



MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes, Fort Berthold Indian Reservation
404 Frontage Road, New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 02-02
November 21, 2002

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 11:08 a.m. with the invocation said by Councilman Wolf.

02. **ROLL CALL:**

Members present: Councilman Gillette, Councilman Spotted Bear, Treasurer Wells, Chairman Hall, Vice-Chairman Packineau, Secretary Phelan, and Councilman Wolf. A quorum was established with seven members present.

03. **HIGHLIGHTS FROM CHAIRMAN HALL:**

- **Health Care: Subjects for discussion:** Physicians and Nurse Schedule; Routine maintenance for segment clinics is the responsibility of the Indian Health Services; Patient services and scheduling of appointments; 24 Hour Facility; Senate Bill 2711; daily physician will be scheduled for the Twin Buttes Clinic; Third Party Billing monies for the segment clinics.
- **War on Diabetes:** Eighty-six students from various Headstart Centers, ages 0 to 8, were tested for diabetes and with 20% possibly diabetic and will be retested. The Diabetes Program will soon be on-line within all the segments where people can check their blood sugar level.
- **An Enhancement Grant** was awarded to Tribal Court in the amount of \$220,000, which includes funding for a public defender. There are also funds included in the grant to develop court procedures and to update court ordinances.
- **The Fort Berthold Housing Authority** is an entity of the Tribe and can claim sovereign immunity. Tom Disselhorst will do an opinion regarding this issue
- **Financial update** of the Tribe in general. On August 10, 2002, the Tribe requested a JTAC draw that was received on October 07, 2002. Chairman Hall will write a request to reinstate disbursement from the local level. A Hold Harmless Agreement took away the authority from the local level. Chairman Hall will set up meetings in Aberdeen regarding this issue on December 16-17, 2002.
- **Thanksgiving vacation:** Administrative leave granted for November 29th and 30th, 2002

- The next Tribal Business Council Meeting is December 12, 2002.
- Continuing Resolution

TWIN BUTTES: No announcements

WHITE SHIELD:

- Planning Dept needs to look at more NOFAS and apply for grants as needed.

FOUR BEARS

- Thanksgiving Dinner
- Boards and Committees Elections

NEWTOWN

- Community Meeting schedule
- Thanksgiving turkeys for elders

PARSHALL

- Condolences for lost loved ones
- Open House at Little Feather Headstart Monday afternoon on November 25, 2002
- Thanksgiving Dinner for elders today, November 21, 2002.

MANDAREE

- Condolences for lost loved ones
- Thanksgiving dinner on Wednesday, November 27, 2002 at 11:00 a.m.
- Mandaree Hill Project is completed.

04. APPROVAL OF THE AGENDA:

Councilman Wells moved to approve the agenda with additions. Seconded by Councilman Phelan.

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

05. APPROVAL OF MINUTES:

- September 30, 2002
Councilman Phelan moved to approve the September 30, 2002 Minutes as amended. Seconded by Councilman Wells.

Councilman Gillette moved to direct the Tourism Director, Amy Mossett coordinate with the administration of Four Bears Casino and Lodge and come up with a list of philanthropists who may wish to fund the \$60,000 with the endorsement of the Tribal Business Council. Seconded by Councilman Packineau.

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

B. CULTURAL INTERPRETATION PROJECT/TOURISM DEPARTMENT:

Amy Mossett requested approval to retain the services of tribal elders to assist the Tourism Department in a cultural interpretation project that was funded by a National Park Service Challenge Cost Share Lewis & Grant at \$50,000.

Councilman Gillette moved to approve the list of tribal elders who will assist the Tourism Department in a cultural interpretation project at a rate of \$25.00 per hour, and .365 per mile if and when they drive, with the total hours varying from 25 to 100 hours between now and September 30, 2003. Seconded by Councilman Phelan.

Edwin Benson, Zona Lones Arrow, Caroline Pleets, Lena Face, Ervin Plenty Chief, Gertrude Sillitti, Tille Walker, and Rose Marie Mandan.

