

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. 02-09
MAY 13, 2002
2:15 p.m.

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 1:50 p.m and asked for a silent prayer from all who were present.

02. **ROLL CALL:**

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

03. **APPROVAL OF AGENDA:**

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

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

04. **APPROVAL OF MINUTES:**

A. March 13, 2002

Councilman Gillette moved to approve the March 13, 2002 Minutes as amended. Seconded by Councilman Wells.

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

B. March 25, 2002

Councilman Gillette moved to approve the March 25, 2002 Minutes as amended. Seconded by Councilman Fox.

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

05. **SMALL LOANS:**

A. CLAUDE BAD BRAVE

Councilman Fox moved to approve an education loan in the amount of \$ 2108, with a 2% repayment schedule. Seconded by Councilman Wells.

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

B. MARION SMITH:

Councilman Wells moved to have Marion Smith's IIM Account released for this year because of the failure of an individual paying into the account.

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

Councilman Gillette moved that the Tribal Business Council be adamant with the Bureau of Indian Affairs to secure payment from Marion Smith's past leaser and to seek whatever balance is due through the Three Affiliated Tribes Legal Department. Seconded by Councilman Wells.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 2 Not voting. Motion carried.

B. CLINTON YOUNG BEAR:

Councilman Phelan moved to approve a \$1000 Small Loan for Clinton Young Bear, subject to the requirements of the Small Loan Program. Seconded by Councilman Wells.

DISCUSSION:

The wage deduction will come from tribal employee, Janet Fox-Young Bear, who has a defaulted loan balance of \$200 with the Small Loan Program.

Councilman Phelan amended his motion to increase the loan amount to \$1,200 to include Janet Fox-Young Bear's defaulted loan balance of \$200; who will execute a wage assignment according to the repayment schedule of the Small Loan Program. Seconded by Councilman Wells.

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

C. ART SMITH: RESOLUTION NO. 02-082MWJR

Councilman Gillette moved to approve a \$3,500 for Art Smith, subject to filling out the proper forms, and using his wife's probate as collateral. Seconded by Councilman Phelan.

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

E. GOD IS ABLE CONTRACTOR:

Councilman Phelan moved to approve a \$3,500 Small Loan and a \$3,500 Business Development Grant to Jolene Gonzales, subject to the requirements of the Small Loan Program and the requirements of the Business Development Grant Program. Seconded by Councilman Wells.

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

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F. CAROLINE FOOTE:

Councilman Fox moved to approve a Small Loan of \$1,000, to defer the payments during the summer months, and to begin the payments when she returns to work in the fall. Seconded by Councilman Gillette.

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

G. INEZ BAKER:

Councilman moved to approve the release of her IIM Account and to defer the payments of her Small Loan for this year. This item was deferred until there is more research done.

H. SHANE JOHNSON HOME LOAN:

Councilman Wells moved to approve a Home Loan up to \$10,000, subject to availability of funds, and the requirements of the Home Loan Program. Seconded by Councilman Phelan.

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

I. SMALL LOAN RECOMMENDATIONS:

Councilman Wells moved to approve the following nine recommended Small Loans. Seconded by Councilman Phelan.

- | | |
|--------------------------|----------------------|
| 1. Frances Swift Eagle: | \$3,500 |
| 2. Diana Lewis | \$ 2,500 |
| 3. Edward C. Fox | 3,000 |
| 4. Cederick Wilkinson | 3,500 |
| 5. Murphy Sitting Crow | 2,000 |
| 6. Rose Crows Flies High | 3,500 /\$3,500 Grant |
| 7. Shelly Harvey | 3,500 |
| 8. Florence Halvorson | 2,500 |
| 9. Holly D. Fox | 3,500 |

DISCUSSION: Treasurer Gillette said to prevent implications that the Small Loan staff was approving loans for themselves on an as needed basis; the policy was that the Executive Committee would approve the loans for the staff of the Small Loans.

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

J. INEZ BAKER SMALL LOAN DEFERRMENT:

Councilman Wells moved to approve the release of Inez Baker's IIM Account and to defer her loan payments until January 2003. Seconded by Councilman Gillette.

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

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K. PAUL WHITE OWL SMALL LOAN:

Councilman Gillette moved to approve a Small Loan of \$1,900 for Paul White Owl, subject to the requirements of the Small Loan Program. Seconded by Councilman Phelan.

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

05. ROADS DEPARTMENT: RESOLUTION NO. 02-083MWJR

Councilman Phelan moved to approve the addition of 50.3 miles of the Three Affiliated Tribe's Road inventory. Seconded by Councilman Wells.

