, January 30, 2002 – February 05, 2002, subject to the submission of a resolution. Seconded by Councilman Wells.

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

**22. ELLEN SMITH EDUCATIONAL REQUEST:**

Councilman Wells motioned to approve a \$500 educational loan to Ellen Smith, with a 2% repayments schedule, and subject to the requirements of the Small Loan program. Seconded by Councilman Phelan.

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

**23. AGING SERVICES: RESOLUTION NO. 02-16MWJR**

Councilman Wells moved to direct the Tribal Aging Services Program to submit a three-year operating grant aid application to the Department of Health and Human Services on Aging for FY's 2002-March 31, 2005 for \$301,050.00. Seconded by Councilman Phelan.

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

**24. TRIBAL HOUSING PROPOSAL:**

a. TRACEY JOHNSON:

Councilman Phelan motioned to approve the proposed consultant agreement for Tracey Johnson to work with the Tribal Housing Bond Project. Seconded by Councilman Wells.

VOTE: 3 Ayes, 0 Nays, 2 Abstentions, 2 Not voting. Motion carried.

b. **JOHN WEIDEMANN:**

Councilman Phelan motioned to authorize involvement of John Weidemann on the housing bond project, under the supervision of Gary Beaudry, at a rate of \$100/hr.

**25. LESTER CROWS HEART:**

The Tribal Business Council directed Management to organize a meeting with Bureau of Reclamation, OMR&I, Natural Resource Committee and Lester Crows Heart regarding the funding and to bring back on January 24, 2002.

**26. DIANE JOHNSON AVERY:**

Tribal member requested payment of \$2000+ for tutorial services for her son, Rocky Avery.

Councilman Phelan motioned to approve a small loan to Diane Johnson for \$1600, subject to the loan requirements, and that she be allowed to refinance the remaining balance of past loan into the current loan. Seconded by Councilman Wells.

VOTE: 3 Ayes, 0 Nays, 2 Abstentions, 2 Not voting. Motion carried.

**27. MINUTES: DECEMBER 19, 2001/DECEMBER 26, 2002**

Councilman Wells motioned to approve the minutes of the Tribal Business Council Meetings of December 19, 2001 and December 26, 2001, with corrections. Seconded by Councilman Phelan.

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

**28. PERSONNEL:**

The Tribal Business Council directed the management to review the survey results of the Personnel Department and bring them to the meeting scheduled January 24, 2002.

**29. CLORINE DRIVER:**

Councilman Wells. Motioned to approve a \$3,500 loan for Clorine Driver by means of a wage deduction, and subject to the requirements of the Small Loan Program. Seconded by Councilman Phelan.

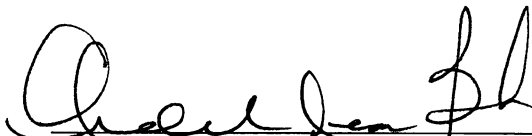
VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not voting. Motion carried.

**30. ADJOURNMENT:**

Councilman Phelan motioned to adjourn the meeting at 12:08 a.m. Seconded by Councilman Wells.

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

Submitted by,

  
\_\_\_\_\_  
/s/ Ardel Jean Baker, Recording Secretary

02/12/02  
Date: /s/ 02-12-02


**CERTIFICATION OF MINUTES**

I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum.

7 Members were present at a **Regular Meeting** thereof duly called, noticed, convened, and held on the 12<sup>th</sup> day of **February** 2002, whereupon the Three Affiliated Tribes Recording Secretary presented the foregoing minutes for approval.

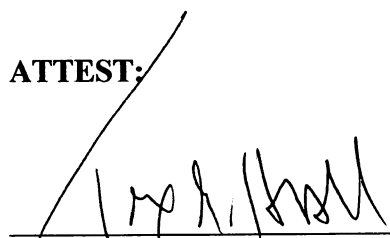
Said minutes were duly approved as amended by the affirmative vote of 6 members.

Chairman (X) Voting                      ( ) Not voting

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

4-30-02  
Date: 02-12-02

ATTEST:

  
\_\_\_\_\_  
/s/Tex G. Hall, Tribal Chairman  
Tribal Business Council, Three Affiliated Tribes

5-9-02  
Date: 02-12-02





Mandan, Hidatsa, & Arikara Nation  
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INTEROFFICE MEMORANDUM

To: Florence Brady, Personnel Director

Date: January 16, 2002

Subject: **PERSONNEL MATTERS: JANUARY 11, 2001**

**ENGINEERING TECHNICIAN: Personnel Matter**

Councilman Phelan moved to approve the permanent hire of Duane Smith as Engineering Technician, based upon Supervisor Paul Dunks' recommendation. Seconded by Councilman Wolf.

Councilman Phelan withdrew motion based on Paul Dunks' presentation concerning the potential conflict due to the previous hire of Henry Sun.

Councilman Gillette moved to approve the permanent hire of Duane Smith as Engineering Technician. Seconded by Councilman Wolf.

*FOR THE RECORD: The position requires experience in the computer program Auto Cad software and not G.I.S. as previously advertised.*

Councilman Gillette withdrew motion.

Councilman Phelan moved to re-advertise the position for ten days and to direct for Paul Dunks to revise the job description and draft resolution to reflect the duties of the position by January 24, 2002, based upon TAT Legal recommendation. Mr. Duane Smith will continue temporary employment until advertised and filled. Seconded by Councilman Wolf.

VOTE: 6 Ayes, 0 Nays, 1 Abstention. Motion carried.

13. **BARB RAMEY TERMINATION:**

Councilman Wells moved to authorize the opportunity for Barb Ramey to file a TAT grievance against her supervisor, Jolene Whitman/MHA Times without restriction of filing time requirements. Seconded by Councilman Wolf.

*FOR THE RECORD: Previously, Terry Red Fox advised Ms. Ramey of her legal options and referred her to Florence Brady/TAT Personnel. Initially, Ms. Ramey wanted an apology and explanation for her termination. The KMHA/MHA Board refuses to meet with Ms. Ramey since the Board maintains that she abandoned her position. Ms. Ramey would like to have further explanation concerning her termination and right to utilize the grievance process.*

VOTE: 3 Ayes, 0 Nays, 2 Abstentions. Motion carried.

**14. TCSCC PROJECT MANAGER: Personnel Matter**

Councilman Phelan moved to approve the TCSCC Board recommendation to hire Mr. Brandon Clark, with Mr. Richard Compeau as alternate, for TCSCC Project Manager. Seconded by Councilman Gillette. Mr. Clark will be subject to a ninety-day probationary period.

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