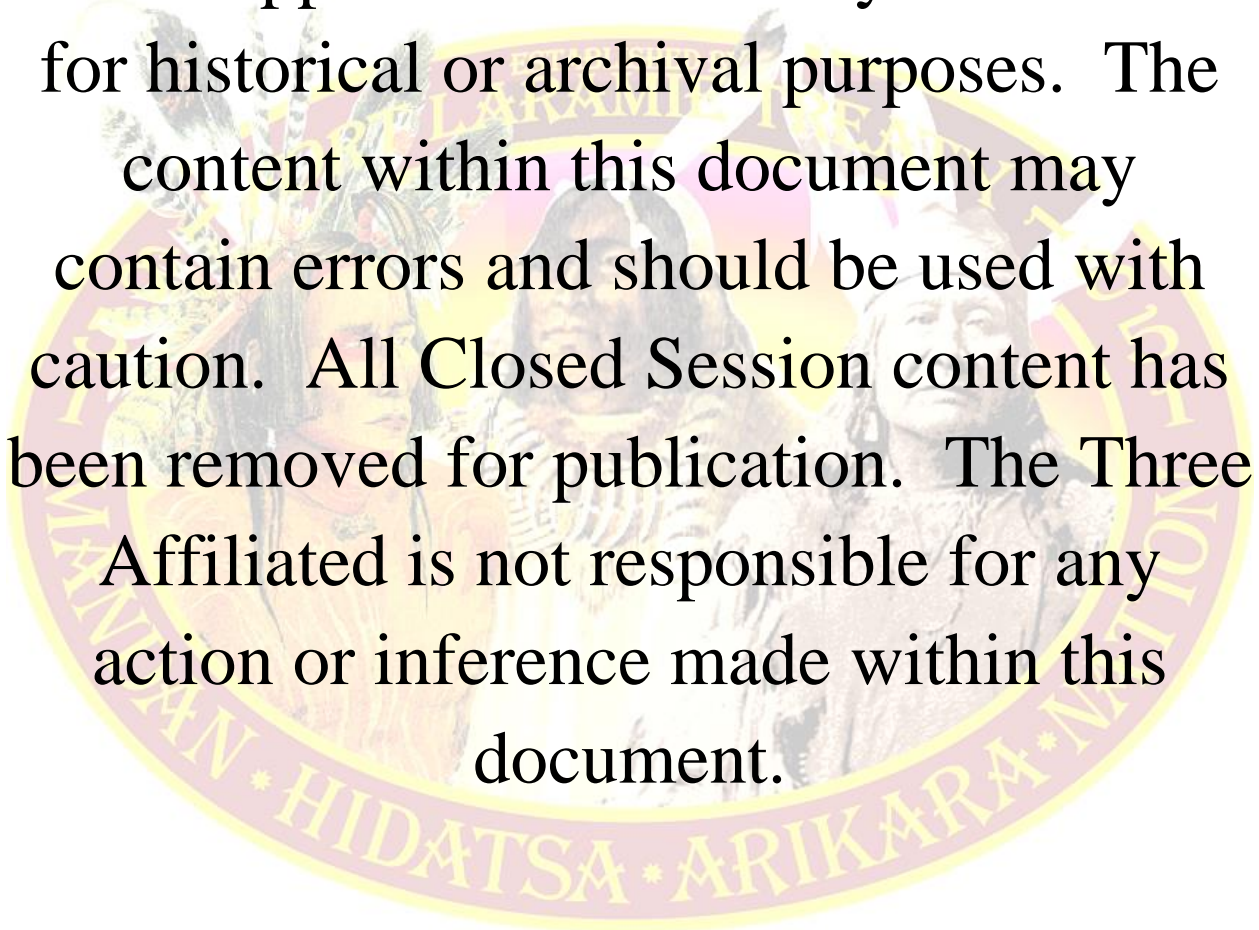


DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.





THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO.03-02
JANUARY 08, 2003

01. CALL TO ORDER AND INVOCATION:

Chairman Hall called the meeting to order at 1:20 p.m. with Councilman Wolf giving the invocation in the customary manner.

02. ROLL CALL:

Members present: Councilman Marcus Wells, Chairman Tex G. Hall, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Randy Phelan. A quorum was established with five members present. Councilman Austin Gillette entered the meeting at 2:50 p.m.

Members absent: Councilman Daylon Spotted Bear

03. CHAIRMAN REPORT:

A. War on Diabetes:

The Three Affiliated Tribes have declared war on Diabetes. The basis for this declaration was the alarming test results of 80 Head Start children screened for diabetes with 20% at risk. The 20% will be retested and monitored in the near future. Mike Kopp, Editor for the New Town News, wrote an article challenging the leadership on reducing diabetes statistics among native people. He challenged the Tribal Business Council members to move beyond words and get into action, demonstrate leadership, lead by example, in addition to reaching a second goal, to span the generation gap with each one working to lose or control their weight, spend public time exercising, demonstrating self control at the many opportunities of eating at public functions, and in each case bring in younger partner (s) to join them. Getting involved in an exercise plan is important in controlling diabetes. Chairman Hall said before the Garrison Dam was constructed, everybody had a garden, working in it harvesting and canning etc., from the elders to the children, getting daily exercise from the daily out door activity.