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

06. PERSONNEL MATTERS: Closed Session

07. FORT BERTHOLD DEVELOPMENT CORPORATION:

Councilman Wells moved to approve the Resolution to place several entities under the management of one Board of Directors and appoint new members to that Board of Directors. Motion failed due to lack of a second.

Councilman Wells moved to approve of the reorganization of the Fort Berthold Development Corporation Board of Directors, with the condition that no action is taken until the Board of Directors for Mandaree and Twin Buttes are selected. Seconded by Councilman Phelan.

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

08. FOUR BEARS LAGOON:

Councilman Gillette moved to authorize Councilman Wells with the assistance of Gary Beaudry from the Legal Department to negotiate and purchase between 4 and 100 acres not to exceed \$1,000 per acres from Maybelle Snow Bird and family. Seconded by Councilman Spotted Bear.

DISCUSSION: Ursula Eagle Staff will be asked to accompany Councilman Wells and Gary Beaudry to Kansas to assist in negotiations with her sister, Maybelle Snow Bird and family.

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

09. FOUR BEARS POW-WOW COMMITTEE REQUEST:

Councilman Wells moved to approve a match of \$37,500 with \$10,000 vendor rights from the 4 Bears Casino and Lodge and to give them the sole concession rights based upon last years. Seconded by Councilman Phelan.

DISCUSSION: The Pow-wow Committee will submit a copy of their savings account to the Treasurer.

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

09. KUTAK ROCK: HOUSING BOND:

The Office of Loan Guarantee (OLG) intends to partner with lender Bank One to guarantee the individual Section 184 construction permanent closings in which the Tribe will be the leasehold mortgagor on trust land or mortgage on fee simple land.

Councilman Phelan moved to approve the resolution as amended. Seconded by Councilman Spotted Bear.

DISCUSSION The Housing Development name will be changed from Dream-catcher, with the Bond being up to \$25,000,000 when in actuality the tribe will be submitting a housing bond for \$10,000,000.

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

10. IN-HOUSE WATER INFILTRATION:

Councilman Phelan moved to approve resolution as presented. Seconded by Councilman Wells.

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

11. ONYX CONSTRUCTION:

Councilman Gillette moved that the Tribal Business Council authorize the Treasurer's Office and the Mandaree Representative to make sure that this bill is paid. Seconded by Councilman Phelan.

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

12. WAKE FUND:

Deferred - The Treasurer will bring back to the next meeting.

13. I.H.S. 638 CONTRACT:

Councilman Phelan moved to approve the resolution authorizing the P.L. 638-Contracting of the Indian Health Service. No Second, Motion failed.

14. REORGANIZATION CHART TAT:

This agenda item was deferred until the next meeting to allow the Tribal Business Council time to review the chart.

15. TRIBAL EDUCATION CODES:

This agenda item was deferred until the Education Administrator is in attendance to explain the codes to the Tribal Business Council.

16. FORT BERTHOLD HOUSING AUTHORITY
Informational

17. REVIEW OF CASEY FAMILY
Defer

18. SAKAKAWEA SCULPTURE
This item will be referred to the Tourism Department.

19. NORTH DAKOTA SUMMER OLYMPICS
Councilman Gillette moved to approve \$4,000 from the grants and donations line item for the North Dakota Summer Olympics. Seconded by Councilman Phelan.

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

20. HOUSING PRESERVATION:
Defer

21. ENVIRONMENTAL DIVISION SUMMER INTERNS
Defer

22. ZONING PROPOSAL
Councilman Wells moved to approve the Four Bears Zoning Proposal. No second, motion failed.

23. BULL-RAMA HANS FREDERICKS MEMORIAL::
Councilman Spotted Bear moved to approve \$3, 000 contribution for the Bull-A-Rama for Hans Fredericks Memorial. No second, motion dies for lack of a second.

Councilman Phelan moved to approve \$2,500 contribution for the late Hans Fredericks Bull-A-Rama. Seconded by Councilman Spotted Bear.

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

24. NEW TOWN WATER TREATMENT PLANT:
Councilman Gillette moved to request that the City Council meet with the Tribal Business Council to discuss the water intake to the Lake. Seconded by Councilman Phelan.

Councilman Gillette amended his motion to direct Harley Texx Lone Bear to contact the City Council and invite them to meet with the Tribal Business Council on June 6, 2002 at 1:00 p.m. Councilman Phelan agreed to the amendment.

