



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. 2002-03
FEBRUARY 12, 2002
10:00 a.m.

01. CALL TO ORDER:

Chairman Hall called the meeting to order at 11:38 a.m. and asked all to remember the families who are mourning their family member this day: June Crows Heart, family, Donald Painte family; and the Pamela Black Hawk family. Councilman Wolf gave the invocation and asked for prayers for Glen Perkins who is gravely ill.

02. ROLL CALL:

Members present: Councilman Spotted Bear, Councilman Gillette, Councilman Phelan, Chairman Hall, Councilman Wolf, Councilman Fox and Councilman Wells.

A quorum was established with seven members present.

03. APPROVAL OF THE AGENDA:

Councilman Phelan moved to approve the agenda as amended. Seconded by Councilman Fox.

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

04. CHAIRMAN'S REPORT:

• **TRUST REFORM TASK FORCE**

Computer shut-down/IIM Accounts

Grazing checks will be released this week

Lack of security systems in the computers

The Tribe by resolution prohibited records sent to Albuquerque and will request money to hire staff to help with records from 1960's.

• **EDUCATION WEEK**

Councilman Wolf was the Keynote speaker for Education Week, which was a very informative conference and they had a successful turnout.

BITAM in Education wants to dismantle the program and to privatize 63 BIA operated schools if Tribes don't accept financial responsibility. The Three Affiliated Tribes by Resolution will oppose this action.

- **NATIVE AMERICAN BANK: WASHINGTON, D.C. FEB. 25, 2002**
1:00 p.m. General Assembly
5:00 p.m. Native American Bank Reception

**APPROVAL TO PURCHASE STAR QUILTS FOR SENATOR
INOYUE AND SENATOR TOM DASCHALE**

Councilman Fox motioned to approve the purchase of two star quilts from tribal members to be presented to the two above-named Senators, at a cost not to exceed \$500. Seconded by Councilman Wells.

DISCUSSION: Councilmen Wolf and Phelan will take two hand drums and sing a praising song for the Senators as opposed to sending an entire drum group.

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

- **NIGA RECEPTION: FEBRUARY 27, 2002 Washington, D.C.**
NIGA Legislation: February 28, 2002
- **OIL AND GAS MEETING: February 19, 2002**
9:00 a.m. M3 Energy Agreement: Staff only
3:00 p.m. – 7:00 p.m. Public Hearing: Tribal Chambers. A meal will be served to the public.
- **ABERDEEN AREA HEALTH BOARD MEETING: February 20, 2002**
Tribal gaming concerns
- **N.D. STATE TOURISM MEETING: February 21, 2002 Alan Stenejehem, State Tourism Director**
MOA Assistance in Marketing
Signature Event TA
- **FIRST ANNUAL BUSINESS DEVELOPMENT CONFERENCE:
FEBRUARY 22, 2002:**
9:00 a.m. to 5:00 p.m. MIS/Tourism
Power Point Presentation listing all Economic Development Projects on the Fort Berthold Reservation in the next 24 months.

BIA -638-Contracting Officer Richard Zeipher will be given an invitation to attend the conference. CREDENCE CLEARWATER REVISITED is scheduled for the weekend.

- **CAPITAL GAINS TAX: The (OTFM) Office of Indian Trust Financial Management is claiming that it cannot disburse to the Tribe any capital gains from the sale of bonds because such monies are principal rather than interest. The Legislation creating the Tribe's JTAC Fund P.L. 102-575 provides that no part of the \$149.2 Million principal may be disbursed. The legislation goes on to provide that the interest from the Fund is to be deposited in a separate account in the Treasury, "which shall be available for use by the Secretary of the Interior to make payments The Intent of the Trust Law does not apply to the Economic Compensation Act, according to the Architect of the 1994 Trust Funds Reform Law, Dan Press. A letter to Doug Lord, Acting Director of OFTM will be forth coming from the Three Affiliated Tribes that ITFM must release the interest funding in excess of \$149.2 Million**

- **APPROVAL FROM BIA AMENDMENT: ADDING THE TWO POSITIONS ON THE TRIBAL BUSINESS COUNCIL.**
Proposed change received favorable legal review from the Field Solicitor, therefore under the delegated authority of 3IAM 4.4 this is to authorize you to call for an election on the proposed amendment as identified in TAT Resolution No. 01-215MWJR in accordance with procedures in 25 CFR 81which outlines the Secretarial Election Process. This authorization is void unless enacted upon within 90 days.

