



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes, Fort Berthold Indian Reservation*

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

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THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
CONTINUATION OF  
REGULAR MEETING 06-13-02  
JUNE 27, 2002

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 11:25 a.m. and asked all present to say a silent prayer for all tribal members who are ill and less fortunate.

02. **ROLL CALL:**

Members present: Councilman Spotted Bear, Councilman Phelan, Councilman Gillette, Chairman Hall, Councilman Wolf, Councilman Fox, and Councilman Wells. A quorum was established with all members present.

03. **CHAIRMAN'S REPORT:**

The votes to increase the Tribal Business Council will be counted at the Four Bears Event Center with the results recognized on July 2, 2002.

Great Plains Formation: The Legal Department will draft a position paper for the Three Tribes on the Trust Reform.

A tribal public meeting will be held tentatively on July 8, 2002, updating the membership on all of the tribal projects.

Mismanagement of JTAC Funds Standing Rock: The Legal Department will draft a letter for Chairman Hall's signature to send to Senator Conrad referencing the Three Affiliated Tribes, JTAC expenditures in 1996, even though the funds had not been drawn-down yet.

Audit Report 2000 outstanding: This item will be addressed on July 11, 2002. The Federal Projects will be audited as soon as the Internal Auditor is on board.

An exit interview regarding Social Services will be held on Friday, July 26, 2002. This interview is a requirement of the contract to ensure compliance with the Bureau adopting modifications on the Regulations. Child placement workers are key staff, but were deleted from the budget. Once a Director for Social Service is hired, an objective will be to execute an agreement with Tribal Court to transfer, at a minimum, 2 of their caseworkers to Social Service. The funding cutback is also a priority the Director will need to address immediately.

Secretary Tommy Thompson, Secretary of HHSS will be meeting with the Tribes on August 23, 2002 regarding unmet health care needs for the Fort Berthold Reservation.

Scheduling of Committee Meetings:

Judicial Meeting: July 2, 2002 10 a.m.

Natural Resources Committee July 9, 2002 1:00 p.m.

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July 1-14, 2002 White Shield Pow-Wow  
July 10, 2002 Health & Human Committee meeting with Dr. Ung 10:00 a.m.  
July 15, 2002 Budget Meeting with Directors

**MOTION: LEO STANDISH RENOVATION GRANT:**

Councilman Phelan moved to grant \$1,000 to renovate Leo Standish's house that was damaged by a storm and to look for reimbursement of funds from FEMA. Seconded by Councilman Gillette.

**DISCUSSION:** The members discussed the standing Tribal Resolution that addresses fire damages as opposed to storm damages. Dennis Fox will look into costs of roofing Matthew Foolish Bear's home and will be included in the assessment.

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

**AMENDED MOTION:**

Councilman Phelan amended his motion for Clifton Whitman to assess all Tribal members with identified storm damages to homes. Councilman Gillette accepted the amendment.

**DISCUSSION:** Pat Wilkinson was directed to assist Clifton on the Federal side of the programs.

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

**NORTH SEGMENT:**

- Homebound Program for dialysis patients
- Northern Lights Sub-division

**NORTHEAST**

- Calendar for the month of July, 2002.  
July 9-10, 2002: NIGA Meetings  
July 16,17, 2002: Meetings

**CTA04T30165 MODIFICATION:**

Councilman Phelan moved to accept a recommendation from the Bureau of Indian Affairs CTA04Y30165 modification to compensate Edwin Grady and Ervin Halvorson @ \$1,000 each for outstanding job performance. Seconded by Councilman Fox.

**DISCUSSION:** The modification will change only the Bureau of Indian Affairs' budget.

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

**REQUESTING BIDS FOR DEMOLITION OF HOUSE 202:**

The Acting Superintendent Fox said that the Roads Department has funding available now to advertise for bids and go with the lowest bid, which is the second request. It would have to be up to the contractor to decide on what method to demolish the house. The house cannot be burned or salvaged because of the lead base.

**SUPERINTENDENT MEETING IN ABERDEEN, SOUTH DAKOTA:**

A mandatory meeting for Superintendents and selected Regional Office Branch Chiefs is scheduled from 9 a.m. to 4 p.m. on Monday, July 1, 2002 in Aberdeen, South Dakota. Some of the topics that will be discussed are:

Housing Improvement Program, Demographics Software, President Bush's preliminary planning information, Childcare needs. Councilman Wells, Virgil Wilkinson, and Ted Bolman will be attending the meeting.

