



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
MEETING NO. 02 -13
JUNE 13, 2002
11:25 a.m.**

01. CALL TO ORDER:

Chairman Hall called the meeting to order at 11:25 a.m. and asked all those who were present to say a silent prayer for all who are misfortunate and experiencing a loss.

02. ROLL CALL:

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

Members absent: Councilman Spotted Bear

03. APPROVAL OF THE AGENDA:

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

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

04. CHAIRMAN/MEMBERS HIGHLIGHTS:

- Sacred Lands Testimony
- NCAI Task Force Trust Reform testimony will be on June 24, 2002.
- Sovereignty Protection Legislation Report
- Secretarial Election: Superintendent Baker will be invited to come into the meeting on June 27, 2002 to give a report and hear some of the concerns regarding tribal members not receiving their ballots and concerns about the time frames of the Secretarial Election.
- **Sanitation Deficiencies Systems Financial Report:** Neal Austin
Councilman Phelan moved to approve the priorities for the Sanitation Deficiencies Systems prioritized as 1) Fort Berthold Solid Waste @ \$1,824,000.00 and 50% match of 8 points if additional funding is accepted for this particular project, and the funding doesn't need to be tribal dollars. 2) Fort Berthold Utility Commission/O&M Equipment; @\$475,000.00 3) Individual Water and Sewer @ \$280,000.00 and 4) Twin Buttes Lagoon @ \$445,000.00. Seconded by Councilman Wells.

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

- Governor Hoevan/Attorney General Meeting: One of the topics discussed at the meeting was the Riverboat Casino. The Governor asked for an opinion from the Attorney General regarding this which will be forth coming Friday June 14, 2002.
- Four Bears Lagoon.
- Welfare Reform/Economic Development
- Indian Lands Consolidation Report
- National BIA Budget Report
- Casino Loan Closing Report
- NCAI Mid-Year Conference Report
- Storm Damage Assessment in Communities June 8&9, 2002

A public service announcement from Clifton Whitman will be forth coming regarding the assessment of storm damages to homes throughout the reservation. The assessment of homes will include pictures of the damages. Chairman Hall will give a report to Governor Hoevan to request funds for renovation and include all flooded counties.

- Welfare Reform Legislation

Next month welfare recipients will lose their existing TANF benefits. The tribes need to get authorization and support from Senator Bocus to help people achieve self-sufficiency. Senator Bocus wants to increase the legislation and asking the approval of the senate conversion.

MANDAREE SEGMENT REPORT:

- **MEDICAL GRANT:** Pat Fredericks
Councilman Phelan moved to approve a \$500 medical grant for Pat Fredericks; to initially give him \$300 and thereafter \$200 on an as needed basis. Seconded by Councilman Wells.

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

BONNIE BLAKE MEDICAL GRANT:

When the Blake family applied for emergency assistance, stringent criteria had to be adhered to prior to anticipating any financial aid. Their end result was not receiving assistance during their time of need.

Pat Wilkinson was directed to draft accessible procedures for members to utilize the program during an emergency and bring a draft to the Tribal Business Council Meeting on June 27, 2002.

NORTH SEGMENT:

The Northern Lights sub-division will have square footage space for 42 offices once it's completed. The architects and contractors are currently constructing the exercise area. Councilman Wolf and the Community Chairman will be meeting with the BNC Bank in July to ask for 1.5 Million dollars to finish the construction of the building. A future objective for the community will be to house the Dialysis Program in the building.

NORTHEAST SEGMENT:

