



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
REGULAR MEETING NO. 2002-05
MARCH 13, 2002

01. CALL TO ORDER:

Chairman Hall called the meeting called to order at 11:00 a.m. with the invocation said by Councilman Wolf.

02. ROLL CALL:

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

Members absent: Councilman Spotted Bear is on official travel to Virginia to attain Mandan relics donated to the Three Affiliated Tribes.

Staff present: Cynthia Danks, Rose Crows Flies High, Diana Poitra, Patti Jo Thomas, Pat Wilkinson, Gary Beaudry, Flora Azure, Mary Coffey, Tyra Wilkinson, Velma Pretty-On-Top-Holeman, Darren Holeman, Todd Hall, Belle Chase, Records Manager and Jean Baker, Recording Secretary

Others present: See attached list

03. APPROVAL OF AGENDA:

Councilman Gillette moved to accept the agenda as amended. Seconded by Councilman Phelan.

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

04. CHAIRMAN'S REPORT:

The Executive Committee met on March 12, 2002 and recommended the following items:

- TRANSPORTATION TASK FORCE Designee National Summit in Washington, D.C.

Councilman Phelan moved to designate Nathan Hale to be on the Transportation Task Force. Seconded by Councilman Wells.

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

- **CONSTITUTION REVISION COMMITTEE:** Chairman Hall met with the Tribal elders on March 12, 2002 and was informed that the Constitution Revision Committee was a top priority for them. The task force will be made up of the Tribal Business Council or their designees. The Tribal Council Members who will serve are Randy Phelan and Austin Gillette. Leroy Chase, a tribal member has had extensive experience in writing Constitution and By-laws could be reassigned from the Indian Gaming of the Bureau of Indian Affairs, in Washington, D.C. to work with the Constitution Revision Committee.

Councilman Phelan moved to approve of the Executive Committee's actions to request that Leroy Chase be assigned from the Indian Gaming Central Office to assist with the Constitutional revision process. Seconded by Councilman Wells.

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

- **SCHEDULE OF COMMUNITY MEETINGS:**
Theme is paving the way To Self-Sufficiency in the 21st Century:
 - Oil and Gas
 - 638
 - Constitution
 - Bridge
 - Lagoons

- **WILLIE WOLF CONSULTANT AGREEMENT**
Councilman Wells moved to approve the consultant agreement between Willie Wolf and the Three Affiliated Tribes for the amount of \$6,201.25. Seconded by Councilman Phelan.

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

- **LANE LASATER: TRAINING A RENEWAL FOR NATIVE AMERICANS**

Councilman Phelan moved to approve the consultant Agreement \$7,035.25 to work with the 477 Program and the Voc Rehab. Seconded by Councilman Wells.

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

- **KIDNEY DIALYSIS UNIT SOCIAL WORKER:**

Councilman Gillette moved to approve the transfer of Rose White Body to the KDU Social Worker position. Seconded by Councilman Wells.

DISCUSSION: Councilman Fox reiterated his concern with utilizing the transfer policy as opposed to application process. Councilman Phelan said that the position has been advertised and in this instance it is because of a lack of applicants with a recommendation from the KDU staff.

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

- **SOCIAL SERVICES DIRECTOR**

Councilman Gillette moved to appoint Lawrin Hugh Baker as the Acting Social Service Department until advertised and filled. Seconded by Councilman Wells.

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

- **EDUCATIONAL REQUEST; FLORA AZURE:**

Councilman Wells moved to approve of Flora Azure an educational loan of \$2,723, with a repayment of 2%. Seconded by Phelan.

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

- **EDUCATIONAL LOAN REQUEST; ALVINA WELLS:**

Councilman Gillette moved to approve an educational loan of \$2,098 .35 to Alvina Wells with a repayment of 2%. Seconded by Councilman Phelan.

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

- **FUNERAL LOANS FOR TRACEY SMITH FAMILY:**

Councilman Phelan moved to approve of funeral loans for the Tracey Smith family, subject to the Small Loan requirements. Seconded by Councilman Wells.

