



MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes, Fort Berthold Indian Reservation

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

TRIBAL BUSINESS COUNCIL
SPECIAL MEETING NO. 2002-06
MARCH 25, 2002

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 2:45 p.m. and asked for a silent prayer for all who are suffering, grieving, and less fortunate this day.

02. **ROLL CALL:**

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

Members absent: Councilman Spotted Bear.

Others present: See attached list.

03. **APPROVAL OF AGENDA**

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

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

04. **NBC PRESENTATION:**

Waylon Pretends Eagle, NBC, KMOT-TV made a presentation that could create a powerful and effective advertising plan for MHA Nation for \$1245 a week of air time.

RECOMMENDATION: Waylon Pretends Eagle will work with the CEDS Planning and Tribal Businesses as a starting plan. The Tribal Business Council also directed him to the Tourism Department with his presentation with a request to fit into their budget as one of their major goal is advertising for the MHA Nation.

B. HEADSTART PROGRAM PLACE ON APRIL 11, 2002 AGENDA:

- In 2201, the Tribal Business Council went on record to start building Headstart Centers in every district. The Parshall Center is under construction currently.
- In-kind match will use next year for the New Town Center. The Tribe applied for a one-time grant funding of \$ 1.4 Million dollars and was unable to get the whole amount but received \$300,000.
- The Tribe has \$600,000 with a resolution request to put in for the Community Block Grant for a day care center. The Headstart Center will be applying for daycare facilities for the New Town area in the Northern Lights Project.

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- Daycare centers for the communities
- In-kind Match is \$287,000, not constructed the Head Start Center until determine where we can get dollars. \$260,000 for last year. For the Record: Legal Department will draft a letter for the Chairman's signature to use these funds.
- Mandaree should be next in line for the CDGB Grant Funding source.
- On April 11, 2002 Tribal Business Council will look at a tax-exempt low interest loan.

C. HEALTH TRACER CARDS: PLACE ON APRIL 11, 2002 AGENDA

Health Tracers was referred to the HHR to review, make comments and a recommendation and bring back to the Tribal Business Council's agenda. The Health and Human Committee Chairman forwarded on to Personnel, to be put on the agenda for April 11, 2002.

05. APPROVAL OF MINUTES:

Councilman Gillette moved to approve the minutes with corrections.
Seconded by Councilman Phelan.

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

Councilman Phelan moved to approve the February 19, 2002 Minutes as amended. Seconded by Councilman Gillette

PERSONNEL DEPARTMENT

MEDICAL REQUEST FOR AN OCOLOGY PATIENT:

ADELLE PAINTE:

Councilman Wells moved to approve a \$1,000 medical grant for the next two months April/May to Adelle Painte while she is taking chemotherapy in Bismarck, ND. Seconded by Councilman Phelan.

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

SECRETARIAL ELECTION BOARD:

One of the three people appointed showed up for a meeting on Friday, and one of the issues was a need for compensation for the Board Members that were appointed by this Council. The BIA was supposed to fund the Secretarial Election and a request will be made to the BIA.

Councilman Phelan moved to hire Norma Wolf as the Election Clerk, subject to an agreement. Seconded by Councilman Wells.

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

Councilman Fox moved that the Tribe seek reimbursement from the BIA to pay for work performed on the Secretarial Election. Seconded by Councilman Gillette.

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

Councilman Gillette moved that a letter be sent to the reinstate the collaboration including the meetings. Seconded by Councilman Phelan.

DISCUSSION: The Government Personnel be authorized to come into our clinics. Motion to include a directive that Pat Wilkinson drafts the letter.

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

JOINT CONSTITUTION REVISION COMMITTEE:

Councilman Wells informed the Tribal Business Council he was approached by his community members about the person representing the Four Bears. They disagree with the person that has been chosen to represent the Four Bears Community and they strongly recommend Joint Chairpersons.

Councilman Wells moved to allow the Four Bears Community to have an election for the Four Bears area member for the Joint Constitution Revision. Seconded by Councilman Spotted Bear.