Several tribal members formed a Diabetes Task Force which was put into action with Dr. Gourneau, as Chairperson, Madonna Azure as Co-chair, and members being; Liz Demary, President FBCC; Dr. Clarice Big Back, Dean of Students FBCC; Karol Parker, Service Unit Director, Minne-Tohe Clinic; Sarah Young Bird, Headstart Director; Glenda Embry, Public Relations, and Karen Stevens from the Chairman's staff. On January 10, 2003, they will develop a position paper showing strategy for defeating diabetes.

The Minne-Tohe Clinic's Fitness Instructor, Ken Hall, contacted Dr. Cooper, who also is a fitness instructor, and a personal trainer for President Bush, and Dr. James Brouseau, a leading diabetes expert from the University of North Dakota have been solicited to provide technical assistance to the Fort Berthold's Task Force.

A conference call is scheduled this Friday, January 10, 2003 between the Doctors and the Task Force to plan a strategy to fight the disease.

Chairman Hall stated that the former Extension Office staff Anita Rhode said, this is so exciting that she'd like to stay on the Task Force, even if she is retired. Information regarding the prevention of diabetes will be disseminated to all schools with community involvement requested.

B. RESTRUCTURING OF INDIAN HEALTH SERVICE-RESOLUTION NO.03-052-RP; MOTION ONE:

Councilman Phelan moved to approve Resolution No. 02-052-RP, which describes opposition of the restructuring of the Indian Health Service because of inadequate consultation with the Tribes of the Aberdeen Area, and because it appears that the United States is beginning to abandon its trust responsibility of providing quality health care to American Indians. Councilman Packineau seconded the motion.

DISCUSSION: The Tribe requests any further effort of restructuring the Indian Health Services in regard to the newly created Department of Homeland Security, and direct service tribes who are most affected by the budget cuts be done in strict compliance with the Executive Order 13175, which mandates government-to-governments consultation with Tribes as required by Federal Treaties.

This resolution will be discussed at the Tribal Health and Human Resources Committee Meeting on Tuesday, January 14, 2003. The Tribal Health Director will be available to interpret any confusion of language stated in the resolution. Randy Phelan, Executive Secretary from the Tribal Business Council will hand carry the resolution to the Aberdeen Area Tribal Chairman's Health Board Meeting in Sioux City, Iowa on January 29, 2003

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

C. INDIAN GAMING GAMBLING ADDICTION COMMITMENT-RESOLUTION NO.03-053-RP; MOTION TWO:

Councilman Phelan moved to comply with the 2003 Gambling Addiction commitment of 2003, not to exceed \$13,000.00, by a resolution drafted by the Legal Department, with revenue obtained from the Four Bears Casino and Lodge. Councilman Packineau seconded the motion.

DISCUSSION: *Gambling Addiction dues are not a requirement of the compact, but a commitment at the discretion of each Tribal Casino to become involved in intervention of gambling by providing revenue for programs completely on a voluntary basis.*

Randy Phelan requested that Kurt Luger, Executive Director of the North Dakota Gaming Association, monitor distribution of funds, only to customers of tribal casino customers, in particular, the customers of the Four Bears Casino.

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

D. INFORMATIONAL- SUPPORT FOR NOMINATION OF AUDREY BENNETT FOR THE NATIONAL INDIAN GAMING ASSOCIATION:

The United Tribes of North Dakota passed Resolution No. 02-12-02 to nominate and recommend President Audrey Bennett, from the Indian community of Prairie Island, Minnesota, to receive the Wendell Chino Leadership Award from the National Indian Gaming Association.

E. INFORMATIONAL- ESTABLISHMENT OF A REGIONAL EPIDEMIOLOGICAL CENTER FOR NATIVE AMERICANS AT THE UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE:

The TAT Legal Department was instructed to develop a resolution for the Great Plains to advocate approval of the establishment of a regional epidemiologist center for Native Americans at the University of North Dakota School of Medicine at Grand Forks, N.D., rather than at any other location, and further urges its members to call on all other Aberdeen Area Tribal Chairman Health Board members to choose the University of North Dakota as the site of a regional epidemiological center. The North Dakota Tribes need the support of the South Dakota Indian Tribes.

F. INFORMATIONAL- JOINT TRIBAL WATER DEVELOPMENT PLAN AMONG NORTH DAKOTA TRIBES:

Pursuant to the Water Resources Act of 2000, the Three Affiliated Tribes, Standing Rock Sioux Tribe, Spirit Lake Nation and the Turtle Mountain Band of Chippewa are authorized to receive a total of \$200 million for their respective Municipal, Rural & Industrial Water Project Programs. The Tribes have selected Option one, which reads: The Tribes who have their Water Engineering Plans completed will be the first in line for any water appropriations. For the record, Fort Berthold is the only Tribe in the State who has every requirement in place and is ready to go for construction. Each Tribe will provide justification and capabilities on water development to the group.

Since tribal needs are different; concessions could be made by each Tribe to plan larger or smaller projects for each Fiscal Year. Each Tribe will develop a strategic plan to submit to the joint effort and discuss the priority of their project.

The Tribes will present their recommendations to each respective reservation for approval by their full Council, and negotiations could be conducted to review the concerns. This information will be submitted to the United States Bureau of Reclamation annually to ensure proper proportion of annual appropriations.