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

- **TRANSPORTATION COSTS FOR TRACEY SMITH:**

Councilman Gillette moved to approve transportation costs of \$1,000 to assist in bringing Tracey Smith home from Minneapolis Minnesota, and that it be included as a burial expense item from the Social Service Budget. Seconded by Councilman Phelan.

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

- **EDUCATIONAL REQUEST; KIMBERLY ABBEY:**

Councilman Phelan moved to approve an educational loan of \$2,160 to Kimberly Abbey with a 2% repayment schedule, subject to the requirements of the Small Loan Program. Seconded by Councilman Wells.

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

- **MIS PROGRAM; TEMPORARY STAFF:**

Councilman Gillette moved to temporarily hire David Grinnell at \$14 per hour, until advertised and filled. Seconded by Councilman Wells.

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

- **ROADS CONSTRUCTION PROGRAM REORGANIZATION:**

Nathan Hale, Director of the Roads Construction Program presented a wage schedule for the Tribal Business Council to review for approval.

Councilman Wells moved to approve of the Road Department's Construction wage scale based on years of experience. Seconded by Councilman Phelan.

DISCUSSION: The Tribal Business Council discussed in great length if this action would impact the Tribal Budget and the Roads 638 Contract.

Councilman Phelan withdrew his motion.

Councilman Wells moved to approve of the Road Department's Construction wage scale based on years of experience. Seconded by Councilman Phelan

DISCUSSION:

Chairman Hall reminded the Tribal Business Council that the Roads Budget has not had an increase for this FY, and is 50% under funded. To date, the Tribe does not have a 638 Contract approved for this FY.

Vote: 3 Ayes, 2 Nays, 1 Abstentions, 1 Not voting. Motion carried.

• **TWIN BUTTES ROADS MAINTENANCE POSITION REQUEST:**

Councilman Wells presented a request from Councilman Spotted Bear requesting that Delmar Wilson be appointed to fill the vacant position.

Nathan Hale informed the Tribal Business Council that the former Roads Director was moved to Twin Buttes and was placed in that position, but after researching the status of the position that it has been advertised by the Personnel Department. Richard Gillette, a tribal member from the Twin Buttes area also requested that he allowed to transfer to the vacant position and was told that the transfer policy was frozen, but that he could apply for the position.

05. **TREASURER'S REPORT:**

Councilman Gillette moved to authorize the transfer of the \$30 Million dollars ~~to~~ ^{referred} from Office of Trust Financial Management to Daine Rauscher and Community First.

Councilman Gillette withdrew his motion and said that his proposal was to ensure that the Tribal investments get the maximum profit. Tribal Land Lease payments were discussed in great length. Total revenue from leases should be \$ ~~5~~ ^{5 million}. (^{1/2 million})

FOR THE RECORD: The Tribal Business Council directed the Chief Financial Officer to set up a meeting with the Bureau of Indian Affairs Superintendent and Charlene Dancing Bull regarding the status of Tribal Lease revenue.

06. **SMALL LOAN REQUESTS:**

Councilman Gillette moved to approve a Small Loan of \$3,500 to Judith Brady, \$3,500 to Robert Brugh, Jr., and \$3,000 to Maude Starr, subject to the requirements of the Small Loan Program. Seconded by Councilman Wells.

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

07. **AISES NATIONAL SCIENCE FAIR:**

Councilman Fox moved to approve financial assistance to student tribal members attending the AISES Conference in Albuquerque, New Mexico. Seconded by Councilman Phelan.

DISCUSSION: The Tribal Business Council decided the dollar figure would be \$300.

Treasurer Gillette reiterated that each community was given an additional \$125,000 for requests as such and that next year during the budgetary process, that perhaps these funds should stay with the Tribal Council for disbursement.