05. TREASURER'S REPORT:

a. TWIN BUTTES CUSTOM HOMES

Councilman Gillette moved to approve \$300,000 from the JTAC Fund to the Twin Buttes Custom Homes Corporation. Seconded by Councilman Spotted Bear.

DISCUSSION:

The Tribe is in arbitration with CAM, who is seeking \$123,000 of compensation for breach of contract.

The Tribe is counter claiming compensation from CAM for underbidding Industry Standards by 50%. For the record: The \$300,000 will be repaid from either a BIA Guaranteed Loan or from the counter-claim from CAM.

The Tribe will apply for a BIA Guaranteed Loan of \$2,000,000 that will be specifically for tribal entities whose primary trade is construction. The Chief Financial Officer will administer the funds on a need basis to the entities.

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

b. OUTSTANDING OLD BILLS:

Councilman Phelan moved to approve the payment of the room charges at the Four Bears Casino and Lodge for Deb Thompson from March 19, 2001 – June 21, 2001 @ a total of \$1,763.42, and fuel bills for Security totaling \$10,720.72 for the period from August 01, 2000 thru December 31, 2001. Seconded by Councilman Wells.

DISCUSSION: Pat Wilkinson informed the Business Council that the KDU Contract requires that Tribal Health workers remain close to work services. She said because there were no available lodging accommodations for Deb Thompson that this would be a justifiable cost. A possible solution would be to contract the Indian Health Services Housing Department for any future situations as such. Until then, lodging costs for other consultants will need to be discussed on a case-by-case basis at a later date.

The Fort Berthold Reservation has a large service area that Security Department provides services for which justifies the substantial amount of gas costs.

VOTE: 4 Yes, 1 Nay, 2 Abstentions, 0 Not voting. Motion carried.

DISCUSSION: Secretary Wells reiterated the necessity of prompt payments to vendors to prevent other segments/programs from any impact the current repayment process might have such as the Food Service Program. He further said that the Four Bears meal-site could not charge their food supplies and have delivered because of the non-payment for other segments expenditures.

d. MANDAREE FOOD SERVICE BILL:

Treasurer Gillette informed the Tribal Business Council that the Mandaree meal-site's food bill was \$22,000 for the full year as opposed to the other districts food bills \$9,000/\$10,000. There were food charges that were questionable costs signed off from not necessarily the people who normally order the food, but by other Mandaree staff members.

e. DEAN BENDER CHEVROLET:

The outstanding bill at Dean Bender Chevrolet is \$1,856.60. Vehicle damages total to \$1,754.62 and to replace a door handle for a White Chevrolet 2000 3500 pick-up totals \$101.98, for a grand total of \$1,856.60.

f. FOUR BEARS CASINO C-STORE & FARMERS UNION:

The Treasurer's Office reviewed the other outstanding bills for fuel owed to the C-Store and the various Farmers Union stations and noticed there were charges that may have not been authorized.

The Treasurer asked for authority to work with the Vice-Chairman Phelan in expediting the reconciliation of these expenditures. The Treasurer will bring these charges back to the full Council for approval prior to payment.

DISCUSSION: Secretary Wells reiterated the necessity to promptly pay vendors so that other segments/programs do not suffer from any impact the current repayment may have on such as the Food Service Program. He further said that the Four Bears Meal-site was unable to charge or have food supplies delivered because of the non-payment for charges of the other segments.

AMENDING RESOLUTION NO.95-138DSB TO RESOLUTION NO. 02-27MWJR: TRIBAL BUSINESS COUNCIL TRAVEL, PERDIEM POLICIES AND PROCEDURES:

Councilman Gillette moved to amend Resolution No. 95-138DSB which explains Travel and Per Diem Policies and Procedures for Tribal Business Council members official travel. The amendment includes the word "Travel Officer," after the "Be it further resolved. Seconded by Councilman Fox.

VOTE: 4 Ayes, 3 Nay, 0 Abstained, 0 Not voting. Motion carried.

DISCUSSION: A main concern of the Tribal Business Council was to include a timeframe of "three days," allowed for the Treasurer's Office to take action on the purchase order/travel form as not to hold any travel arrangements. The consensus by the Tribal Business Council was to add the "Treasurer," because of the pending Secretarial Election of the Treasurer.