G. INFORMATIONAL, NEW TOWN CITY WATER PLANT:

Paul Danks, Acting Natural Resources Administrator met with the City Council of New Town who was very receptive to the City Water Plant Agreement. The ownership of the plant will be held in trust by the joint venture agreement for the life of the plant that is 50 years.

Recommended amended language in the OM&R Agreement:

- The Tribal fees will be capped at reimbursement of \$2.5 million.
- This agreement does not diminish the trust responsibility of the United States to provide free water to the tribe and its members if funds are interrupted or discontinued.
- Both the Tribe and the City of New Town agree not to charge any user of the project more than what is needed to accommodate the cost of production of water and the cost of delivery.
- The OM&R Agreement is critical to the construction agreement to the extent that the OM&R Agreement shall be worked on in good faith by both parties, and shall be completed within 60 day to 180 days signature on this agreement.
- No payments from the Tribe to the City, which may be required by this agreement, can be made until an approved OM&R Agreement is reached between the parties.
- It is the agreement and understanding of the parties that treated water from the project shall be available to the Fort Berthold Rural Water system in a minimum flow of 225 gallons per minute, and to the City of New Town at a minimum flow of 675 gallons per minute in any event either party cannot use the minimum loss of the water, the other party shall have the first option to use such allocation.
- The Agreement shall also include full disclosure of reports.

- The Agreement shall include an Appeal Process within the arbitration that allows use of the Tribal Court.

Paul Danks, Acting Natural Resources Administrator, stated there are two separate components to the Agreement: 1) Building of the treatment plant, and 2) Operation of maintenance and repairs. The City of New Town is also satisfied with annexing the Northern Lights addition.

H. NOTICE OF APPEAL HIP PRIORITY LIST:

On January 06, 2003, Chairman Hall appealed the Housing Improvement Program's Great Plains Priority List for Fiscal Year 2003 based on: 1) Allowing filing applications after deadline 2) outdated income criteria, 3) not afforded to properly appeal specific projects, and 4) rating sheets not received.

I. LEWIS AND CLARK BICENTENNIAL COMMEMORATION, MONTICELLO, VIRGINIA; JANUARY 13-17, 2003:

This signature event is the first of 10 events, with Fort Berthold Development to sponsor a luncheon on Friday, January 17, 2003 at 12:30 p.m. Chairman Hall and Councilman Phelan plan to attend the meeting.

J. TRIBAL ADDRESS TO JOINT SESSION OF THE 58TH LEGISLATIVE ASSEMBLY, STATE OF NORTH DAKOTA ON JANUARY 09, 2003

Chairman Hall will address the 58th Legislative Assembly, State of North Dakota on January 9th, 2003 in Bismarck, North Dakota. This is the first time in the history of Indian country that any tribe in the State of North Dakota will address the Legislative Assembly. His meeting point will be, "Leave No Tribe Behind," and will focus his speech on economic development.

K. GOVERNOR HOEVEN; STATE OF STATE ADDRESS:

Governor Hoeven's State to State Address' mentioned Lewis and Clark, Sakakawea, and Amy Mossett. One concern of the State is communities developing themselves economically; Governor Hoeven mentioned all other small towns except Fort Berthold and the other Tribes of North Dakota. Chairman Hall said he would inform the 58th Legislative Assembly of economic development of Tribes in North Dakota, during his address to them on January 9, 2003.

04. TREASURER'S REPORT:

Treasurer Wells deferred his report after the guests have given their presentations, but reported on January 06, 2003, the budget was referred to the CEO, Richard Mayer; Human Resources Administrator, Barlow Wells; and Federal Programs Administrator,

E. Mandaree Area:

Christmas Dinner

The Mid Winter Pow-wow Committee gives thanks to the Tribal Business Council for their financial support.

Livestock Feed Program for ranchers

F. FEED PROGRAM APPROPRIATIONS-RESOLUTION NO. 03-054-RP:

MOTION THREE: Councilman Phelan moved to designate Patti Jo Thomas to seek appropriations for the Fort Berthold ranchers and submit a grant application for the Feed Program for Fiscal Year 2003. Councilman Wolf seconded the motion.

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

Mandaree continued:

Rehabilitation Program for Indian Youth - Tribal Home on the Range

Tribal Alternative Education

USDA Loan Purchase of land around the Table Butte

Health and Human Meeting: January 14, 2003

Education and all Superintendents of school districts are invited to attend the meeting and provide reports on the, " No child Left Behind Act."

White Shield:

Community Meeting: January 20, 2003 (tentative date)

Members of the Tribal Business Council are invited to attend the White Shield

School Board Meeting to give a report.

Elders Garages (67 were constructed with one replacement)

06. APPROVAL OF THE AGENDA; MOTION FOUR: Councilman Phelan moved to approve the agenda as amended. Councilman Wolf seconded the motion.

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

07. ARMY CORP OF ENGINEERS; LAKE SAKAKAWEA CULTURAL:

Larry Janis did a power point presentation to inform the Tribal Business Council members about the development of a revised Programmatic Agreement for the Missouri River Main Stem system and how Tribes are currently participating in the development process.