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

08. **PARSHALL RESOURCE CENTER CHARTER: RESOLUTION 02-037MWWJR**

Councilman Fox moved to approve a Tribal Charter and By-laws for the Parshall Resource Center. Seconded by Councilman Wolf.

DISCUSSION: The Board Members will be ~~designated from all the six areas.~~ *Selected from throughout Ft. Berthold.*

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

09. **FORT BERTHOLD DEVELOPMENT CORPORATION:**

Kenneth Stevenson, Chief Financial Officer gave a report on the Fort Berthold Development Corporation.

Ken Lyson who is the Manager of the West End Station Gas Station informed the Tribal Business Council that some tribal entities are not purchasing gas from the station as supported by Resolution.

After discussion on the wording in the Resolution, it was decided that it will be amended at a later date, to “ require that all tribal entities purchase gas for all tribal vehicles from either the West End Gas Station or the Four Bears Casino Convenience Store.”

10. FOUR BEARS CASINO AND LODGE:

General Managers Wilkinson and Bernie Fox gave a quarterly financial report for the four months ending January 31, 2002. They also discussed the following areas:

- Restaurant
- Comp meals
- Concerts
- Joseph Eve Auditor Reports:
- Cage Training
- Status on Salary Advance Cases: \$230,000 Inspector General is currently working on the cases. Automatic wage deductions with a payback schedule will be required from people who are working for any tribal entity.
- Compliance with minimum Internal Controls
- Disclaimer Audit
- Gaming Commission

- INTERNAL AUDITOR
Councilman Fox moved to approve the hire Myron Foote who was the highest rated applicant as the Four Bears Casino and Lodge Internal Auditor, with a salary of \$35,000, and if he does not accept the position that it be re-advertised immediately. Seconded by Councilman Gillette.

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

Councilman Fox moved to that the Internal Auditor would work directly with the Gaming Commission on a day to day basis, have monthly meetings with the Tribal Business Council and coordinate any issues with to the Three Affiliated Tribes, Office Manager and the Chairman of the Tribal Gaming Commission and will be paid through an internal money transfer to the Gaming Commission.

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

FOUR BEARS CASINO/SHP CONTRACT RESOLUTION NO. 02-038

Councilman Gillette moved to tentatively approve the SHP Contract subject to legal review, with a 8% which includes mechanical and Electrical. Seconded by Councilman Wells.

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

RESOLUTION NO. 02-039 COUPON PROGRAMS:

Councilman Gillette moved to approve the authority to the 4 Bears Casino and Lodge Managers to act on behalf in approving all coupon programs to be implemented. Seconded by Councilman Fox.

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

11. EDUCATIONAL LOANS:

Councilman Fox moved to establish an educational loan policy that would exclude collateral and establish a repayment schedule upon receiving their degree. Seconded by Councilman Wells.

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

12. ELBOW WOODS WORKS REPORT:

- Business Plan
- Construction supplies
- Employee Rights
- Budget
- Marketing
- Capital Reserve

**THE ELBOW WOODS WORKS REQUEST TO HIRE TWO EMPLOYEES
THRU THE 477 PROGRAM: RESOLUTION NO. 02-040**

Councilman Fox moved to approve the Resolution authorizing the hire of Neal Hale and Amos Henshaw as Production Workers, with the training costs being funded at 50% thru the 477 Program. Seconded by Councilman Gillette.

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

Councilman Gillette moved to authorize benefits for Darian Morsette as the Acting Manager of the Elbow Woods Works, until advertised and filled.
Seconded by Councilman Fox.

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

13. **MANDAREE ELECTRONIC CORPORATION UPDATE:**

- Management Reorganization Director of Operations
- Wage Schedule
- Budget approximately \$ 3 Million
- Balance Sheet
- Payroll running about \$700,000
- Government Accounting System
- JTAC Dollars received \$877,000
- Line of Credit BIA \$250,000
- Board Meets once a quarter

14. **PERSONNEL ACTIONS: CLOSED SESSION**

15. **MURPHY SITTING CROW: Personnel Matter**

16. **1942 ELBOWOODS WARRIORS STATE CHAMPIONSHIP BASKETBALL**

Councilman Fox moved to approve a budget of \$4,500 for the purpose of helping defray the costs associated with the Honoring Event and Dinner for the Elbowoods State Basketball Champions. Seconded by Councilman Wells.