DISCUSSION: The Tribal Business Council suggested the names of the listed tribal elders also to be utilized for this project. Agnes Yellow Wolf, Clement Baker, Terry Howling Wolf, Connie Howling Wolf, Judy Young Bear, Pat Fredericks, Fred Gunn, Louella Young Bear.

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

14. CIRCLE OF CULTURES SIGNATURE EVENT: RESOLUTION NO. 02-014RP

Councilman Wells moved to authorize the Bismarck/Mandan National Heritage Signature Event Committee to use a modified version of the Mandan, Hidatsa, Arikara Leaders logo to promote the 2004 "Circle of Cultures Signature Event". Seconded by Councilman Phelan.

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

15. KIDNEY DIALYSIS UNIT:

Councilman Gillette moved to grant the Kidney Dialysis Unit the authority to dialyze non-Indian patients. Seconded by Councilman Wolf.

28. DOJ DETENTION CENTER; RESOLUTION NO. 02-024-RP

Councilman Wolf moved to give Malcolm Wolf the authority to oversee the North Segment Detention Center Project and Contracts. Seconded by Councilman Phelan.

DISCUSSION:

The Fort Berthold Development Corporation would like to be given an opportunity to re-bid on the DOJ Detention Center contract that Councilman Wolf will review. It was understood that the contractor who was awarded the contract wanted funds up front and didn't accept the contract.

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

29. WHITE SHIELD BOARD AND COMMITTEES SELECTIONS; RESOLUTION NO.02-25-RP:

Councilman Gillette moved to approve Resolution No. 02-025-RP, which identifies the East Segment Board and Committee selections as described in the Resolution. Seconded by Councilman Packineau.

33. **INTERMEDIATE RELENDING PROGRAM RESOLUTION NO. 02-027-RP:**
Councilman Gillette moved to grant the Tourism and Independence Development Center to act as a proxy for the Three Affiliated Tribes as the Intermediary and Borrower to apply, approve, and accept the Intermediary Relending Program Loan and/or grant of \$250,000 funded by the Rural Business Cooperative Service. Seconded by Councilman Phelan.

DISCUSSION: The Tribal Business Council for due diligence purposes will ratify the final loan agreement documents later.

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

34. **TRIBAL COURT/PUBLIC DEFENDER:**
Judge Conklin made a presentation on the Enhancement Grant of \$35,000.00 awarded to Tribal Court to hire a Public Defender Attorney. Judge Conklin said the previous CEO directed her to reinstate the Public Defender Services, and since the grant amount was insufficient to hire a full-time attorney; she contacted the North Dakota Legal Services for hire. They would be willing to take on this additional services/ representation only if the recipients fall under the scope of criteria of the Legal Services; Class I & II Offenses; mental health proceedings; civil and criminal contempt Proceeding and, termination of parental rights. They won't consider any representation on domestic allegations even for low-income clientele.

Councilman Phelan moved to accept the Enhancement Grant of \$35,000.00 with its criteria, to provide services only for Class I and II offenses, which a defendant could face Incarceration. Seconded by Councilman Wells.

DISCUSSION:
Judge Conklin felt that the Tribal Government is not obligated to assist members with a public defender who have the income to pay for legal counsel, but are obligated to provide prosecution services.

This issue was referred to the Judicial Committee and the Tribal Court staff to work together for recommendations that the full Council will review on December 18, 2002. At that time, the Tribal Business Council will review the JTAC funds allocated to Tribal Court. The funds could possibly be used to fund a full-time public defender.

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

35. NORTH WEST YOUTH ASSESSMENT PROGRAM

Councilman Wells moved to authorize the Tribal District Court to execute a written agreement with the North West Youth Assessment Program for emergency placement of troubled youth. Seconded by Councilman Phelan.