MOTION FIVE: Councilman Gillette moved that the Corp of Engineer sole source the Cultural Resource Management Plan for Lake Sakakawea to the Mandan, Hidatsa and Arikara Nation. Councilman Wolf seconded the motion.

DISCUSSION: *Councilman Gillette stated the Tribe would not participate in the Army Corp of Engineers Cultural Resource Management Plan until the Tribe receives a resolution.*

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

08. **CHIEF FINANCIAL OFFICERS REPORT:**

Total expenditures

Annual FY Budget Fiscal Year 2003: \$28,2005,206

Expired Budget Fiscal Year 2003: \$7,032,013

Actual fiscal year 2003 \$5,306,822

Revenues over (under) expenditures

(27)

Actual Fiscal year 2003: (1,095,730)

NOTE: *The loan that was sought on August 08, 2002 was finally approved today, January 08, 2003 at 4:30 p.m. by the Bureau of Indian Affairs in assignment of JTAC funds. It shows that the Reorganization Plan does not work because of reciprocated delays that continue the Bureau of Indian Affairs and the Office of Trust Financial Management.*

09. **APPROVAL OF SMALL LOANS; MOTION SIX:**

Councilman Wells moved to approve the recommended list of people who applied for loan of \$3,500, subject to the requirements of the Small Loan Program. Councilman Phelan seconded the motion.

- 1) Noreen White Owl
- 2) Millard Hale, Sr.
- 3) Laurie Alberts
- 4) Manual Chase
- 5) Connie Azure
- 6) Faith Wilkinson
- 7) Kasey Mahto

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

DISCUSSION: *The Small Loan Director recommended disapproval of Georgia Fox' request to refinance her outstanding balance based on the Small Loan policy.*

MOTION SEVEN:

Councilman Packineau moved to approve Georgia Fox' request due to a health hardship, and to refinance her outstanding loan of \$1,140.00, Councilman Phelan seconded the motion.

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

MOTION EIGHT:

Councilman Phelan moved to approve a small loan of \$1,900 for Joyce Rave, which is equal to the collateral on file. Councilman Gillette seconded the motion.

DISCUSSION: *She initially requested a \$3,500 loan but only has collateral on file that amounts to \$1,900.00.*

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

10. **BUSINESS DEVELOPMENT GRANT/LOANS; MOTION NINE:**

Councilman Wells moved to approve the six pending applications for a Business Development Grant of \$3,500.00, and a loan of \$3,500.00 for a total of \$7,000.00; subject to the requirements of the Small Loan Program. Councilman Packineau seconded the motion.

- 1) Jason Two Crow,
- 2) Alvina McDonald,
- 3) Janelle Abe,
- 4) Monte Fredericks,
- 5) Ryan Burr, and
- 6) Gloria Smith,

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

A. DEADLINE FOR COMPLETION OF BUSINESS DEVELOPMENT GRANT/LOANS; MOTION TEN:

Councilman Wells moved to give the applicants 60 days to complete their small loan applications in compliance with the Small Loan Program. Councilman Phelan seconded the motion.

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

11. **FARON KRUEGER:**

Councilman Packineau moved to approve transportation costs for Faren Krueger to travel to UND-Grand Forks, N.D. Motion failed due to lack of a second.

DISCUSSION: Faron Krueger will be referred to the Higher Education Director who will determine his unmet need for transportation costs.

12. **IUSTIN RACINE; MOTION ELEVEN:**

Councilman Gillette moved to approve a loan not to exceed \$600 to pay license fees for Iron Workers. Councilman Packineau seconded the motion.

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

13. **NICOLE GUNDERSON; MOTION TWELVE:**

Councilman Gillette moved to set a standard that educational loan amounts will be based on the unmet need as determined by the Education Director. Councilman Phelan seconded the motion.

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

14. **FOUR BEARS CASINO AND LODGE:**

The General Manager, Spencer Wilkinson gave a report on the following matters:

- Financial Report/Slot Report/Payroll
- Construction Update
- National Indian Gaming Commission Audit Review
- Year End Cash Count and Audit/Minimum Internal Control Standards Audits
- Events Report
- Salary Matrix Study
- Personnel Handbook/Attendance Policy
- Internal Revenue Service Audit/Title 31

15. **FOUR BEARS SURVEILLANCE EQUIPMENT; MOTION THIRTEEN:**

Councilman Gillette moved to designate revenue submitted from the Four Bears Casino and Lodge to the upgrade of the Gaming Commissions surveillance system's daily cost of operation. Councilman Wells seconded the motion.

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

16. **FOR THE RECORD-FOUR BEARS CASINO SALARY SCHEDULE ANALYSIS;
MOTION FOURTEEN:**

The General Manager, Spencer Wilkinson presented a salary schedule analysis from six other Tribal casinos minus Four Bears.

Councilman Phelan moved to approve the quarterly incentive for the General Manager, Spencer Wilkinson, based on the report and recommendations of Brady Martz. Councilman Gillette seconded the motion.

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

17. **THREE AFFILIATED TRIBES; DETENTION CENTER PROJECT:**

Al Nygaard, Project Manager gave an update of the Detention Center.

Chairman Hall commented that the report is long overdue.