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

FORT BERTHOLD RURAL WATER SUPPLY SYSTEM: RESOLUTION NO. 02-043MWJR

Councilman Wells moved to authorize the Negotiating Team to do all things necessary to negotiate with North Dakota Rural Water Systems Association and Kirkpatrick Pettis to obtain bonding for the continuation of the Fort Berthold Rural Water Supply System's Rural Distribution Project. Seconded by Councilman Gillette.

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

18. **CONSTITUTIONS AND REVISION COMMITTEE:**

Councilman Wolf moved to endorse the establishment of a Joint Constitutional Revision Committee consisting of fourteen members which shall comprise 7 members of the TBC, and 7 members of the MHA Elders Organization. Seconded by Councilman Gillette.

VOTE: 3 Ayes, 1 Nay, 1 Abstention, 0 Not voting. Motion carried.

19. **2002 FISHING GUIDE AND PROCLAMATION:**

Councilman Gillette moved to approve the Fishing Guide and Proclamation with amendment to the smelt capacity from 5 gallons to 15 gallons. Seconded by Councilman Wells.

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

20. **TRIBAL RANCH EVICTION NOTICE:**

The Fort Berthold Housing Authority will do a house inspection to see if the unit is inhabitable. The consensus of the Tribe is to require the tenants to sign waiver subject to allowing them to live in the houses. Because of the pump house's meter built-in the house occupied by Paul White Owl; a deduction will be given.

21. **CONSTITUTION REVISION: RESOLUTION NO. 02-045MWJR**

Councilman Gillette moved to approve the Resolution #02-045MWJR authorizing a committee nominations: Mary Sitting Bear, Melvina Fredericks, Gary Dickens. Seconded by Councilman Wolf.

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

22. **TRIAD OIL REFINERY:**

THE CDPO applied for two grants totaled in the amount of \$1,385,000. One of the grants have been approved for \$500,000 from the Bureau of Indian Affairs, and an invitation to apply for an EDA Grant was approved in the amount of \$885,000 to cover the Feasibility Study to do a Oil Refinery on the Reservation. The funding will be in place in approximately one month and several compliances include the Tribe is not in debt and then they will release the funding to do a feasibility study. The tribe will need to come current with their audits.

A request came from the CDPO for the Tribal Business Council to authorize TRIAD Corporation to conduct the Front End Engineering Design Study for the Fort Berthold

Clean Fuels Refinery. No action was taken and this agenda item was deferred until March 25, 2002.

23. **INTEGRATED PLANNER POSITION:** Personnel Matter
Deferred until March 25, 2002
24. **RESOLUTION FOR MANDAREE YOUTH:** Demetris Mandan
A financial request of \$5,000 to conduct a Run for the Youth on the Fort Berthold Reservation. Each segment could cost-share the run.
25. **STATE BASKETBALL TOURNAMENT TICKETS:**
The Mandaree School Board, Mandaree, Inc, and the Tribal Business Council will cost share the tickets for a total of \$ 13,322.

Councilman Wells moved to authorize and approve \$13,322 to pay for tournament tickets for tribal members to attend the State Class B Basketball Tournament. Motion dies, due to a lack of a second.

26. **SHARI WOLF EDUCATIONAL LOAN:**
Councilman Gillette moved to approve an educational loan of \$3,500, with a repayment schedule of 2%. Seconded by Councilman Wells.

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

27. **ADJOURNMENT:**
Councilman Wells moved to adjourn the meeting at 11:00 a.m. Seconded by Councilman Wolf.

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

Submitted by,

Ardel Jean Baker
Recording Secretary

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. _____ Members were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 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 ____ members.

Chairman () 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