DISCUSSION: The North West Youth Assessment Program is a crises intervention type of placement, which stabilizes a situation while looking for another placement agency for troubled youth. It is a 12-bed Treatment Assessment Center that costs \$100 a day. There are scholarships available for youth who come from low-income families to apply for payment.

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

DISCUSSION:

The Tribal Court staff and Social Service staff has been meeting with Eckert Youth Foundation to discuss the feasibility of a Youth Home on or near the reservation. There's a determination of adequate population with children in Social Service's custody or in other alternative placements. If Eckert was to build a group home, it's envisioned to be primarily Native American run facility, with licensed personnel. The staff is asking for a general non-binding letter of support from the Tribal Business Council endorsing the feasibility of utilizing a group home constructed by Eckert Foundation. Tribal Court Staff was directed to draft a letter of support and they will adhere to signature.

36. ED BURN GRANT/ WAGE INCREASE/ TRANSFERRING OF POSITIONS INTERNALLY:

Personnel Matter:

Councilman Wells moved to grant the authorization to transfer staff in-house as requested in the October 30, 2002 memorandum submitted. Seconded by Councilman Packineau.

DISCUSSION: The salaries will be increased commensurate with their duties and responsibilities.

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

37. RAILROAD OIL REFINERY

Councilman Packineau moved to authorize an appraisal on the two tracts of land located in the Northeast Quadrant where the railroad oil refinery may be constructed. Seconded by Councilman Phelan.

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

38. UP-DATE OF FINANCIAL PROCUREMENT MANUALS:

Councilman Gillette moved to approve Eide Bailey Accounting Firm to revise and include all amendments to the TAT Manual, for a cost, not to exceed \$30,000.00. Seconded by Councilman Wells.

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

39. RCI TECHNOLOGY \$15,000.00

Councilman Phelan moved to accept RCI Technology as a vendor to purchase printers and scanners, not to exceed \$20,000. Seconded by Councilman Wells.

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

40. CASINO REVENUE REPORT HIGHLIGHTS:

- Year-end report
- Payroll
- Number of Employees.
- Collection of advanced salaries
- Request for list of Player's Club membership.
- Tribal Gaming Compact
- Construction budget for Tribal Operating Funds.
- Entertainment is a liability to the Casino
- The Casino will do a Budget cut of 30% by December 12, 2002. They will also make a full report every month to the Tribal Business Council. The Departments that are showing arrears are bingo, and the restaurant.

- The Four Bears Casino ands Lodge's construction of the Marina is doing well with the completion of the outer shell completion scheduled for March 1, 2002
The construction inside of the casino will begin in December 2002. Complete renovations inside the casino will be completed by August 2003.
A feasibility study will be done on the Restaurant Area to construct a 2nd floor for fine dining. Foundation structure design could be changed to support the construction but it would be in Phase II. Designs would be complete with an elevator.

C. PURCHASE AGREEMENT FOR 16 ARISTOCRAT CASINO VIDEO SLOT MACHINES; RESOLUTION NO. 02-028-RP:

Councilman Packineau moved to approve the purchase of 16 Aristocrat Slot Machines not to exceed \$146,000.00 to purchase the slot machines. Seconded by Councilman Spotted Bear.

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

41. **RESOLUTION NO. 02-029-RP GAMING COMMISSION:**
Councilman Phelan moved to appoint Robert Brugh, Jr. as the Commissioner for the Mandaree area and for Ambrose Phelan to remain as the Tribal Liaison. Seconded by Councilman Wells

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

42. **MANDAREE SOLID SURFACE:**
Councilman Phelan moved to authorize the renewal of the \$50,000 CD at Community First Bank for Mandaree Solid Surfacing. Seconded by Councilman Spotted Bear.

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

43. **DOMINICK SILLITTI:**
Councilman Phelan moved to approve a Business License for Little Missouri Lodge Enterprises, which Dominick Sillitti is the entrepreneur. Seconded by Councilman Wolf.