- The bid process was not included in the report. Inspectors from the Tribe's position asked how much should Dennis Deutsch be assuming on the project's compliance on the center.
- There has been one payment of \$90,000.00 made without funding codes in place
- Two contracts amounting to \$4.5 million.
- The Tribal Employment Rights Office fees waiver questioned would it put the tribe in a liable position by not being in compliance
- Project Manager's salary needs to come from the TAT match.
- Al Nygaard's contract expired at the end of November and the contract needs an extension.

RECOMMENDATION: *Al Nygaard will meet with the CEO, Richard Mayer; and the Federal Programs Manager, Hugh Baker; to look at the Justice Center's budget and see if some of the project can be deferred until next fiscal year.*

18. **MINNI-TOHE CLINIC SERVICE UNIT DIRECTORS REPORT:**

Karol Parker, Service Unit Director, of Minne-Tohe Clinic reported on the following concerns. She would like to be placed monthly on the agenda to keep communications open with the Tribe. She commented on the following issues:

- Respect for the Doctors schedules
- Access to Mandaree Clinic
- CHR discontinuation of medicine delivery
- Smallpox Initiative
- Patient identified information
- Diabetes Program
- Walk-ins

- Payment of approved delinquent medical bills
- WIC Program
- Restructuring of Indian Health Service
- Operation of local Service Units
- Third Party Billing
- Lease Agreements with the Service Unit
- Possible extended hours at the Parshall Clinic

19. **UPDATE ON PARSHALL CLINIC:**

Ada White Lightening, who is a licensed practical nurse, is setting the clinic up for operation. A registered nurse and a medical records clerk will be hired shortly for the Parshall Clinic.

20. **DELIVERY OF MEDICATIONS FOR ELDERLY MEMBERS:**

Chairman Hall requested the Legal Department to research the liability issue in the delivery of medication to the elderly and home bound, to coordinate with the CHR Director, Chief Medical Officer of the Minne-Tohe, Indian Health Services, and the Health Director to draft a policy for review by the Tribal Business Council.

FOR THE RECORD: Chairman Hall would like those topics discussed with the Service Unit Director be part of the official record.

- Walk-ins
- Payment of approved delinquent medical bills
- Restructuring of Indian Health Service
- Operation of local Service Units
- Possible extended week-end hours at the Parshall Clinic

21. **THIRD PARTY BILLING PRESENTATION: Aileen Jackson**

- Projected Third Party collections from Tribal Clinics when the leases are cancelled at Twin Buttes and Mandaree Clinics.
- The field clinic in all segments are behind in Third Party Bill reimbursement requests
- Two positions vacant

22. **TO CANCEL LEASES WITH THE INDIAN HEALTH SERVICE CLINICS-
RESOLUTION NO. 03-0-55RP; MOTION FIFTEEN:**

Councilman Wells moved to approve Resolution No. 03-055-RP that cancels the Tribal leases with the Indian Health Services clinics located in Twin Buttes and Mandaree Clinics, effective January 1, 2003, upon legal review. Councilman Packineau seconded the motion.

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

23. **NEGOTIATION OF 100% THIRD PARTY BILLING; MOTION SIXTEEN:**
Councilman Gillette moved to approve negotiations in the development of a Memorandum of Agreement with Dr. Douglas Peter M.D. for 100 percent of third party reimbursement resulting from Physician and Physician extended service. Councilman Wells seconded the motion.

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

24. **GREG JAY BRUGH; MOTION SEVENTEEN:** Closed Session

25. **HAMILTON BUILDING LEASE:**

- The lease is \$9,050, which calculates to \$47.50 a square foot.
- Marcus Wells, Sr. will continue to negotiate a lease with Dr. Hamilton for the rental of the basement of the Post Office.

26. **LEGAL DEPARTMENT; MOTION EIGHTEEN:** Tom Disselhorst
Closed session: Personnel matters

27. **PARAPROFESSIONAL; MOTION NINETEEN:**
Councilman Wells moved to approve the hiring of a paraprofessional for the Legal Department, to have the Human Resources Department rank the position, and to advertise until filled. Councilman Phelan seconded the motion.

DISCUSSION: The position will require excellent writing skills.

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

28. **AUTHORIZATION TO PURSUE LITIGATION REGARDING UNPAID CONTRACT HEALTH SERVICES ON BEHALF OF TRIBAL MEMBERS- RESOLUTION NO. 03-056-RP; MOTION TWENTY:**

Councilman Gillette moved to authorize the Tribal Legal Department to explore all of the options of pursuing a class action suit on behalf of tribal members whose medical bills are not paid by the Indian Health Services.

Also, to report back to the Tribal Business Council at the next meeting to determine whether it is feasible to bring a class action lawsuit against the Indian Health Service with regard to the obligations of the contract health care within a CHSDA. Councilman Wells seconded the motion.

DISCUSSION: *Councilman Packineau will present this resolution to other tribes for their review during the Great Plains Tribal Chairman's Association Meeting.*

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

29. **APPROVAL OF LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR LEASE OF GAMING MACHINES FROM WMS GAMING, INC.-RESOLUTION NO.03-057-RP; MOTION TWENTY-TWO:**

Councilman Wells moved that the Tribe execute an agreement for the lease of up to 12 gaming machines as described in the agreement also to consent to a limited waiver of sovereign immunity as to actions arising from any dispute under said agreement with WMS, it being understood that such waiver is in the best interests of the Tribe. Councilman Packineau seconded the motion.