- Upper Midwest Gaming Conference Report
- Inter-Tribal Monitoring Association Meeting (ITMA) the majority of the tribes are not in favor of a receiver for ITMA by the Court unless there is limited authority. Chairman Tillman Osage resigned and his temporary successor is Bill Martin of Tlingit-Haida. Mark Fox is Vice-Chairman of the Association.
- Masters Program commendation
- Two members of the Northeast Segment are going to the Boxing National, but to two different bouts. One is Lyle Krueger and the Segment has donated funds to help them with expenses. The segment has held fundraisers and sold raffles tickets to give each of them extra money. Bobby Deane qualified for the AAU Nationals in Marquette, Michigan. Councilman Fox challenged each of the council members to match his \$20 donation. Councilman Wells, Councilman Wolf, and Chairman Hall accepted the challenge.
- Parshall Clean-up Day is scheduled for either Thursday or Friday, June 20-21, 2002. There will be a barbeque from 10-12 Noon after the clean up. Administrative Leave will be granted for Northeast Segment employees choosing to participate.
- Councilman Fox congratulated Chairman Hall for convincing the National Congress of American Indians (NCAI) to hold Mid-Year Conference in Bismarck, ND on June 16-19, 2002.
- The NCAI Conference will have special emphasis on Veterans to give an opportunity for the U.S. public to understand their contributions. It will also give the TAT Veterans Program an opportunity to advocate for the Tribe.

- Councilman Fox gave a verbal salute to the Arikara Units who were used as communicators along with the Navajos during World War II. He further said that Lena Malnourie and Rhoda Star have the documentation confirming that.

EXECUTIVE SECRETARY’S CONCERNS:

- Programmatic Issues Special Meetings By-laws

Secretary Wells shared his concern regarding the need to stay in compliance with the Constitution and By-laws of the TAT by having at least one meeting per month. He also shared concerns about agenda items lost in the process of not having regular meetings or a continuation meeting. He said when he campaigned for membership; his promise was to attend all TBC meetings. Other meetings scheduled would be cancelled for him to be in attendance at meetings of the Tribal Business Council.

EXECUTIVE COMMITTEE TO APPROVE LOANS.

This agenda item is deferred until June 27, 2002.

04. TAT BUDGET MEETING:

The Budget Meeting date is set for July 15, 2002 @ 10:00 a.m. Departments should have submitted their budget by June 06, 2002.

05. FY2002 AMENDED BUDGET APPROVAL:

Councilman Gillette moved to approve the amended FY 2002 Budget of \$27,987,000 as presented. Seconded by Councilman Wells.

DISCUSSION:

Finance is requesting the following Budget Modification #1 for Fiscal 2002 Revenue Changes by Line:

JTAC	Increase	\$5,562,000
Road Construction-BIA	Decrease	\$ 142,000
Third Party Billing	Decrease	\$ 420,000
Tax Commission & Gas Taxes	Decrease	\$ 500,000
Tero	Decrease	\$1,000,000
Indirect Cost Recovery	Decrease	\$3,000,000
Additional Small Loan Collections	Decrease	<u>\$ 500,000</u>
Net Impact		\$ -0-

Expenditure Changes by Line			
Contingency Reserve	Decrease	\$	50,000
Home Loans	Increase	\$	50,000
Debt Service Decrease			\$1,035,190
Tribal Programs	Decrease	\$3,358,617	
Tribal Enterprises	Decrease	\$1,698,250	
JTAC	Increase	<u>\$6,092,057</u>	
Net Impact			\$ -0-

These changes are requested due to revenues that probably will not be received in Fiscal 2002 and in order to use JTAC funds, qualifying programs and projects must be rebudgeted as JTAC. Also see the attached printouts of changes.

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

06. WHITE SHIELD REPORT:

- Ground breaking
- Clean-up
- Sheriff Charging re-elected
- Budget Meeting: July 15, 2002 10:00 a.m.

07. TREASURER'S REPORT:

- Federal Accountant:
- General Accountant:

08. EARLY RELEASE OF PAYROLL: June 13, 2002

Councilman Wells moved to approve of the early release of payroll in consideration of the Twin Buttes Pow-wow. Seconded by Councilman Phelan.

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

09. 1999-2000 AUDITS OUT OF COMPLIANCE:

The audits for years 1999-2000 have not been completed as yet which would make them out of compliance. This issue will be placed on the July 11, 2002 Agenda.

10. **MANDAREE LAGOON:**

A payment of \$1,000 was supposed to be made to the Masons when the Mandaree Lagoon was built on their land during the 1970s. For the record, Councilman Phelan said the family still hasn't been compensated to date.