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

Councilman Phelan moved that Resolution 02-044 be revisited to allow the Mandaree and South East Segment who may request another election pending the Four ears Election; and in directing the committee to hold off having any more meeting until the election is held. Seconded by Councilman Spotted Bear.

DISCUSSION: A recommendation was made that all representatives have a designee and an alternate that every individual attends the meeting.

They are:

Four Bears Marcus Wells

Parshall Mark Fox

Malcolm Wolf will get an alternate.

Randy Phelan

Austin Gillette / Diana Poitra will be the alternate.

Daylon Spotted Bear and will get someone from the community election.

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

DISCUSSION: Amended Resolution by changing the recertification vote.

ROADS DEPARTMENT: Councilman Spotted Bear moved to hire Delmer Wilson temporarily until advertised and filled. Seconded by Councilman Wells.

VOTE: 4 Ayes, 0 Nays, 3 Abstentions, 0 Not voting. Motion carried.

03. **UNFINISHED BUSINESS:**

A. **30 MILLION JTAC PLACEMENT/AMEND 2001
TRIBAL BUDGET/FINANCIAL INVESTMENT PRESENTATION
RESOLUTION NO. 02-049MWJR**

Councilman Gillette moved to approve the Resolution No. 02-049 as amended in the Statement of Investment Objectives and Policies as attached hereto be used by the investment firms chosen by the Tribe who will be investing up to \$30 Million of interest earned from the Economic Recovery Fund as created by the Equitable compensation Act of The Three Affiliated Tribes. Seconded by Councilman Phelan.

DISCUSSION Al Nygaard and Tom Disselhorst will work on the amended language.

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

B. **REQUEST FOR FUNDING OF WEST RIVER TELEPHONE LINES:
RESOLUTION NO. 02-050MWJR**

Diana Tomlin informed the Tribal Business Council that 13 enrolled members living in the Twin Buttes area are without telephone service and are either handicap or on dialysis treatment. The total cost of the project is \$320,000 of which West River Telecom is asking for \$11,910 aid to construction cost from the community. The Twin Buttes Community said they would pay \$5,955.00 if the Tribe contributes \$5,955 towards the cost of telephone lines to 13 enrolled member families in the Twin Buttes Segment.

Councilman Wells moved to approve the expenditure of \$5,955 toward the cost to construct telephone lines to 13 enrolled members. Seconded by Councilman Gillette.

DISCUSSION: The Legal Department will be asked to review the South Segment Telephone Line Project through a USDA Grant.

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

C. **INDIAN HEALTH SERVICES:**

Dental 3 days a week.

Have the FY 2003 Senate Budget Resolution: Welcome TBC to become involved with the strategic plan.

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- Contract Health will run in a deficit and see what the CHS costs, and the unmet need of the Tribe.
- A work group works on the distribution of the dollars, identified. They seem to have more clout if it came from the National level System is not fair.
- WIC Program: Immunizations Third Party Billing. The tribe had some complaints where WIC Clinic was located. The immunizations were not covered under the Torte Claims, which is the reason the nurses were directed not to go the Parshall area. After consideration, they can go to the Parshall Clinic as long as it's in the scope of her area.
- The Public Health Nurse is allowed to participate with the WIC Program. My understanding that she wasn't allowed to participate in the clinic. If it weren't in her normal duties she wouldn't be covered in the Torte Claims. Prenatal lists that they have not been able to get access from you. Infant mortality? What's happening with these things that she is insinuating.
- There are about 500 prescriptions a day. In reference to specific care. Many people come in as a walk-in and have to wait a long time. The clinic will be going to open scheduling. When people call, they can come in for that day. Intent is to try to get people in faster. Part has to do with volume. Providers are working until 6:00 p.m. every day. People just get burned out. Visit and see the Doctors. It isn't easy to attract professionals.
- Parshall Clinic staffing plans: Projected operation date where it could be staffed. Advertising staffing for RN's. Ready in June. Keep the communication open. We had Dr's do walk-ins.
- Controversial providing does not allow for continuity like outside pharmacy. Did the initial referral and go back to Indian Health Services. Ask for an X-ray, didn't have the latest info on the patients care. Pat and Deb coordinate with you so we can come to understand how it's going to impact proposed action on Executive Order. Rick Sorenson said that the Tribe has to have Consultation based on unmet needs and invited all Tribal Business Council members.