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

30. **APPROVAL OF LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR LEASE OF GAMING MACHINES FROM HANSEN DISTRIBUTING CO. A MINNESOTA CORPORATION- RESOLUTION NO. 03-058-RP; MOTION TWENTY-THREE:**

Councilman Wells moved to approve the purchase of 16 Aristocrat video slot machines from Hansen Distributing Company; and to consent to a limited waiver of sovereign immunity as to any actions arising from any dispute arising under said agreement with WMS, it being understood that such waiver is in the best interests of the Tribe. Councilman Phelan seconded the motion.

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

31. **AUTHORIZATION FOR SPECIFIED PERSONS TO BE LISTED AS LOBBYISTS ON BEHALF OF THE THREE AFFILIATED TRIBE FOR THE 59TH NORTH DAKOTA LEGISLATIVE SESSION-RESOLUTION NO. 03-059RP; MOTION TWENTY-FOUR:**

Councilman Packineau moved to authorize Tiffany Johnson, Rich Mayer and Thomas M. Disselhorst to be the lobbyists on behalf of the Three Affiliated Tribes for the 59th Session of North Dakota Legislature. Councilman Phelan seconded the motion.

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

32. **APPROVAL OF CONSULTANT AGREEMENT BETWEEN HORACE PIPE AND THE THREE AFFILIATED TRIBES-RESOLUTION NO. 03-060-RP; MOTION TWENTY-FIVE:**

Councilman Wolf moved to approve a consultant agreement between the Tribe and Horace Pipe which compensates him for consultant services at a rate of \$70,000 per annum, with his work to commence on January 31, 2003 and which also includes a \$3,500 allowance for moving expenses from Washington, D.C. to New Town, North Dakota. Councilman Packineau seconded the motion.

DISCUSSION: The Three Affiliated Tribes has been approved for a grant from Economic Development and Finance Administration (EDA); to conduct a Front End Engineering and Design (FEED) study, to design a new refinery of crude oil. They also received another grant from the Bureau of Indian Affairs for further work on the project, such as a feasibility study, finding appropriate financing, determining the appropriate site, developing a marketing plan, etc.; and one of the key individuals who has assisted in obtaining the grants and helped structure the refinery project has been Horace Pipe, a petroleum geologist who now works in Washington, D.C., Office of the Bureau of Indian Affairs as legislative and technical liaison to the Energy and Mineral Resources Division of the Bureau of Indian Affairs.

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

33. **ETHICS CODE; MOTION TWENTY-SIX:**

Councilman Gillette moved to direct the Legal Counsel of the Three Affiliated Tribes and the TAT Judicial Committee to finalize and bring back to the full council meeting regarding the 1986, cause for removal. Councilman Wells seconded the motion.

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

34. **CORPORATE BOARD STRUCTURE OF THE THREE AFFILIATED TRIBES-RESOLUTION NO. 03-061-RP; MOTION TWENTY-SEVEN:**

Councilman Gillette moved to approve the formation of Mandan, Hidatsa and Arikara Enterprises, Inc as a corporate board; which includes the Fort Berthold Development Corporation, Twin Buttes Custom Homes, Mandaree Solid Surfacing and Elbow Woods Works. Councilman Wells seconded the motion.

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

35. **CORPORATE BOARD OF DIRECTORS APPOINTMENTS- MOTION TWENTY-EIGHT:**

Councilman Wells moved to appoint Richard Mayer as the Chief Executive Officer to serve on the Corporate Board owned by MHA Enterprises. Motion failed, due to no second.

36. **CORPORATE BOARD OF DIRECTOR APPOINTMENTS-RESOLUTION NO. 03-062-RP; MOTION TWENTY-NINE:**

Councilman Wells moved to appoint Richard Mayer as the Chief Executive Officer to serve on the Corporate Board owned by MHA Enterprises, with Councilman Packineau as a current member of the Tribal Business Council, with the three members at large; Casey Fredericks, and Esley Thornton; with Lance Morgan as the non-member of the Tribe. Councilman Packineau seconded the motion.

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

37. **DAN PRESS CONTRACT MODIFICATION-RESOLUTION NO. 03-063-RP; MOTION THIRTY**

Councilman Phelan moved to approve the proposed attorney contract for year 2003 between the Three Affiliated Tribes and the law firm of Van Ness and Feldman located in Washington, D.C. in the maximum amount of \$20,000; which relates to various economic development proposals and representations in Washington, D.C. Councilman Wells seconded the motion.

DISCUSSION: *The original amount requested in the proposal was \$50,000.00, but was amended to \$20,000.00 by Council action.*

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

38. **DAN PRESS CONTRACT FOR LEGAL SERVICES-RESOLUTION 03-064-RP; MOTION THIRTY-ONE:**

Councilman Wells moved to amend the contract for Dan Press to include appropriations for a juvenile youth ranch under 1(e) and to adjust budgets to utilize contract dollars. Councilman Phelan seconded the motion.

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

39. **HOBBS, STRAUSS-RESOLUTION NO. 03-065-RP; MOTION THIRTY-TWO:**

Councilman Gillette moved to extend the legal contract between the Three Affiliated Tribes and the law firm of Hobbs, Strauss, Dean and Walker, LLP, not to exceed the amount of \$150,000 for a period of two years.