Councilman Gillette amended his motion to include: and after in a reasonable manner "of three days," and after BE IT STILL FURTHER RESOLVED: add; "and Treasurer. Seconded by Councilman Phelan.

VOTE: 6 Ayes, 1 Nay, 0 Abstained, 0 Not voting. Motion carried.

RESOLUTION NO. 02-28MWJR: TRIBAL CHAIRMAN/TRIBAL BUSINESS COUNCIL STAFF AND TRIBAL EMPLOYEES TRAVEL, PERDIEM POLICIES AND PROCEDURES:

Councilman Gillette moved to approve Resolution No. 02-28MWJR which describes the Tribal Chairman staff and Council members staff, and other Tribal Employees Travel, Per Diem Policies and Procedures; his motion to include: and after in a reasonable manner “of three days,” and after BE IT STILL FURTHER RESOLVED: add; “and Treasurer. Seconded by Councilman Fox.

VOTE: 5 Ayes, 2 Nay, 0 Abstained, 0 Not voting. Motion carried.

DISCUSSION: The Treasurer distributed copies of a draft closeout policy and explained that although there weren't very many changes made, to take notice of the changes allowed for deductions. He informed the Tribal Business Council of the \$300,000 outstanding amounts in closeouts that included Councilmen and employees and the need to stay in compliance with the reporting procedures for auditing purposes. The Tribal Chairman said before any changes are made to the closeout policy he'd like to review documentation and the breakdown on the outstanding travel which is not attached.

The Tribal Chairman reiterated to the Chief Financial Officer that the Tribal Business Council needs a monthly financial breakdown of actual receipts and expenditures. The purpose of this directive is to ensure that the reimbursement process is being enforced, specifically in the areas of drawdowns. He also commented that the requirement of meeting packets is to ensure that all reports are in the binders in an organized manner for the Tribal Business Council to review and/or reference before and during a scheduled meeting.

06. COUNCIL REPORTS:

- **Indian Arts Performance: Children exposed to Indian Actresses (Phelan)**
- **Basketball Tournament 6-8th graders Mandaree Area (Phelan)**
- **District Tournaments: Mandaree in first place (Phelan)**
- **Annual Report for North Segment (Wolf)**
- **North Segment Community Meeting attendance was (Wolf)**

Treasurer Gillette

KDU

Water Resource Act

25 Million Housing Bond

Trust Fund Reform Hearings IIM Accounts at the meeting of ITMA Board Meeting in Washington, D.C. (Fox)

- **Parshall School presentation good gesture for public relations, very well received.**
- **Testing done by EPA in Parshall area. Drilling holes to see about contamination, which is leaking under ground storage tank Councilman Fox said on behalf of the Council, he signed off to allow them to start the drilling for the test and authorize them to drill to see if there is contamination.**
- **NIGA: February 27, 2002 Legislative Summit on February 28, 2002 - Washington, D.C.
NCAI Winter Conference in Washington, D.C. at that time**
- **Law Enforcement Center: \$4 Million budget, bids went out and came back at \$5.5 Million. Al Nygaard and Councilman Fox will research a Tax-Exempt Bond to fund the balance, as any cutbacks to the budget will lessen the operating capabilities. Al Nygaard will put a draft together and bring back to the Tribal Business Council.**
- **On January 26, 2002, the Elbow Woods Warriors Basketball Team of 1942 was named the champions of the State B Basketball Tournament for that year. Prior to this action taken, the Tribe passed a resolution requesting that the North Dakota High School Activities Association Board of Directors honor the relationship between the MHA people and the proud and wonderful history to Class B State Basketball Championship and by properly recognizing the Elbowoods High School as the State Champion team for that year. The Tribe will sponsor a dinner and a program to enjoy and celebrate the proper recognition of the 1941-42 Elbowoods Warriors and the State Class B Basketball Championship. Perry Malley, KX Network will be asked what he would charge to film a documentary and interview elders for future use with Prairie Public.**
- **Presentation of \$100,000 to New Town High School 7:00 p.m. 02-12-02 (Wells)**
- **January 31, 2002: Project Four Bears Bridge and the Bakersfield turnoff, Project NH7023**

Curve by Ed's Bar very dangerous, Need an adequate State Highway 23. Comments from Tim Kelly of KLJ were not conducive to a good working relationship with the Tribe.

