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

THREE AFFILIATED TRIBES
REGULAR BUSINESS
MEETING NO. 03-05-RP
FEBRUARY 13, 2003

01. CALL TO ORDER:

Chairman Hall called the meeting to order at 11:25 a.m. Councilman Phelan said the invocation.

02. ROLL CALL:

MEMBERS PRESENT: Councilman Daylon Spotted Bear, Councilman Austin Gillette; Councilman Marcus D. Wells, Jr. Councilman Malcolm Wolf; Councilman Mervin Packineau; Chairman Tex G. Hall; and Councilman Randy Phelan. A quorum was established with all members present.

STAFF PRESENT: Public Relations-Glenda Embry, Chairman's Assistant-Karen Stevens, CEO-Richard Mayer; Tribal Court-Maggie Young Bear, Legislative Assistant-Tiffany Johnson; Marketing Liaison-Terry Fredericks, Records Manager-Belle Chase, Records Mgmt. Office Assistant-Stephanie Baker, and Recording Secretary-Jean Baker.

OTHERS PRESENT: Rodney Howling Wolf, Monte Yellow Bird, Becky Knight, Iris Jackson, Buffy Gillette, John Fredericks, and the Diabetes Task Force.

03. APPROVAL OF THE AGENDA; MOTION ONE:

Councilman Phelan moved to approve the agenda as amended. Councilman Packineau seconded the motion.

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

04. CHAIRMAN'S REPORT:

- MHA ENTERPRISES UPDATE
- B.I.A./I.H.S BUDGET 2004 REPORT
- MONTICELLO SIGNATURE EVENTS
- HOMELAND SECURITY UPDATE
- KEEPS EAGLE UPDATE

- DIABETES REPORT
- WATER HAULERS BUDGET
- STATE LEGISLATURE REPORT
- NCAI WINTER COUNCIL CONFERENCE
- INDIAN EDUCATION WEEK REPORT
- CONSTITUTIONAL CONVENTION: APRIL 22, 2003

05. COUNCIL REPORTS:

A. TWIN BUTTES:

Councilman Spotted Bear thanked the Chairman for visiting the Twin Buttes School and community. He said his constituents were very pleased with the visit to their community.

B. WHITE SHIELD

Councilman Gillette reported at the last community board meeting, all appointees from the various boards were invited to attend the meeting and update his constituents on the programs/entities.

NOTE: Councilman Gillette did not have his microphone on so the tape couldn't pick up the rest of his report.

C. FOUR BEARS:

- Balancing the TAT Budget.
- Debt service
- 3-Year budgeting process
- Boys and Girls Club has two salaried staff to help with the recreation when the staff person resigned. The funds will be reprogrammed to purchase a Dodge Durango for Elders Meal Site.

D. NORTH SEGMENT:

- Northern Lights Update

E. NORTHEAST SEGMENT

- Parshall Resource Center
- Oil Refinery Project
- Boys and Girls Club
- Parshall Education Week

- Comment on FY-03 Budget
- Lobbyist
- Drug and Alcohol Committee
- Meth Funding: Chief Frank Felix to provide a report at the next Judiciary Committee Meeting.

F. **WEST SEGMENT:**

- Groundbreaking Ceremonies: April 01, 2003 1:00 p.m.
- Executive Secretary Budget & Grants
- Student Testing

06. **CEDS PLANNING BUDGET JUSTIFICATION; MOTION TWO:**

Marion Spotted Bear, Lisa Redford, and Tara Young Bird made a budgetary request to include the Community Economic Development Service Office for administration costs on grants currently funded in the TAT General Fund FY-03 Budget.

Councilman Wells moved to approve the transfer of \$103,000.00 from projects; Indian Community Development Block Grant /White Shield, Patshall Employment Training Center, ICDBG Twin Buttes Daycare/ Headstart, to fund the Comprehensive Economic Development Services. Councilman Phelan seconded the motion.

DISCUSSION: The CEDS Office is currently in a negotiation process with the North Segment Representative to administer the Department of Justice Detention Center grant.