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

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25. FOUR BEARS ELDERS GARAGES:

Councilman Wells moved to approve nine elders from the Four Bears Area who qualify for garages according to policies. Seconded by Councilman Fox.

DISCUSSION: Councilman Wells will organize the 60 years old age list for the Four Bears area and this will be placed on the agenda for action by the Tribal Business Council. The original list only included elders who were 70 years and older.

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

26. JOINT CONSTITUTION REVISION COMMITTEE:

Councilman Wells informed the Tribal Business Council that the Four Bears Area held a Special election for members to serve on the Constitution Revision Committee. No one, including John Danks placed their name on the ballot.

Because other community members chose not to submit their names on the ballot, John Danks will continue to serve on the committee representing the elder's organization for the Four Bears area. Ted Bolman will set the date for the next meeting and contact the members. Councilman Phelan selected Tillie Walker to represent the Mandaree area and Councilman Spotted Bear selected Alyce Spotted Bear to represent the Twin Buttes area.

27. OFFICE OF JUVENILE PROGRAMS YOUTH PROGRAM GRANT:

Although the Executive Secretary explained that the deadline for submission of this grant was passed and no longer needed approval, the following motion was made.

Councilman Phelan moved to approve the submission of the Youth Program Grant. Seconded by Councilman Fox.

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

28. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT:

Councilman Gillette moved to approve the ICDBG Proposal as submitted. Seconded by Councilman Phelan.

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

29. OLD SCOUTS SOCIETY: RESOLUTION NO. 02-092MWJR

Councilman Phelan moved to approve an additional \$1,000 for the Old Scout Society for their Annual Memorial Day activities @ total of \$3,500. Seconded by Councilman Gillette.

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

30. RESOLUTION OPPOSING BIA PRIVATIZING REDISTRICTING: NO.02-093

Councilman Phelan moved to approve the resolution opposing privatizing of BIA schools. Seconded by Councilman Wells.

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DISCUSSION:

The Redistricting will be presented in a separate resolution and recommendation was made to strike the second WHEREAS:

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

31. RESOLUTION TRIBE OPPOSES THE REDISTRICTING: NO.02-094

Councilman Phelan moved to approve of the Resolution stating that the Tribe opposes the Redistricting of BIA schools. Seconded by Councilman Spotted Bear.

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

32. RICK WEILAND CAMPAIGN FOR U.S. REP. STATE OF SOUTH DAKOTA:

There was discussion only with no formal action taken by the Tribal Business Council on Rick Weiland's campaign.

33. NATIONAL INDIAN CHILD WELFARE ASSOCIATION:

Councilman Gillette moved to approve the payment of \$1,000 membership fees to be taken from the Federal Budget. Seconded by Councilman Phelan.

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

34. INCREASE THE CHILD WELFARE TRAVEL BUDGET:

Councilman Phelan moved to authorize the Treasurer and the Child Welfare staff to draft a proposed travel budget amendment permit the Legal Department and Social Service funds to use program funds for travel to various cities to represent child custody parental Rights cases for the Three Affiliated Tribal members. Seconded by Councilman Wells.

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

35. 477 PROGRAM:

Councilman Wells allow the necessary staff to travel to the 477 Conference in Rapid City, South Dakota beginning May 20-24, 2002. Seconded by Councilman Phelan.

DISCUSSION: One or two staff will stay behind to take of the daily activities of the office.

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

36. AUTHORIZE THE EXECUTIV E COMMITTEE TO APPROVE SMALL LOANS:

A recommendation of the Executive Committee to authorize the standing committee to be the approving body for loans up to \$3,500 was deferred until the Legal Department consolidate policies of all loan categories and give to the TBC for review.

37. TRIBAL DISTRICT COURT ADVOCATES:

Councilman Spotted Bear moved to rescind prior action regarding Tribal Court District Court Advocates and to allow current advocates continuing practice; with a prohibition on issuance of new licenses until a resolution is brought forth. Seconded by Councilman Wells.

Councilman Spotted Bear amended his motion to add the language: "exclude any felons allowed to practice in Tribal District Court." Councilman Wells accepted the amendment as presented.

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

38. TAT/MEMORIAL DAY: May 27, 2002:

Councilman Wells moved to approve a budget for \$5,300. No second, motion failed.

Councilman Phelan moved to approve a budget of \$4,500 for the TAT Annual Memorial Day Commemoration activities. Seconded Councilman Wells.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Not voting. Motion carried.