**BUREAU OF INDIAN AFFAIRS:** Angus Fox

When the Tribal Enrollment Program sent out notices to eligible members they experienced difficulty in acquiring exact addresses; but were assisted by the Office of Trust Financial Management. There were 5,144 Tribal voters eligible to vote in the Secretarial Election, but only 1,157 voters registered through the mail.

The vacant positions within the Bureau that are currently being advertised are a Staff Assistant and a Realty Specialist, and will be filled shortly.

**MARCUS WELLS JR. REPORT:**

**New Town School Board:**

1. Martha Hunter is the first Tribal enrolled female from the Fort Berthold that won a seat on the New Town School Board. Her post will be up for reelection for a three-year term after one year.
2. For the record, the Four Bears Area is requiring certification of water technicians within a 30-day time limit. The Lead Officer is Lester Crows Heart, who has a Class II License.
3. **Distribution Of Funds Per Head Count:**  
Councilman Wells has scheduled a meeting with all community Boards to develop a formula as a starting base per head count for distribution of JTAC, and docket funds for segments. Everyone is welcome to attend the meeting on July 17, 2002.
4. The Elders Organization requested that the Four Bears Newsletter be sent to all elders. The members recommended sending a copy to the organization and it would be up to the Director to make that decision.

04. **PERSONNEL MATTERS:** 12:00 - 8:00 p.m. **CLOSED SESSION**  
DISCUSSION: The draft of the Personnel Policy handbook will be brought back for review on July 11, 2002.
05. **FOUR BEARS CASINO AND LODGE:**  
**CLOSED SESSION**
06. **MANDAREE SCHOOL EXPANSION:** 8:00 p.m.  
The Mandaree School Board introduced their new Superintendent to the Tribal Business Council. They asked for assistance to apply for funding from Miller Schroeder. The Mandaree School Board cannot apply for loans because of Regulations and are asking that the Tribe apply on their behalf.
07. **AGENDA ITEM: Mandaree School July 11, 2002 @ 11:00 a.m.**
08. **ASSISTANCE IN PLANNING PARKS AND RECREATION AREAS ALONG THE SHORELINE OF LAKE SAKAKAWEA ON THE FORT BERTHOLD RESERVATION: RESOLUTION 02-114MWJR:**  
The U.S. Army Corp. of Engineers constructed the Garrison Dam and its reservoir flooded 155,000 acres of prime river bottomland and created a social and economic disruption in the lifestyles of the Mandan, Hidatsa and Arikara tribes.

The Mandan, Hidatsa, and Arikara's purpose to recover their economy by developing parks and recreation parks along the 600 miles of shoreline of Lake Sakakawea within the boundaries of the Fort Berthold Reservation.

The Transportation Program of the Three Affiliated Tribes Business Council requests the Corps of Engineers to provide assistance in planning the development of said parks with whatever programs the Corps has available for such purposes.

Councilman Gillette moved to approve Resolution No. 02-114MWJR as presented.  
Seconded by Councilman Wells.

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

09. **PUBLIC WORKS DEPARTMENT FACILITIES DESIGN: RESOLUTION NO. 02-115MWJR:**  
The Public Works Department is in need of a shop for overhaul and repair of heavy equipment and warehouse for Facilities Management. The BIA/Facilities Engineering Program in Albuquerque, New Mexico has designed similar facilities for other reservations and have the capabilities to assist the Three Affiliated Tribes to plan and design these needed facilities.

Councilman Gillette moved to request the Bureau of Indian Affairs Facility Engineering Office in Albuquerque, New Mexico visit the reservation and assist in the planning and design of facilities to serve our Public Works Program and offices for tribal and federal programs. Seconded by Councilman Wells.

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

10. JULY 11, 2002 AGENDA: PUBLIC WORKS

11. MOTOR VEHICLE FUEL TAX CLAIM FOR REFUND:

Councilman Gillette moved to request a refund of \$99,483 from the Motor Vehicle Tax Claim. Seconded by Councilman Wolf.