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

07. **INDIAN HEALTH SERVICE;**

Karol Parker introduced her staff to the members. The Department Managers are: Dr. Mahoney, Madonna Azure, Mary Fredericks-Baker, and Cheryl White. This staff is recognized as Managers, with all being equal in ranking capacity. They gave presentations to the members on the following topics:

- Community Health Services Division
- Indian Health Service Budget
- Mold and space update
- Sanitation issues
- Unpaid medical bills:
- Potential revenue for the White Shield Clinic.

- Quarterly meetings,
- Filed clinics annual training on data entry, Privacy Act,
- Small Pox vaccinations
- Developing water haulers standards
- Extended hours

NOTE: The Indian Health Service-Physician Contracts: will be placed on the March 13, 2003 agenda. Lawrin Hugh Baker has scheduled negotiation meetings with the Doctors regarding their contracts and salary schedules prior to the meeting.

08. **PHYSICIANS SERVICE CONTRACT; MOTION THREE:**

Councilman Phelan moved to approve a 60-day continuation of employment for the Physicians until the contracts are negotiated and executed. Councilman Wolf seconded the motion.

Councilman Gillette recommended the following amendment to the motion, "that the Tribal Business Council authorize Chairman Hall, Treasurer Wells, HHR Committee Chairman Phelan, and staff to negotiate and finalize the Physicians Service Contract." The maker and the second concurred with the recommended amendment to the motion.

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

09. **JOB CORP PRESENTATION: Monte Yellow Bird**

Monte Yellow Bird presented a proposal, which includes a strategy to bid on the Quentin N. Burdick Job Corps Center, located in Minot, North Dakota. This project will be structured to provide a major boost to the educational opportunities of native youth, increase high-range salary opportunities for the native workforce and provide a margin of profit to the Three Affiliated Tribes. This agenda item was deferred until the March 13, 2003 Regular TBC Meeting.

10. **RODNEY HOWLING WOLF LOAN; RESOLUTION NO. 03-090-RP:**

Councilman Phelan moved to approve a loan of \$10,000 to Rodney Howling Wolf, subject to using a vehicle title as collateral, with a letter from Attorney Thompson concerning the probability of Mr. Howling Wolf's settlement, and, providing authorization for the attorney to process the settlement check with the Three Affiliated Tribes as the second payee. Councilman Gillette seconded the motion.

Councilman Phelan amended his motion to include: "that the funds will be disbursed from the contingency budget, after the funds are transferred to the Small Loan Program, with the loan due no later than August 13, 2003, and subject to the Small Loan interest rates. Councilman Gillette concurred with the amendment.

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

NOTE: Councilman Wells amended his non-vote to affirmative.

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

11. MINOT STATE UNIVERSITY POW-WOW:

Councilman Phelan moved to approve \$3,000 for the MSU Pow-wow Sponsorship, based on \$100 per student headcount. Councilman Packineau seconded the motion. Councilman Packineau seconded the motion.

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

12. SMALL LOANS:

Councilman Wells moved to approve (16) Small Loans as listed. Councilman Packineau seconded the motion.

01	Denise Grass Rope	\$3,000	No balance	Collateral on file recommend approval
02	Wanbli/Jolene Lockwood	\$3,500	No balance	Collateral on file recommend approval
03	Kimberly Mancha	\$3,500	No balance	Requesting to refinance recommended approval collateral on file
04	Jill Gillette	\$3,500	No balance	Recommend approval collateral on file
05	Kim Reynolds	\$3,500	No balance	Recommend approval collateral on file
06	Florence Brady	\$3,500	Bal. \$637.02	Requesting to refinance-will pay off balance with retirement.
07	Kelly Fox	\$3,000	No balance	Recommend approval collateral on file
08	Carson Hood	\$2,000	No balance	Recommend approval collateral on file
09	Daylon Spotted Bear	\$3,500	No balance	Recommend disapproval no collateral
10	Mildred Rough	\$3,000	No balance	Collateral land sale
11	Rick Hall	\$3,500	Bal. \$15.00	Recommend approval collateral on file
13	Katherine Real Bird	\$3,500	No balance	Recommend approval collateral on file
14	Paula Danks	\$3,500	Bal. \$1,251.44	Collateral on file req. to refinance to equal \$3,500
15	Juanita Roasting Stick	\$2,600	No balance	Recommend approval collateral on file
16	Sharon Hand	\$1,500	No balance	Recommend approval collateral on file

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

13. **CLOSING OF SMALL LOAN PROGRAM:**

Councilman Wells moved to approve the closing of the Small Loan Program until May 12, 2003 because of budget constraints. Councilman Gillette seconded the motion. Councilman Wells amended his motion to change the date of May 12, 2003 to "April 30, 2003." Councilman Gillette accepted the amendment.