39. OCCUPATIONAL SAFETY AND HEALTH ACT:

Councilman Phelan moved to defer a resolution regarding occupational Safety and Health Act (OSHA) until the Three Affiliated Tribes Legal Department review and bring back after review of traffic safety issues. Seconded by Councilman Gillette.

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

40. TAT RECREATION AREAS:

Councilman Spotted Bear moved to approve a match of \$30,000 covering the match for Pouch Point, Charging Eagle Bay, and Skunk Bay. Seconded by Councilman Gillette.

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

41. DR. BIRON BAKER ANNUAL LEAVE PAYMENT:

Councilman Gillette moved to approve four hours of annual leave for Dr. Biron Baker on the basis of Tom Disselhorst's legal opinion. Seconded by Councilman Phelan.

DISCUSSION: Dr. Baker's contract was discussed in great length and the need to pay based upon the contract.

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

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**41. NATURAL RESOURCES DEPARTMENT; TRIBAL LEASE:
40 ACRES OF TRIBAL LEASES.**

Councilman Phelan moved to approve a five- year pasture lease at \$3.50 an acre @ a grand total of \$140 to Austin Gillette. Seconded by Councilman Spotted Bear.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Not voting. Motion carried.

42. NATURAL RESOURCES DEPARTMENT; GAIL BAKER JR:

Councilman Wells moved to approve of \$315 for Gail Baker, III to attend a basketball camp. Seconded by Councilman Fox.

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

**43. NATURAL RESOURCES DEPARTMENT; RUTH BUFFALO: RESOLUTION
NO. 02-099MWJR**

Councilman moved to authorize and approve \$1,150 for Ruth Ann Buffalo to attend the Women's Pro Basketball Showcase with the additional airline ticket to be covered by Chairman Hall's airline miles. Seconded by Councilman Wells.

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

**44. NATURAL RESOURCES DEPARTMENT; PURCHASE OF MAYBELLE
SNOW BIRD LAND**

Councilman Wells moved to approve \$5,000 non-refundable Earnest money for the purchase of fee patent property of Maybelle Snow Bird; subject to title and order of an abstract to the property. Seconded Councilman Gillette.

DISCUSSION: The Realty Officer will accompany Councilman Wells to Kansas to negotiate with Maybelle Snow Bird.

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

45. PARSHALL RESOURCES CENTER BOARD OF DIRECTORS:

Councilman Spotted Bear moved to approve board training for the Board of Directors with assistance from Ted Bolman. Seconded by Councilman Wells.

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

**46. NATURAL RESOURCES DEPARTMENT; WATER TREATMENT
OPERATORS:**

Councilman Spotted Bear moved to allow the Natural Resource Committee to handle this matter and direct Texx Lone Bear to make a recommendation. Seconded by Councilman Wells.

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

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47. NATURAL RESOURCES DEPARTMENT; MARILYN OGDEN:

Councilman Phelan moved to amend the Resolutions that were written for the purchase of Marilyn Odgen, Rachel Grady, Harold Burr, Newton Burr, Christine Mann, and Florence Burr land sales. Seconded by Councilman Gillette.

DISCUSSION: The acreage description on the resolutions is correct, but the monetary figures were incorrect.

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

48. NATURAL RESOURCES DEPARTMENT; MICHAEL LINCOLN:

Councilman Spotted Bear moved to approve the request for sale of 60 acres @ \$146.67 for a total of \$8,880 at appraised value from Michael Lincoln as recommended by the Natural Resource Committee. Seconded by Councilman Phelan.

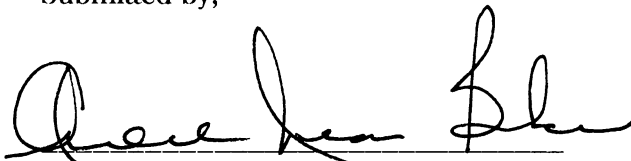
VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Not voting. Motion carried.

49. ADJOURNMENT:

Councilman Spotted Bear moved to adjourn the meeting at 11:15 p.m. Seconded by Councilman Phelan.

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

Submitted by,



Ardel Jean Baker, Recording Secretary
Tribal Business Council
Three Affiliated Tribes

06-13-02
Date

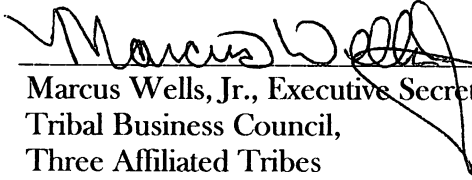
CERTIFICATION OF MINUTES

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. 5 Members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13 day of June, 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 5 members.

Chairman Voting 0 not voting

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

ATTEST:

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