March 14, 2002 Meeting KLJ/State DOT will be asked to attend the March 14, 2002 Meeting. Pat Wilkinson will invite them to the meeting and the letter should be addressed to Gene Jackson; KLJ. The DOT has a Memorandum of Agreement with the TAT.

- North Dakota Housing Finance Committee
1.5 Million available for the Tribes from Fannie Mae.

07. **U.S. STATES ATTORNEY PRESENTATION:** Jan Morley and Drew Wrigley U.S. Attorney

- Slow process on Federal Indictments
- State versus Tribal Hunting Laws and Fishing Rights within the exterior boundaries of the Reservations.
- Cross Deputy Agreements
- Education Process on Jurisdiction
- Alcohol and Drug Problems
- Differences with State about Licensing COPS FAST Officers
- Misuse of Federal/Tribal Funds; Statute 1163, the dollar amount considered a federal crime is \$1,000 funds or property
- Council is diligently working on improving Law Enforcement and the Court System
- New Law Enforcement Facility
- Revamping Tribal Codes

08. **TRIBAL ENROLLMENT; RESOLUTION NO. 02-29MWJR**

Tana Dixon presented to the Tribal Business Council 38 applicants that are eligible for enrollment with the Three Affiliated Tribes.

Councilman Fox motioned to approve the attached list of 38 applicants eligible for enrollment. Seconded by Councilman

VOTE: 5 Ayes, 0 opposed, 0 abstentions, 0 not voting. Motion carried.

09. **APPROVAL OF MINUTES:** January 11, 2002:

Councilman Fox motioned to approve the January 11, 2002 regular Meeting minutes as amended Seconded by Councilman Wells.

NOTE: Amended on 02-12-02 TBC MTG.

DISCUSSION: Denote under item 6: 20 years @ \$45,000 for a total of \$900,000.

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

10. THEMED PRODUCTS:

Themed Products is a corporation chartered by the Three Affiliated Tribes. The business is a manufacturer of souvenir and gift items featuring a Native American theme to be sold to gift shops and souvenir vendor's nation-wide. The total cost of the business is \$575,000.

The Themed Products Corporation applied for a BIA Guaranteed Loan Program, who requires that the owners generate 20% equity, which in this case is \$125,000.

Councilman Wolf presented a financial request of \$100,000 by resolution on behalf of the Corporation. The Lakeside State Bank has forwarded the loan to Stacey Johnson and other banks for review for possible participation.

Councilman Wolf moved to amend the Resolution to \$100,000 for Themed Products. Seconded by Councilman Wells.

DISCUSSION:

Councilman Wolf amended his motion to reduce the cost from \$100,000 to \$60,000 because a commitment from the North Segment Community Board to use the old facility could be used as an in-kind match. Seconded by Councilman Wells.

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

11. ABERDEEN AREA OFFICE/INDIAN HEALTH SERVICE:

Rick Sorenson and Gerald Traversie from the Aberdeen Area Office discussed The Third Party Billing requirements and Regulations at great length with the Tribal Business Council:

- **A Third Party Billing Office itself cannot be contracted, with the logic behind that is the Government uses a feasibility test when they determine if it would be a benefit. If a Tribe elects to contract for all of the functions of I.H.S. the RPMS System would come into play. Aileen Jackson said Archie Clifford told her in the Three Affiliated Tribe's**

contract the Third Party Billing would remain with the Indian Health Service, but that the contract could be amended.

- **Tribal Facilities in Parshall and in the White Shield Area are eligible to collect third party billing funds.**
- **Assurances that the Service Unit Director would communicate with the Tribe on a monthly basis.**

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11. **SERVICE UNIT DIRECTOR TO MEET MONTHLY WITH TRIBE:**
Councilman Phelan moved to request that the Indian Health Service/Mini-Tohe Clinic Service Unit Director meet monthly with the Tribal Business Council to ensure more quality care to tribal members who utilize the Mini-Tohe Clinic. Seconded by Councilman Wells.

DISCUSSION: Chairman Hall reiterated the statement of SUD that the Mini-Tohe Clinic has not yet billed for Medicare recipients for prior services.

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

12. **LBE & ASSOCIATES:**
Councilman Gillette moved to approve LBE & Associates as consultants to conduct drug testing for TAT Tribal employees for the remainder of the FY. Seconded by Councilman Fox.

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

13. **RESCHEDULING OF SPECIAL MEETING ON FEBRUARY 13, 2002:**
Councilman Wells moved to postpone the February 13, 2002 Special Meeting due the funeral in Twin Buttes and reschedule for February 19, 2002 to address the remainder of the agenda items. Seconded by Councilman Phelan.