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

12. REQUEST FOR MCLEAN COUNTY TO RECONSTRUCT HIGHWAY NO. 08 TO STANDARDS: RESOLUTION NO 02-116MWJR.

Councilman Gillette moved to make a request to McLean County to complete the reconstruction of Highway No. 8 before the year 2004 when the Lewis and Clark Bi-Centennial traffic is anticipated. Seconded by Councilman Wells.

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

13. FORT BERTHOLD DEVELOPMENT CORPORATION:

Kurt Poitra, Project Manager and several members of the Board of Directors /Fort Berthold Development addressed the Tribal Business Council on obtaining the Performance Bond and the fiscal responsibilities of the Tribe in constructing Juvenile Justice Center for the Fort Berthold Reservation. This agenda item was deferred until July 11, 2002.

14. FINANCIAL EDUCATIONAL REQUEST: Joni Bolman

Councilman Wells moved to approve reserve grant funding of \$1,946, subject to the availability, of grant funding for the summer of 2002, otherwise to approve a student loan with a 2% Repayment Schedule. Seconded by Councilman Fox.

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

15. SMALL LOAN TONY FOX:

Tony Fox requested to use his livestock as collateral for a \$3,500 Small Loan and a \$3,500 Business Development Grant. One of the requirements of the Business Development Grant is to obtain outside financing prior to receiving a grant.

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Councilman Wells requested that the Small Loan staff send a letter of the status of their applications to applicants.

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

16. **TAT/JTAC EDUCATION LOAN FUND 2% REPAYMENT POLICY:  
RESOLUTION 02-117MWJR.**

Councilman Gillette moved to approve the TAT/JTAC Education Loan Fund 2% Repayment Policy as amended. Seconded by Councilman Wells.

DISCUSSION: The language, "proof of unmet need," will be added the Resolution with a cap amount on the loan and that it be effective from this point forward.

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

17. **INDEPENDENCE PROGRAM: RP/AG**

Councilman Phelan moved to approve the Charter and By-laws of a non-profit cooperative to be known as Scattered Village. Seconded by Councilman Gillette.

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

18. **AUGUST NEWMAN:**

Councilman Fox moved to approve a \$250 Small Loan for August Newman with no co-signor required, but subject to loan being secured by an assignment of IIM Account. Seconded by Councilman Phelan.

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

19. **DENNIS BURR SMALL LOAN:**

Tribal member is requesting a medical hardship loan for vehicle repairs in reference to his wife's medical condition. He doesn't qualify for a small loan as he already owes \$1200 and is delinquent. Twin Buttes community will sponsor a fund-raiser and is asking for a tribal match.

Councilman Spotted Bear moved to approve a tribal match of the fund-raiser not to exceed \$500. Seconded by Councilman Phelan.

DISCUSSION: For the record: Councilman Spotted Bear and Chairman Hall accepted Councilman Gillette's challenge of a match of \$25.

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

20. ELAINE BOLMAN FINANCIAL REQUEST:

Tribal member requested an education grant of \$1,672 to pay a tuition bill from UND/Grand Forks. She is currently on school suspension until the fall semester and doesn't qualify for higher education. Because of an outstanding loan, she doesn't meet the criteria of the Small Loan Program.

Councilman Wells moved for approval to refinance Elaine Bolman's outstanding loan of \$200; and to approve an Education Loan of \$1,672 with a repayment schedule of 2% and in accordance with the Education Policy criteria. Seconded by Councilman Phelan.

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

21. ESTABLISHMENT OF MHA SYSTEMS BOARD OF DIRECTORS:

Councilman Wells moved to approve Resolution No. 02-119MWJR. which describes the establishment of MHA Systems Board of Directors. Seconded by Councilman Wolf.

DISCUSSION: Terms on the Board will be staggered positions, with Dennis Fox, Jr. and Fred Fox also serving as members. The Four Bears District asked that Councilman Wells be placed on the Board, and allowed him to step down from the Twin Buttes Community Board.

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

22. TWIN BUTTES CUSTOM HOMES BOARD OF DIRECTORS:

Councilman Wells moved to approve the resignation of Marcus Well, Jr. as a member of the Twin Buttes Custom Homes Board of Directors. Seconded by Councilman Spotted Bear.

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

23. TITUS BENSON REQUEST:

Councilman Benson moved to approve the construction of a garage for Titus Benson, from the Twin Buttes area, who is 66 years old. Seconded by Councilman Wells.