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

NOTE: The Small Loan Director made a request to the members not to print the Small Loans approved by the Tribal Business Council nor to make them part of the permanent record. There was no action taken on Mr. Baker's request.

14. **EDUCATION LOANS:**

Councilman Gillette moved to accept the recommendation of the Small Loan Director and approve the nine education loans for a total of \$21,232.50. Councilman Phelan seconded the motion.

Erin Belgarde	\$2,000.00
Susie Hosie	\$2,000.00
Corey Sanders	\$2,000.00
Tana Dixon	\$1,740.00
Shylah Demaray	\$2,000.00
Mark Little Owl	\$2,000.00
M.J. Gunderson	\$1,637.50
Tracey M. Baker	\$1,855.00
Becky Knight	\$2,000.00

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

15. **TAX COMMISSION:**

Councilman Wells moved to approve the Tax Commission membership Resolution as presented by Councilman Marcus Wells, Jr. Councilman Phelan seconded the motion.

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

16. **TAX COMMISSION; RESOLUTION NO. 03-091-RP:**

Councilman Wells moved to approve the Tax Commission Membership as Arlon Fox, Elton Spotted Horse, Danile Henry and alternate John Jack Rabbithead as stated in

Resolution 03-091-RP. Councilman Wolf seconded the motion.

DISCUSSION: The members will decide the term assignments.

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

17. **UPDATE ON TOBACCO AND MOTOR FUEL TAX CODES:**

Councilman Gillette moved to request the Commission to provide an update on the Tobacco and Motor Fuels Tax Codes for the March 13, 2003 Meeting. Councilman Wolf seconded the motion.

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

18. **DR. GOURNEAU RECOGNITION:**

Councilman Gillette moved to approve the recognition of Dr. Gourneau serving on the Diabetes Task Force. Councilman Wells seconded the motion.

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

19. **WAR ON DIABETES; DIABETES TASK FORCE; RESOLUTION NO. 03-092-RP:**

Councilman Wells moved that the Tribal Business Council pass a resolution, which supports the Chairman's declaration of war on diabetes. Councilman Wolf seconded motion.

DISCUSSION: Chairman Hall directed Karen Stevens to draft the resolution of support in the declaration of war on diabetes. The head person would start the program by creating the desk for the War on Diabetes, and would then secure other funding including Congress to start the program.

Chairman Hall recommended that the names of the Diabetes Task Force be included in the Resolution. 1) Fred Baker, 2) Malcolm Wolf, 3) Ruth Short Bull, 4) Tony Mandan, 5) Valerie Williams, 6) Jaret Baker, 7) Ken Hall, 8) Sara Young Bird, 9) Dr. Clarice Big Back, and 10) Deb Hosie. Councilman Gillette also nominated Loretta Meredith. Councilman Wells accepted the recommended amendment, and Councilman Packineau concurred with the amended motion. [Clarification is needed on why he concurred when Councilman Wolf seconded the motion.]

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

20. **DR. GOURNEAU CONSULTANT FEE:**

Councilman Gillette moved to approve a financial request from Dr. Linda Gourneau for consultant fees of \$8,000, for the weeks that she worked on the Diabetes Project, to be taken from various programs budgets in existing programs or whatever sources the tribe has available. Councilman Wells seconded the motion.

DISCUSSION: Dr. Gourneau said her normal consultant fee is \$600.00 a day, and a six-week project would have been \$16,000, but she is asking for only one-half of her fee.

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

21. **SMOKE SIGNALS LLC:**

Councilman Wells moved to defer the business proposal submitted by Martin Henry, Larry Suke, and Henry Sun for review by Richard Mayer, Dennis Fox, and the TAT Legal Counsel, and to bring back to the Regular Council Meeting on March 13, 2003. Councilman Packineau seconded the motion.