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HIRE OF MEDICAL STUDENT:

Mike LeBeau: Questions about liability, Torte coverage. Found no difficulty Tom Disselhorst. As far as the hire is concerned that he wouldn't have a problem. MS-4 until May 04, that doesn't change until how are you covered with liability. He will not be covered under the Torte Claims unless a Volunteer Agreement is in place.

Councilman Wolf moved to authorize the Tribal Chairman to sign Mike LeBeau's contract to work for the Mini-To-he Clinic, subject to a volunteer agreement to assure FTCA. Seconded by Councilman Fox.

DISCUSSION: The rate of pay will be \$40 per hour for three months.

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

AL NYGAARD CONSULTANT AGREEMENT:

Councilman Fox moved to extend the consultant agreement with Al Nygaard for another 120 days. Seconded by Councilman Wells.

DISCUSSION: The contract will be for \$6,000 a month.

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

NATIONAL ASSOCIATION FOOD DISTRIBUTION:

Joe Henry requested that these two ladies attend with me the National Association of food Distribution Programs on Indian Reservations Conference in Las Vegas, Nevada on April 14-19, 2002.

Councilman Fox moved to approve Lila and Delores to attend the National Food Distribution Conference in Las Vegas, Nevada. Seconded by Councilman Wells.

DISCUSSION: The 477 Program will be asked to cost share the travel costs and if there are not available funds then the total cost will come from the General Fund budget.

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

CULTURE RESOURCE LIBRARY:

Wayne Hunter presented a financial request to the Tribe to fund a Cultural Resource Library. Cultural preservation will be through song, music and language.

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Councilman moved to direct the CEDS Program and the MIS Director, Cultural Preservation and Calvin Grinnell meet with Wayne Hunter to look at any grant sources and to include a budget to help set up a Cultural Resource Library.
Seconded by Councilman Gillette.

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

EARTH LODGE VILLAGE PROJECT:

No action taken.

FIGURE FOUR RANCH NAME:

Councilman Gillette moved to continue to call the Figure Four Ranch as the same.
Seconded by Councilman Phelan.

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

BUSINESS DEVELOPMENT LOANS:

Dennis Fox presented Business Development Loans USDA Loans, credit policies and technical assistance for the client to make sure that they are following credit policies. The Finance Officer, Madeline Grinnell works with the delinquent loans. After September 11, 2001, the percentage of non-payment of loans fell below normal and he is willing to work with delinquent loans.

Dennis also asked if he could cost share a collection officer with the Small Loan Program. A garnishment Code will be written in draft form to be presented to the Tribal Business Council to review at the MAY 09, 2002 Tribal Business Council Meeting. This will be placed on the agenda.

FIGURE FOUR RANCH HORSES:

Ron Brugh presented a billing statement for rental services to the Figure Four Ranch staff of (2) two trained quarter horses for December, January, February and March, 2002 at \$300 per month @ a total of \$2,400.

This billing statement was presented for payment to the Treasurer, but was told that there was no prior approval from the Tribal Business Council for payment.

DISCUSSION: Legal Counsel, Gary Beaudry gave an opinion that it was a legally binding document, but that the statement has a date of February 20, 2002. Darren Holeman did pick up the horses from the Ron Brugh residence in December 2001. Chairman Hall said that Todd Hall said that it was correct in saying that it was a lease purchase. Councilman Spotted Bear said hr thought Todd Hall and Darren Holeman should be in attendance at the next meeting to answer any questions regarding the lease of the two animals.

Councilman Gillette moved that Todd Hall and Darren Holeman be required to be in attendance at the April 13, 2002 to answer any questions regarding the lease of the two-quarter horses. Seconded by Councilman Spotted Bear.

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

FOUR BEARS CASINO AND LODGE:

Councilman Gillette moved to approve the Resolution on the Four Bears Casino and Lodge on the Liquor Ordinance that exempts the Four Bears Casino and Lodge. Seconded by Councilman Phelan.