The community has a plan to expand the Lagoon so it will have the capacity to accommodate twenty (20) more units. Chief Financial Officer, Steve Salvesson will research the files to see if the Tribe paid for the Lagoon and include the number of the Resolution.

11. **MANDAREE SOLID SURFACING:**

Councilman Phelan moved to approve \$4,000 from the general fund to cover the outstanding payments for Mandaree Solid Surfacing. Seconded by Councilman Wells.

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

12. **SMALL LOANS HOUSING ASSISTANCE:**

The Small Loan Director reported the program has a balance of \$22,000 after disbursement of 30 checks to applicants.

Councilman Wells moved to approve small loans for the following members as recommended by the Small Loan Program. Seconded by Councilman Phelan.

- Daryl Bearstail \$3,500
- Janice Vigil 1,900
- Lyndon Fredericks 3,500
- Robert Church Sr. 2,000
- Paula Danks 3,500
- Rosie White Owl 1,970
- Sherry Hall 3,500 Business Development Grant \$3,500

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

Councilman Gillette moved to approve small loans for the following members pending documentation and materials as required by the Small Loan Program. Seconded by Councilman Phelan.

- Tony Fox: Business Development Grant @ \$3,500 Small Loan @ \$3,500
- Monte Fredericks: Business Development Grant @\$3,500 Small Loan @ \$3,500
- Rick Little Swallow Small Loan @ \$3,500
- Bobette Fox @ \$3,500 that she be prioritized because of her homeless situation as long as she has collateral. The title of mobile home can be used as collateral after purchase and title is submitted to the small loan program.
- Harry LaCroix III @ \$2,000
- Christine Coming Hay @ \$3,500
- Russell Burr @ \$3,500
- Matthew Foolish Bear @2,500 and needs to be prioritized because of a health condition.
- Mike Lincoln @ \$2,500 land sale can be used as collateral.

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

13. **IRIS JACKSON:**

Councilman Wells presented Iris Jackson's appeal to change a loan back to a grant. Terri Logg explained on January 19, 2000 when Iris Jackson was given a \$100 loan, they combined all of her loans, with the principal amount owing \$1,559.62. When Terri first started working in May with the Small Loan Program, Iris approached her regarding the situation but refused to accept it as a loan and hasn't made a payment since.

14. **APPROVAL OF MINUTES:**

Councilman Phelan moved to approve the Minutes of April 11, 2002; May 09, 2002; May 13, 2002 with amendments. Seconded by Councilman Wells.

DISCUSSION: The Motion was amended to review minutes at the members' own leisure, as long as they're no major changes. The Personnel Director will meet with the Headstart Director to clarify the effective date of the Cost of Living Increase (COLA) for Headstart employees.

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

15. JANITORIAL SERVICES: INDIAN HEALTH SERVICES MASTER CONTRACT:

Carole Parker, Mary Fredericks and Patti Jo Thomas discussed with the Tribal Business Council the many deficiencies of the Janitorial Services Contract. One of the options discussed was to return the contract to the Indian Health Service.

Another option discussed was hiring a supervisor for staff or to assign someone from the Tribal Maintenance Staff to act as a supervisor.

MOTION: Councilman Phelan moved to give Merle Bruce supervisory duties of Facilities Management located at the Indian Health Services. Councilman Phelan amended his motion to substitute Gerald Driver as the supervisor for I.H.S. Facilities Maintenance. Councilman Fox made a second to the motion for discussion purposes.

DISCUSSION:

The Service Unit is funded by a formula called Level of Need according to square footage as opposed to disease related illnesses. A question was raised if funding has increased since the construction of the dental clinic. Chairman Hall said in support of returning the Janitorial Contract; but the supervision would continue to remain an issue and may cause controversy in a self-governance plan. Another option would be to execute a Memorandum of Agreement/Plan from the Tribe giving authority to the Indian Health Service to supervise the administration but not the management of the contract.

Councilman Fox withdrew second and Councilman Phelan withdrew his motion.