DISCUSSION: The Fort Berthold Community College has been involved with a wireless project since 1998, but just got the equipment on September 2003. The system itself wasn't operable as it was and since that time, the college staff has been researching the technology and coming up with some viable past to accomplish this. It was presented to the FBCC Board of Directors for funds and was denied because of cash flow problems.

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

22. **MHA TRIBAL ELDERS ORGANIZATION; RESOLUTION NO. 03-093-RP**

Councilman Gillette moved to approve the resolution that buys back social security
Councilman Wolf seconded the motion.

Councilman Gillette amended his motion, to delete all JTAC References in the resolution.
Councilman Wolf concurred with the amendment.

DISCUSSION: John Danks will provide Chairman Hall with a briefing packet for lobbying on January 26, 2003. Councilman Gillette is not going to Washington, D.C. and asked for authorization for an elder to travel to Washington, D.C. with Chairman Hall for lobbying efforts. Councilman Gillette requested that the Legal Department draft a letter to the Social Security Department explaining the Elder's monies.

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

23. APPROVAL OF MINUTES:

Councilman Gillette moved to approve the minutes as amended. Councilman Wells seconded the motion

The following items were discussed amongst the members:

- HOUSING IMPROVEMENT PROGRAM APPEAL:
- AMERICAN INDIAN LIVESTOCK FEED PROGRAM:
Chairman Hall requested that Patti Jo Thomas submit an application with the American Indian Livestock Feed Program and give a report to the members at the next meeting.
- DRAFT MEDICAL DELIVERY POLICY:
- STATUS OF DETENTION CENTER
- KIDNEY DIALYSIS UNIT:
Deb Thompson was directed to follow up on a letter from Dr. Peters regarding the KDU funding.
- HIPPA TRAINING:

24. ROPING ARENA RECREATIONAL USE:

Councilman Wells moved to approve the Property and Supply Office to research the feasibility to utilize the Roping Arena for recreational use, and to include on the agenda for March 13, 2003. Councilman Gillette seconded the motion.

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

25. RECORDS/ARCHIVES FACILITY:

This agenda item will be included on agenda for March 13, 2003.

26. TRIBAL TAX CODE:

Chairman Hall directed the Chief Executive Officer, Richard Mayer to research and draft a policy for the TAT Legal Counsel to review and to include on the agenda for March 13, 2003.

27. **HEADSTART PROGRAM; RESOLUTION NO. 03-094-RP**

Councilman Wells to approve a Resolution which describes: Opposition to Moving the Head Start from the U.S. Department of Health and Human Services to the Department of Education. Councilman Wells seconded the motion.

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

Councilman Spotted Bear moved to oppose the on-site visit based on the lateness of notification. Councilman Packineau seconded the motion.

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

28. **UNICITY: deferred to March 13, 2003**

29. **HOMELAND SECURITY: deferred until March 13, 2003**

30. **TAT RIGHT OF WAY UPDATE:**

Annette Young Bird gave an update on the TAT Right of way.

31. **FORT BERTHOLD RURAL WATER; RESOLUTION 03-095-RP:**

Councilman Wells moved to approve the attorney contract for James Glaze in the amount of \$60,000.00, with expenses not to exceed \$15,000. Councilman Gillette seconded the motion.

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

32. **FORT BERTHOLD RURAL WATER DEPARTMENT; RESOLUTION NO. 03-096-RP**

Councilman Wells moved to approve the transfer of Everett Hall and Richard White Tail to the Fort Berthold Rural Water Department, with Mr. Lone Bear amending the budget. Everett Hall will be a permanent transfer and Richard White Tail will be transferred for 60 days. Councilman Phalen seconded the motion.

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

33. **BUFFALO PROJECT:**

Councilman Phelan moved to transfer Ted Lone Fight III to the Buffalo Project as the Coordinator with a starting date of February 13, 2003 at an hourly rate of \$15.00 per hour. Councilman Wells seconded the motion.

DISCUSSION: James Pete Hale discussed a marketing proposal for the Buffalo Project that could possibly generate revenue for the Tribe. Chairman Hall asked if the motion could be amended to include James Pete Hale in working with Mr. Lone Fight III in finalizing a business plan within 30 days, to be brought back to Council for review.

Councilman Phelan amended his motion to direct Ted Lone Fight III to work with James Pete Hale in finalizing a business plan within 30 days and bring back to the Tribal Business Council for review. Councilman Wells accepted the amendment.