Councilman Packineau seconded the motion.

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

40. **CONTRACT FOR LEGAL SERVICES WITH FREDERICKS, PELCYGER & HESTER-RESOLUTION NO. 03-066-RP; MOTION THIRTY-THREE:**

Councilman Phelan moved to approve a Contract for Legal Services with Fredericks, Pelcyger & Hester, in the maximum amount of \$75,000 per year and to add in the 6th Whereas clause; Constitutional revisions. Councilman Packineau seconded the motion.

DISCUSSION: *The original amount requested in the contract submitted was \$100,000 per year.*

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

41. **PROJECT LABOR AGREEMENT FOR BRIDGE CONSTRUCTION-RESOLUTION NO. 03-067-RP; MOTION THIRTY-FOUR:**

Councilman Wells moved to approve the amended Project Labor Agreement for construction of the bridge. Councilman Wolf seconded the motion.

DISCUSSION: *There was an amendment in the resolution after the 7th Whereas clause, to add: "who will be paid union scale, and to include language, "TERO Commission will settle any dispute resolutions."*

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

42. **MEMORANDUM OF AGREEMENT BETWEEN THREE AFFILIATED TRIBES AND NATIVE AMERICAN RIGHTS FUND-RESOLUTION NO. 03-068-RP; MOTION THIRTY-FIVE:**

The Native American Rights Fund has received a grant from the Kellogg Foundation for a three-year project to assist tribes in improving learning for American Indian children by significantly increasing the involvement of the Tribal governments in the Education of Tribal children in schools located on or near their reservation. To accomplish the goals of the Project, NARF will assist the Tribe with such efforts as the development of an education code, cooperative agreements with schools and school districts and coordination of resources of tribal, state and federal agencies to improve the learning experience of tribal members. In order to access these grant funds, the Tribe and NARF are required to enter into a Memorandum of Agreement to clarify the roles and responsibilities of the parties. One of the conditions of the grant and the MOA, and in order to access the funds available under the Kellogg grant of \$30,000 is that the Tribe hires a consultant to assist with the Project to ensure that it will be completed. The Tribe has identified Doris McGrady based

on her experience in education working as a consultant qualified to handle the position as defined in the MOA.

MOTION THIRTY-FIVE: Councilman Wells moved to approve the Consultant Agreement between the Three Affiliated Tribes and Doris McGrady, at \$25.00 per hour, not to exceed \$30,000. Councilman Wolf seconded the motion.

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

43. **638 SELF-DETERMINATION CONTRACT FOR RURAL WATER PROGRAMS-RESOLUTION 03-069-RP; MOTION THIRTY-SIX:**

Councilman Wells moved to authorize the Fort Berthold Rural Water Supply System to retain Jim Glaze to negotiate with the Bureau of Reclamation for a self-determination contract or contracts to provide the functions of the BOR on the Fort Berthold Reservation and further, authorizes and directs the Tribal Chairman to execute an attorney contract with Jim Glaze, not to exceed \$5,000 in fees plus necessary expenses, in order to negotiate the P.L. 93-638 contract with BOR. Councilman Phelan seconded the motion.

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

44. **SOCIAL SECURITY BUY-BACK.-MOTION THIRTY-SEVEN:**

Councilman Gillette moved to approve the request from the Mandan, Hidatsa and Arikara Elders Organization to seek ways to "buy back" social security benefits for MHA tribal elders, and to seek ways to provide financial assistance to the tribal elders to purchase remaining quarters of the social security benefits of the elders so as to increase their total benefits. The motion failed due to lack of a second.

DISCUSSION: This issue was referred to the CEO, Richard Mayer, and Federal Programs Administrator, Hugh Baker to study what the economic impact would be if JTAC dollars were utilized to pay interest on social security disbursements.

45. **BUSINESS LICENSES- MOTION THIRTY-EIGHT:**

Councilman Wells moved to approve four business licenses for Hitching Post, MM&S Investments, Dakota Fire Extinguishers, and Wades Radon. Councilman Gillette seconded the motion.

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

46. **TOURISM-RESOLUTION NO. 03-070-RP; THIRTY-NINE:**

Councilman Phelan moved to authorize the Mandan, Hidatsa and Arikara Tourism Department to seek funding from the 2003 National Park Service Challenge Cost Share Program to develop and present a cultural interpretive infrastructure, projects, and activities that relate to the Lewis and Clark expedition with an emphasis on the history, culture, and contributions of the Mandan, Hidatsa and Arikara people. Councilman Wells seconded the motion.

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

47. **ORAL HISTORY- RESOLUTION NO. 03-071-RP; MOTION FORTY:**

Councilman Gillette moved to authorize the Tourism Program Director, and the Three Tribes Cultural Interpretive Center, to submit a grant application to the National Park Service on behalf of the Three Affiliated Tribes for the amount of \$50,000 with no Tribal cash match required. Councilman Phelan seconded the motion.

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

48. **SAKAKAWEA-LEWIS & CLARK BICENTENNIAL POINT OF CONTACT-RESOLUTION NO. 03-072-RP; MOTION FORTY-ONE:**

Councilman Gillette moved to designate the Tourism Program Director, Amy Mossett, and ANA Project Director, Scott Eagle, as the official Points of Contact for the Three Affiliated Tribes Sakakawea and Lewis & Clark Bicentennial Commemoration. Councilman Packineau seconded the motion.