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

24. 638 PLANNING GRANT SUBMISSION:

Tribal Health Administrator, Aileen Jackson, said that she submitted a Tribal Self-Governance Planning Application to the Indian Health Service B.D.H.S. and that a Tribal Management Grant is also due on July 26<sup>th</sup>, 2002. Other issues discussed were Headquarters Tribal Shares, Self-Governance adding 20% to 30% to Indirect Cost.

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She said it would be worth it to the Tribe to seek Third Party Billing through the Physician Extender Contract, who hasn't billed Medicare for services as yet.

The Circle of Life is eligible for 3<sup>rd</sup> party billing, but held their information because can't bill for a Licensed Addiction Counselor it has to be a psychiatrist/physician has to sign off; and Administrative match for Medicaid income eligibility set aside more money to set at 213% of getting them to utilize our clinics. 71% contact the other tribes and have money set-aside for a higher income eligibility rate. July 30 Chairman will need before then.

25. HEALTH SYSTEM ANALYST POSITION DESCRIPTION HEALTH  
Personnel Matter

26. BUFFALO PROJECT: RESOLUTION NO. 02-120MWJR

Councilman Fox moved to approve the submittal of a Bison Grant for the Buffalo Project. Seconded by Councilman Wells.

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

27. JANITORIAL SERVICE:

Defer July 11, 2002 Agenda

28. AGGREGRETE READY-MIX MARKETING AGREEMENT:

Councilman Gillette moved that Ed Danks meet with Fort Berthold Development Corporation and the Legal Department on the exclusivity clause and come up with an agreement based on Option 2. Seconded by Councilman Wolf.

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

29. ERVIN AND MAGGIE HALVERSON HOME OWNERSHIP LOAN:

Tribal members are asking for a Homeownership loan of \$7,500 to purchase a lot. After discussing the criteria of the Homeownership Program it was recommended that both of the Halverson's apply for a \$3,500 small loan.

Councilman Wells moved to approve a Small loan of \$3,500 for Maggie Halverson and a \$3,500 Small Loan for Ervin Halverson, subject to the requirements of the program. Seconded by Councilman Phelan.

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

30. FARLEY YOUNG BIRD:

Randy put a request into the State and will be receiving a position paper tomorrow.



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31. MANDAREE SOLID SURFACING:

1. \$20,000 carry-over on bills
2. W/o electric 11/2 weeks
3. Moving trailers for councilmen
4. BIA to demolish the home by bid procedure
5. Waiting to get funds from the Tribe
6. Networking with other tribes
7. Marketing: Doing headstones
8. Independence Program: Maybe some money available for a loan.
9. \$3500 Small Loan/Grant MSS
10. Supplement funds from the Tribe

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

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

Councilman Spotted Bear moved that the management of the Mandaree Solid Surfacing Corporation be placed under the Fort Berthold Development Corporation Board of Directors. Seconded by Councilman Gillette.

DISCUSSION: The Fort Berthold Development Corporation's Board of Directors would like to obtain legal advise regarding any liability before they accept the proposal from the Tribal Business Council.

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

32. NORTHERN LIGHTS:

Councilman Gillette moved to approve Resolution No. 02-121MWJR which allows for an extension until the end of the calendar year. Seconded by Councilman Phelan.

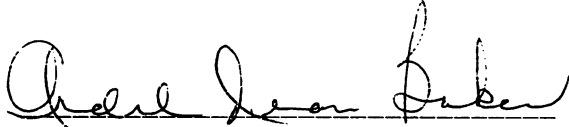
VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

33. ADJOURNMENT:

Councilman Phelan moved to adjourn the meeting at 12:15 a.m. Seconded by Councilman Fox.

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

Submitted by,



Ardel-Jean Baker, Recording Secretary  
Tribal Business Council  
Three Affiliated Tribe

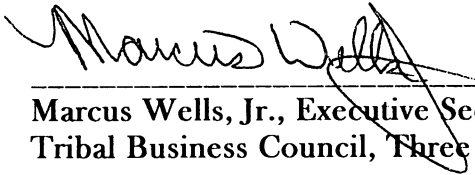
August 08, 2002  
Date

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. SEVEN Members were present at a REGULAR Meeting thereof duly called, noticed, convened, and held on the EIGHTH 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 7 Members.

Chairman (  ) Voting      (  ) Not voting



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

8-19-02  
Date

ATTEST:

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

\_\_\_\_\_  
Date