DISCUSSION: A consensus was reached among members that there are two parts of the Buffalo Project: 1) the day-to-day management of the buffalo and 2) Marketing the buffalo.

James Pete Hale informed the members that he would help with training someone but would like a chance to apply for the position. Chairman Hall and Councilman Gillette concurred that the transfer of Ted Lone Fight III was only a 30-day appointment, which by policy, the position has to be advertised and filled.

NOTE: The word "temporary" was not part of the motion, so I did not include it in the motion. (Recording Secretary)

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

34. **SMALL LOAN; JAMES PETER HALE:**

Councilman Wells moved to approve a \$3,500 loan for James Pete Hale, subject to paying off the current loan. Councilman Phelan seconded the motion.

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

35. **HIRING OF ADMINISTRATIVE ASSISTANT FOR WEST SEGMENT:**

Councilman Phelan moved to hire Elton Spotted Horse as Assistant to West Segment Councilman Phelan. Councilman Wells seconded the motion.

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

36. **REALTY SERVICES PROCESSING LEASES:**

Annette Young Bird presented an agricultural leasing activity report for the department. A total of 115 leases were completed between April 2001 and December 2002. Between April 2, 2001 and December 2002, 53 leases were completed. She has completed a cross check, and Randy Phelan was directed to examine the rates.

37. **LORENZO MANY RIBS; LAND SALE-RESOLUTION NO.**

Councilman Phelan moved to approve a \$10,000 loan for Lorenzo Many Ribs as a down payment on his land sale, subject to final document execution. Councilman Wells seconded the motion.

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

38. **LORENZO MANY RIBS; SMALL LOAN:**

Councilman Phelan moved to approve a \$10,000 loan for Lorenzo Many Ribs as a down payment on his land sale, subject to final document execution. Councilman Wells seconded the motion.

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

39. **LAND SALE JUANITA STRICKLAND; RESOLUTION NO. 03-098-RP:**

Councilman Wells moved to approve the purchase of land, exclusive of minerals from Juanita Strickland, 301-U2610 for a cash consideration of \$948.00 which is the appraised value, utilizing funds from the Docket 350-G Land purchase account. Councilman Phelan seconded the motion.

DISCUSSION: The description of the land purchased is: Allot. #738A, an undivided 1/56 interest within Lots 1,2,3,4, N1/2S1/2N1/2S1/2N1/2 Section 3, T. 146N, R. 92 W.; S1/2S1/2S1/2 Section 34, T. 147N, R. 92 Fifth Principal Meridian, North Dakota, containing 5.74 acres, more or less, valued at \$948.00.

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

40. **LAND SALE EAGLE PLUME MANDAN; RESOLUTION 03-099-RP:**

Councilman Phelan moved to approve the purchase of land, exclusive of minerals, from Eagle Plume Mandan, 301-U2236 for a cash consideration of \$5,100.00, which is the actual value, utilizing funds from the Docket 350-G Land purchase account. Councilman Wells seconded the motion.

DISCUSSION: The description of the land purchased is:
Allot. #1111A-B NW1/4NE1/4 within Sec. 26, T 150 N.,R. 94 W Fifth Principal
Meridian, North Dakota, containing 40.00 acres, more or less, valued at \$5,100.00.

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

41. **LAND SALE-KAREN LYNCH; RESOLUTION NO. 03-100-RP:**

Councilman Gillette moved to approve the purchase of land, exclusive of minerals, from Karen Lynch, 301-U1707 for a cash consideration of \$29,666.67, which is the actual value, utilizing funds from the Docket 350-G Land purchase account. Councilman Spotted Bear seconded the motion.

DISCUSSION: The description of the land purchased is Allot. #0304A, an undivided 1/3 interest within SW1/4 Sec.2, T. 150 N., R.90W. Fifth Principal Meridian, North Dakota, containing 53.33 acres, more or less, valued at \$29,666.66

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

42. **LAND SALE-SANDRA SPOTTED BEAR; RESOLUTION NO. 03-101-RP:**

Councilman Gillette moved to approve the purchase of land, exclusive of minerals, from Sandra Spotted Bear, 301-U1101 for a cash consideration of \$29,666.67, which is the actual value, utilizing funds from the Docket 350-G Land purchase account. Councilman Spotted Bear seconded the motion.