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

14. **VETERANS SERVICE PROGRAM:** Rebecca Cronais
Councilman Fox motioned to reimburse Rebecca Cronis \$429.00 for a medical bill she had to pay for because lack of insurance; and to direct

The Veterans Service Director to advertise the Veteran's Administrative Assistant position immediately and that he forward the job description to

Personnel no later than Friday, February 15, 2002, and it be advertised for two weeks from the date of submittal. Seconded by Councilman Wells.

DISCUSSION: Because of a death in the immediate family of the Director, Rebecca asked for additional time for him to carry out the directive.

Councilman Fox amended his motion to say that the Director forward the job description to the Personnel Department as soon as possible and that it be advertised for two weeks from the date of submittal. Councilman Wells seconded the amendment.

VOTE: 6 Ayes, 0 opposed, 1 abstained, 0 Not Voting. Motion carried.

15. WATER TRUCK BILL:

Councilman Gillette moved to approve the payment of \$639 to Rensch's Garage for vehicle repair on the Four Bears water truck. Seconded by Councilman Wells.

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

16. DR. BIRON BAKER ANNUAL LEAVE PAYMENT:

Councilman Fox moved to pay Dr. Biron Baker 160 hours of annual leave he alleges was owed to him by the Three Affiliated Tribes in accordance with his contract. Seconded by Councilman Wells.

VOTE: 4 Ayes, 1 Nay, 1 Abstention, 1 Not voting. Motion carried.

17. IMPASSE PROCEDURE HEADSTART

Councilman Gillette moved to approve of the Memorandum of Agreement and Impasse Procedure, that is a requirement of Headstart to be in compliance with regulations. Seconded by Councilman Phelan.

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

18. SMALL LOAN: MARY FINLEY

Councilman Phelan moved to approve a Small Loan of \$1999 to ensure a pay back schedule of \$100 bi-weekly for Mary Finley, and that she be added to the list after all the requirements of the Small Loan Program are in place. Seconded by Councilman Wells.

19. **JUDY YOUNG BEAR FINANCIAL REQUEST:**

Councilman Gillette moved to direct the program staff analyze the cost to relocate the FEMA Trailer assigned to Judy Young Bear and demolition of the old house that's there and the other costs of the hook-ups. Pat Wilkinson will coordinate with staff and bring this back for review on February 19, 2002.

20. **SMALL LOAN ERIC GRINNELL:**

Luther Grinnell's son, Eric is going to UND-Grand Forks, Medical School for six years. He' is requesting a Small Loan of \$1,000 for personal reasons.

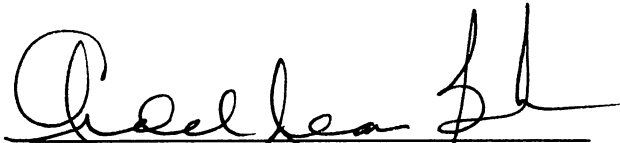
Councilman Phelan moved to approve of Eric Grinnell's \$1,000 Loan Request, subject to the requirements of the Small Loan Program. Seconded by Councilman Gillette.

DISCUSSION: The Small Loan Program will fax an application to Eric Grinnell and Pete Hale will help coordinate the process.

21. **ADJOURNMENT:**

The meeting adjourned at 7:00 p.m.

Submitted by,



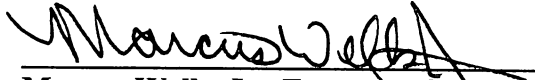
**Ardel Jean Baker, Recording Secretary
Three Affiliated Tribes**

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 25 day of March, 2002, whereupon the Three Affiliated Tribes Recording Secretary presented the foregoing minutes for approval.

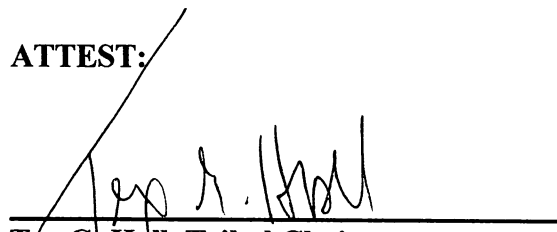
Said minutes were duly approved as amended by the affirmative vote of 7 members.

Chairman (X) Voting () Not voting



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

ATTEST:



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