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

ADMINISTRATIVE CAPACITY BUILDING RESOLUTION NO. 02-053MWJR

Councilman Fox moved to approve the Resolution 02-053 that the Tribal Business Council requests the Aberdeen Regional Contracting Officer to develop and approve a P.L. 93-638 contract in the amount of \$35,000.00 for Administrative Capacity Building. Seconded by Councilman Wolf.

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

FOUR BEARS CO-GENERAL MANAGERS:

Councilman Gillette moved to disapprove a 4% increase for the Co-General Managers end of probation increase granted all management personnel 90 days after their date of hire or promotion and subsequent freezing of wages that already has been done. No second, three times, motion failed.

Councilman Wells moved to approve a 4% increase for the Co-General Managers end of probation increase granted all management personnel 90 days after their date of hire or promotion increase granted all management personnel 90 days after their date of hire or promotion and subsequent freezing of wages that already has been done. Seconded by Councilman Phelan.

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

MANDAREE DAYCARE

Colby Little Soldier submitted a billing statement of \$6610 for moving the Mandaree Daycare.

Councilman Phelan moved to pay Colby Little Soldier the balance of \$4, 685 to move the Mandaree Daycare. Seconded by Councilman Wells.

DISCUSSION: A resolution will be written by Councilman Phelan's staff and submitted for payment.

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

CONTRIBUTION KAYLENFREE CAMPAIGN:

Councilman Fox moved to approve a maximum contribution of \$500 to Kaylen Free Campaign. Seconded by Councilman Phelan.

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

FOUR BEARS ZONING POLICY:

Councilman Wells moved to adopt the Four Bears Development Corporation Resolution creating a Zoning Policy.

Motion and second were withdrawn and will be deferred until April 11, 2002.

SMALL LOAN ED FOX

Leon Fox' son is attempting to come back from Minneapolis, Mn for the Elbowoods State Class B Basketball Championship and to accept a trophy on behalf of his father, Leon Fox.

Councilman Fox moved to approve a loan of \$150 to Ed Fox, subject to the requirements of the Small Loan Program. Seconded by Councilman Wolf.

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

SALLY JOHNSON SMALL LOAN:

Councilman Gillette moved to approve a \$1,000 Small Loan to Sally Johnson, upon payment of her loan balance, and subject to the requirements of the Small Loan Program. Seconded by Councilman

REQUEST FOR FINANCIAL ASSISTANCE FOR TONY MANDAN:

Marlys Grotberg will apply for an EDA grant of \$6,000 to help pay for services requested for Tony Mandan and his wife.

SMALL LOAN-BONITA SPOTTED ELK:

She has an outstanding loan. She is asking for \$1,000 Loan and that it be rolled into her existing loans of \$4,500.

Councilman Gillette moved to approve a \$1,000 Small Loan for Benita Spotted Elk and to refinance all her outstanding loans to make one loan and use the standards in place. Seconded by Councilman Wells.

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

CEDS PLAN:

Councilman Gillette moved to ratify the hiring of Mike Cross by Resolution No.02-056.to write the 2002 Comprehensive Economic Development Strategic Plan. Seconded by Councilman Phelan.

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

TRANSFER OF THE COMMITTEE SECRETARY TO RECORDS MANAGER TO THE COMMITTEE SECRETARY

Councilman Wells moved to approve the position exchanges of the Records Manager and the Committee Secretary. Seconded by Councilman Phelan.

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

AMEND FY01 TRIBAL BUDGET:

Councilman Gillette moved to amend the FY01 Tribal Budget to include the actual expenditures in the amount of \$27,834,636.00 with a difference of \$2,142,608.00 included in the amount is the draw down of the interest from JTAC Funds that was available July 2, 2000. Seconded by Councilman Phelan.

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

ADJOURNMENT:

Councilman Phelan moved to adjourn the meeting. Seconded by Councilman Gillette. The meeting adjourned at 2:10 a.m.

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

Submitted by,

Ardel Jean Baker, Recording Secretary

Date

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