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

49. **TRIBAL LOGO REGISTRATION-RESOLUTION NO. 03-073-RP; MOTION FORTY-TWO:**

Councilman Gillette moved to authorize the Tourism Office to file for registration of the of the tribal logos with appropriate copyright firm under advisement from the Three Affiliated Tribes Legal Department. Councilman Phelan seconded the motion.

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

50. **SAKAKAWEA LOGO-RESOLUTION NO. 03-074-RP; MOTION FORTY-THREE:**

Councilman Phelan moved to restrict the use of the Sakakawea logo for the Tourism Office's infrastructure, signage, projects, events, activities, and promotional /informational items. Councilman Wells seconded the motion.

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

51. **ORGANIZATIONAL CHART:**

The organizational chart was deferred until the Chief Financial Officer and the Federal Programs Manager complete the draft and list all departments. This action could be approved at an Executive Meeting.

52. **SUPERVISION OF STAFF PAID FROM FEDERAL PROGRAMS AND THE INDIRECT COST BUDGETS; MOTION FORTY-FOUR:**

Councilman Wells moved to authorize the Federal Programs Administrator, Hugh Baker, to have direct supervision over the Directors who are managing federal programs, and all employees paid from the indirect cost budget until the organizational chart is finalized and approved by the Tribal Business Council. Councilman Phelan seconded the motion.

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

53. **LAW ENFORCEMENT UPDATE:**

Criminal offense statistics
Inmates count
20 Officers on Board
Cops Fast Officers located in:
New Town (5)
Four Bears (1)
They all have Law Enforcement Accreditation

54. **LAW ENFORCEMENT ISSUES:**

- Alleged issues of force by police officers are referred to Internal Affairs; Allegations of police brutality is not an isolated incident, there have been several complaints delivered to members of the Tribal Business Council.
- Alleged incidents of intimidation by police officers will be referred to the Judicial Committee.
- There are 32 cases pending in Federal Court.
- The Twin Buttes Community needs to provide office space for their police officer.
- The Fort Berthold Bureau of Indian Affairs and the Cops Fast Program have ten officer slots, which have not been filled.
- The three drug related incidents which occurred in December 2002, will be discussed at the Judiciary Committee.

55. **COPS FAST HIRE OF TWO POLICE OFFICERS; MOTION FORTY-FIVE:**

Councilman Wells moved to hire Elaine Simpson as a police officer for the Four Bears Area, and Dunreath Plante as a police officer for the Parshall Area. Both officers will be paid from the Cops Fast Program. Councilman Phelan seconded the motion.

DISCUSSION: Both applicants passed a background check and psychological test.

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

56. **DRIVE BY SHOOTING INCIDENT; MOTION FORTY-SIX:**

Councilman Gillette moved to request the Federal Bureau of Investigation to make a site visit to Fort Berthold and help conduct an investigation regarding a drive by shooting on school property. Councilman Wolf seconded the motion.

DISCUSSION: The drive by shooting happened approximately eighteen months ago, and no resolution to the incident has occurred.

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

57. **TRIBAL VIEWS ON 638-CONTRACTING OF LAW ENFORCEMENT;
SONNY BLACK FEATHER PRESENTATION:**

- Conduct a feasibility study
- Concurrent jurisdiction
- This issue was referred to the Judicial Committee

58. **NORTHERN LIGHTS EXCAVATING INC. CHARTER-RESOLUTION NO. 03-075-RP; MOTION FORTY-SEVEN:**

Councilman Wolf moved to approve the charter of the Northern Lights Excavating, Inc. with amendments. Councilman Phelan seconded the motion.

DISCUSSION: The amended language to the resolution includes, "The Northern Lights Excavating, Inc. will be owned and controlled by the Fort Berthold Development Corporation."

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

59. **DIAMOND RESOURCES INCORPORATED-RESOLUTION NO. 03-076-RP;
MOTION FORTY-EIGHT:**

Councilman Wells moved to approve Squaw Creek Prospect; described as Township 149 North, Range 94 West McKenzie County, North Dakota 1-7-03. Councilman Phelan seconded the motion.

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

60. RYAN EXPLORATION INC; RESOLUTION NO. 03-077-RP, MOTION FORTY-NINE:

Councilman Packineau moved to approve at annual rental \$250 rental @\$20.00 an acre, with a 5 year lease term. Councilman Phelan seconded the motion.

DISCUSSION: *The original offer from Ryan Exploration Inc. was \$11.00 an acre.*

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

61. PERSONNEL MATTERS: Closed Session

62. ADJOURNMENT:

Councilman Wells moved to adjourn the meeting at 4:00 a.m. Councilman Packineau seconded the motion.

VOTE: 4 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

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 REGULAR Meeting thereof duly called, noticed, convened, and held on the ___ day of _____ 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, ___ Members opposed, ___ Members abstained, ___ Members not voting. Motion carried

Chairman (X) Voting () Not voting

Randy Phelan, Executive Secretary

Date

**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 03-02
JANUARY 08, 2003**

Tribal Business Council, Three Affiliated Tribes

ATTEST:

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

Date