DISCUSSION: The description of the land purchased is Allot. #0304A, an undivided 1/3 interest within SW1/4 Sec.2, T. 150 N., R.90W. Fifth Principal Meridian, North Dakota, containing 53.33 acres, more or less, valued at \$29,666.66

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

43. **LAND SALE; ALORANNA SCHILF:**

Councilman Wells moved to review and request an appraisal of the land Aloranna Schilf is offering for sale Councilman Phelan seconded the motion.

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

44. **LAND SALE-GREG BREUER; RESOLUTION NO. 03-103-RP:**

Councilman Gillette moved to approve a land sale for Greg Breuer of 40 acres, subject to an on-site ownership. Councilman Phelan seconded the motion.

DISCUSSION: The Tribe wanted to purchase on estimated value, but was advised by the Realty Officer that the BIA wanted to do an actual appraisal on the value of the land.

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

45. **ELDERLY HOME PURCHASE PROCEDURES RESOLUTION NO. 03-104-RP**

Councilman Packineau moved to approve by resolution the Elderly Home Purchase Procedures as amended, rescinding all other resolutions regarding the program. Councilman Phelan amended his second.

DISCUSSION: The home purchase program will be based on a case-by-case basis and prioritized within the boundaries of the Fort Berthold Indian Reservation; allowing the homes to be placed on allotted lands and/or tribal lands for allowance of family maintenance.

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

46. **RITA OLSON HOME LOAN:**

Councilman Phelan moved to approve a Home Loan for Rita Olson. Councilman Wells seconded the motion, subject to working out a promissory note as required by the program.

Councilman Phelan amended his motion to say: "prioritize a Home Renovation Loan up to \$900.00 for Rita Olson." Councilman Packineau seconded the motion.

DISCUSSION: The first half of the house insurance is due on March 1, 2003, and the second half on October 1, 2003.

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

47. **BLUE BLOSSOM CATERING:**

Theodora Starr submitted a catering bid to the Four Bears Casino and Lodge, which wasn't recognized and they awarded the bid to Kentucky Fried Chicken. Her grievance is that she is a tribal member and catering meals is the source of her income. In a prior meeting of the Tribal Business Council, she discussed her grievance with the Tribal Business Council who gave a directive to the General Manager to resolve the issue, which wasn't done.

Mr. Disselhorst explained to Theodora Starr that according to TERO Laws the bidding process includes the X factor based on the recommendation on Tero Director. The X factor includes tribal contractors and specifies the lowest bid is awarded the contract. Theodora submitted her bid, which was not the lowest and not within the X factor.

Councilman Wells moved to direct Legal Counsel, Mr. Disselhorst, to work with the Chief Executive Officer, Richard Mayer, and bring back a recommended settlement by Tuesday, at the close of business on February 18, 2003 for resolution by the Tribal Business Council. Councilman Packineau seconded the motion.

DISCUSSION: The members discussed utilizing Indian Preference and would like to see if the Four Bears Casino and Lodge is enforcing Indian Preference and would like to see if the Casino is applying it There was no written agreement from the Casino.

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

48. **DR. BIRON BAKER, M.D. REQUEST FOR ANNUAL LEAVE:**

Councilman Wells moved to approve the payment of 160 hours of annual leave to Dr. Biron Baker, M.D. Councilman Packineau seconded the motion.

DISCUSSION: There was discussion held regarding the contract versus the hourly rate. Dr. Baker signed a contract, which qualified him to receive a two-week vacation at the beginning of the agreement although Mr. Disselhorst said in his legal opinion he was eligible for only four hours of earned leave.

VOTE: 4 Ayes, 3 Nays, 0 Abstentions, 0 Not voting. Motion carried.

49. **CURFEW ORDINANCE:**

Councilman Phelan moved to change the curfew to 10:00 a.m. until June 1, 2003 for all six segments in case of special events that the Law Enforcement be notified. Councilman Wolf seconded the motion.

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

50. **EAST SEGMENT; RESOLUTION NO. 03-105-RP:**

Councilman Phelan moved to give Councilman Gillette the authority to review and select the person (s) or organization (s) that submitted their proposal with the required documentation set forth in the advertisement for the Management/Lease of the White Shield C-Store. Councilman Spotted Bear seconded the motion.