Councilman Phelan moved to have TAT legal counsel draft up a memorandum of agreement with the Indian Health Services on the Janitorial Services giving the Indian Health Services supervisory authority only. No second, motion failed.

DISCUSSION:

Pat Wilkinson and Patti Jo Thomas were directed to work with the Service Unit Director and staff and bring back a recommendation for a Housekeeping/Maintenance Scheduling Plan on June 27, 2002.

Patti Jo Thomas, Office Assistant said 7 1/2 years of documentation proves the contract has not been managed sufficiently which confirms the inability to manage the contract by the current supervisor.

Councilman Fox moved to direct the Legal Department to prepare as an option for the June 27, 2002 Meeting, the resolution and paperwork necessary to retrocede the Janitorial Services. Seconded by Councilman Wells.

DISCUSSION: There was discussion regarding management capability and if it would have an adverse impact on a Self-Governance Plan. It could be used as a form of protest, because there should be more staff funding.

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

16. PERSONNEL MATTERS: Closed Session

17. SUNDANCE REQUESTS FOR BUFFALO:

Councilman Fox moved to authorize Treasurer Gillette to work with Everett Hall in distribution of buffalo for annual sun dances and pow-wows. Seconded by Councilman Wolf.

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

18. FORT BERTHOLD JUSTICE CENTER:

Councilman Fox moved to authorize Councilman Fox the authority to negotiate and finalize contracts for the Fort Berthold Justice Center. Seconded by Councilman Wells.

DISCUSSION: After a lengthy discussion with the Fort Berthold Development Corporation Board of Directors, Councilman Wells withdrew his second. Chairman Hall asked for another second. Councilman Wolf seconded the motion.

VOTE: 3 Ayes, 3 Nays, 0 Abstentions, 1 Not voting. Motion failed.

DISCUSSION: The issue will be again addressed on June 27, 2002.

19. FORT BERTHOLD DEVELOPMENT CORPORATION: RESOLUTION 02-110MWJR

Councilman Gillette moved to approve the Fort Berthold Development Resolution for line of credit of \$250,000 initially, not to exceed \$500,000. Seconded by Councilman Phelan.

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

20. CHILD WELFARE CUSTODY CASE: CLOSED SESSION

21. TWIN BUTTES CUSTOMHOMES:

Councilman Wells moved to increase the credit line for Twin Buttes Custom Homes from \$300,000 to \$400,000. Seconded by Councilman Phelan.

DISCUSSION: Audits will be complete by August of 2002.

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

22. PLANNING: SELF-GOVERNANCE:

Councilman Wells moved to approve the planning grant for the Self-Governance Planning Grant that was recommended for approval by the Health and Human Committee. Seconded by Councilman Phelan.

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

23. TRIAD CORPORATION: RESOLUTION 02-111MWJR

Councilman Phelan moved to approve a feed study subject to a background check. No second. Motion fails.

24. SACRED CHILD PROJECT CONSULTANTS:

Councilman Wells moved to approve the Consultant Agreements for Thomas Mancha and Stephanie Fox to be awarded to the Sacred Child Program.

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

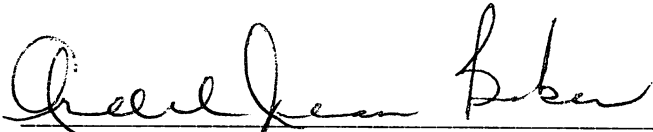
25. M.I.S. T1-LINE:

Councilman Wells moved to direct Richard Mayer to work with Steve Salveson to create a cost sharing approach that includes all programs and entities currently on the tribal computer network constituting over 250 computers. Seconded by Councilman Phelan.

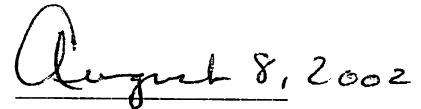
VOTE: 4 Ayes, 0 Nays, 1 Abstentions, 0 Not voting. Motion carried.

The meeting was recessed at 8:00 p.m. and will reconvene on June 27, 2002 at 10:00a.m.

Submitted by,



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



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 7 Members were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8th day of August, 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 () Voting () Not voting

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