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

44. **NEW TOWN HEAD START:**
The Tribal Business Council recommended prioritizing all of the Head Start Facilities in the New Town Area and directed Dennis Duetch to meet with Fort Berthold Development to negotiate construction/renovation costs. This item will be deferred until the next meeting.

45. **MABEL SNOW BIRD:**
The title opinion states the ownership of the property is the Three Affiliated Tribes, but an abstract is needed and was ordered from McKenzie County.

NOTE: 102 Motions have been made since the new administration took office on November 08, 2002.

46. **EXECUTIVE ORDER:**
Councilman Wells moved to approve the Executive Order No. 02-001-RP; which describes procedures of Minutes and the deadlines for submitting agenda items. Seconded by Councilman Phelan.

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

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

47. **MARCUS WELLS SR.**

Councilman Phelan moved to authorize Marcus Wells, Sr. to negotiate a lease purchase of the office located beneath the post office with the owner, who is Dr. Hamilton. Seconded by Councilman Packineau.

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

48. **RESERVATION TELEPHONE COOPERATIVE FILING:**

Marcus Wells, Sr. updated the Tribal Business Council on the Possessory Tax in which the Tribe filed on the Reservation Telephone Cooperative. He said Reservation Telephone Company has protested and put their money in an escrow account and has 20 days to answer the filing.

49. **RE-INSTATE COMMITTEE CHAIRMEN APPOINTMENT AUTHORITY:**

Councilman Phelan moved to unfreeze the Committee Chairmen's' authority to appoint 30-day hiring authority of all committees. Seconded by _____.

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

50. **SALARY ADJUSTMENT FOR MARCUS SR.**

Personnel Matter

51. **LAWSUIT WITH THE BUREAU OF INDIAN AFFAIRS; LAW SUIT RESOLUTION NO. 02-30-RP:**

Councilman Wells moved to approve of the hiring of Mr. Leech to one year, not to exceed \$20,000, to work on the pending litigation with the Bureau of Indian Affairs. Seconded by Councilman Phelan.

DISCUSSION: The Consultant Agreement will include Legal Fees of \$15,000 and \$5000 out of pocket expenses, to provide exceptional assistance on the issues of assessing damages.

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

52. **BRIAN JODI BRUGH; SMALL LOAN:**

Councilman Phelan moved to approve a \$3500 small loan for Brian Jodi Brugh, subject to the requirements of the Small Loan Program. Seconded by Councilman Wells.

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

53. DIRECTOR OF RURAL WATER:
Personnel Matter

54. MAINTENANCE POSITION; ED BRACKLIN:
Personnel Matter

55. UND NICKNAME CHANGES; RESOLUTION NO. 02-031-RP
Councilman Phelan moved to support the Fighting Sioux Indian symbol resolution.
Seconded by Councilman Wells.

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

56. ADJOURNMENT
Councilman Phelan moved to adjourn the meeting at 1:55 a.m. Seconded by Councilman
Wolf.

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

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. SEVEN Members were present at a REGULAR Meeting thereof duly called, noticed, convened, and held on the 12th day of DECEMBER 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,
___ Nays, ___ Abstentions, and ___ Not voting.

Tribal Business Council
Regular Meeting No. 02-02
November 21, 2002
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Randy Phelan, Executive Secretary,
Tribal Business Council,
Three Affiliated Tribes

Date

ATTEST:

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

Date

Tribal Business Council, Three Affiliated Tribes

57. ADJOURNMENT, MOTION FORTY-THREE:

Councilman Phelan moved to adjourn the meeting at 11:47 p.m.
Councilman Packineau seconded the motion.

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. SIX Members were present at a REGULAR Meeting thereof duly called, noticed, convened, and held on the 08 day of January 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 (X) Voting () Not voting

Randy Phelan, Executive Secretary
Tribal Business Council, Three Affiliated Tribes

Date

ATTEST:

Tex G. Hall, Tribal Chairman

Date