DISCUSSION: To amend the resolution to include the oversight of the holding company, mandating that the Tribe would have first preference if sold. [No action taken.]

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

51. **INTERPRETIVE CENTER UPDATE:**

Scott Eagle and Dominick Sillitti gave the members an update on the Cultural Interpretive Center.

52. **TOURISM PROGRAM-ELDER CONSULTANT AGREEMENTS; AMENDMENT TO 03-071-RP:**

Councilman Wells moved to add the following names to the consultant agreements for the Tourism Program: Celina Mossett, Beverly Cleaver, August Little Soldier, Mary Elk, Sylvester Goes Ahead, and Eliah Goes Ahead. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to exclude non-member elders, "Sylvester Goes Ahead, " and Eliah Goes Ahead, and to pay the tribal members \$25.00 per hour and .365/mi, up to \$13,000. Councilman Packineau accepted the amendment.

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

53. **WORK STUDY AGREEMENT; JACKSON ASSOCIATES:**

Councilman Wells moved to approve Jackson Associates to do work-study. Councilman Packineau seconded the motion.

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

54. **RUPERTA LARSON FINANCIAL REQUEST:**

[Closed Session] Referred to the Natural Resource Committee

55. **TRIBAL RENTAL UNITS, HOUSES AND LOTS:**

Councilman Wells moved to place all rental lots, rental of homes, rental of mobile homes, and purchasing of homes under the supervision of the Tribal Housing Division to ensure collection of rent payments, with the revenue split equally between Tribal Realty and the Tribal Housing Division. Councilman Packineau seconded the motion.

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

56. **ETHICS CODE FOR TRIBAL COURT STAFF AND ADJUDICATORS OF THE FORT BERTHOLD DISTRICT COURT:**

Councilman Wells moved to direct Legal Department draft an Ethics Code for the Chief Judge, Associate Judges, and the Magistrate's conduct, to be ready for review by the Tribal Business Council on March 13, 2003. Councilman Phelan seconded the motion.

DISCUSSION: Chairman Hall and members requested from the Judicial Committee and Committee Chairman, a determination of a clear separation of powers between the prosecutor and adjudicators must maintain separate quarters as well as the public defender, and the clerk of court. Councilman Packineau requested CEO, Richard Mayer provide an update on Tribal Court recommendations.

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

57. **SOCIAL SERVICES MEDICAL GRANT BUDGET:**

Councilman Phelan moved to transfer \$50,000 from the contingency fund to the Social Service Medical Grant line item. Councilman Packineau seconded the motion.

DISCUSSION: The Tribe has the authority to use the excess funds for medical emergencies.

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

58. **CONSULTANT CONTRACT FOR DENNIS DEUTSCH; RESOLUTION NO. 03-107-RP**

Councilman Gillette moved to approve Dennis Deutsch request to be employed part time as a consultant doing business as ABC Building Concepts, LLC on specific construction

projects being undertaken by the tribe, that the consultant be retained for the period beginning March 01, 2003 and ending upon completion of scope of services, which is March 01, 2005 in the amount of \$3,500.00 per month. Councilman seconded the motion.

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

59. **MEDICAL GRANT:**

Councilman Phelan moved to approve a \$500 Medical Grant of up to \$1,000 for Diana Lone Fight. Councilman Packineau seconded the motion.

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

60. **PERSONNEL ACTIONS:** [Closed Session]

61. **UNDIA TIMEOUT REQUEST**

Councilman Gillette moved to approve of \$1,000.00 for the UNDIA Time-out pow-wow. Councilman Wells seconded the motion.

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

62. **MANDAN MIDWINTER:**

Councilman Gillette moved to approve \$500.00 for the Mandan Midwinter pow-wow. Councilman Wells seconded the motion.

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

63. **INMED FINANCIAL REQUEST:**

Councilman Gillette moved to approve of \$1,000.00 for the INMED pow-wow. Councilman Wells seconded the motion.

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

63. **ADIOURNMENT:**

Councilman Phalen moved to adjourn the meeting at 4:00 a.m. Councilman Wolf seconded the motion.

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

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

Submitted by,

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

Date

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

Date

ATTEST:

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

Date