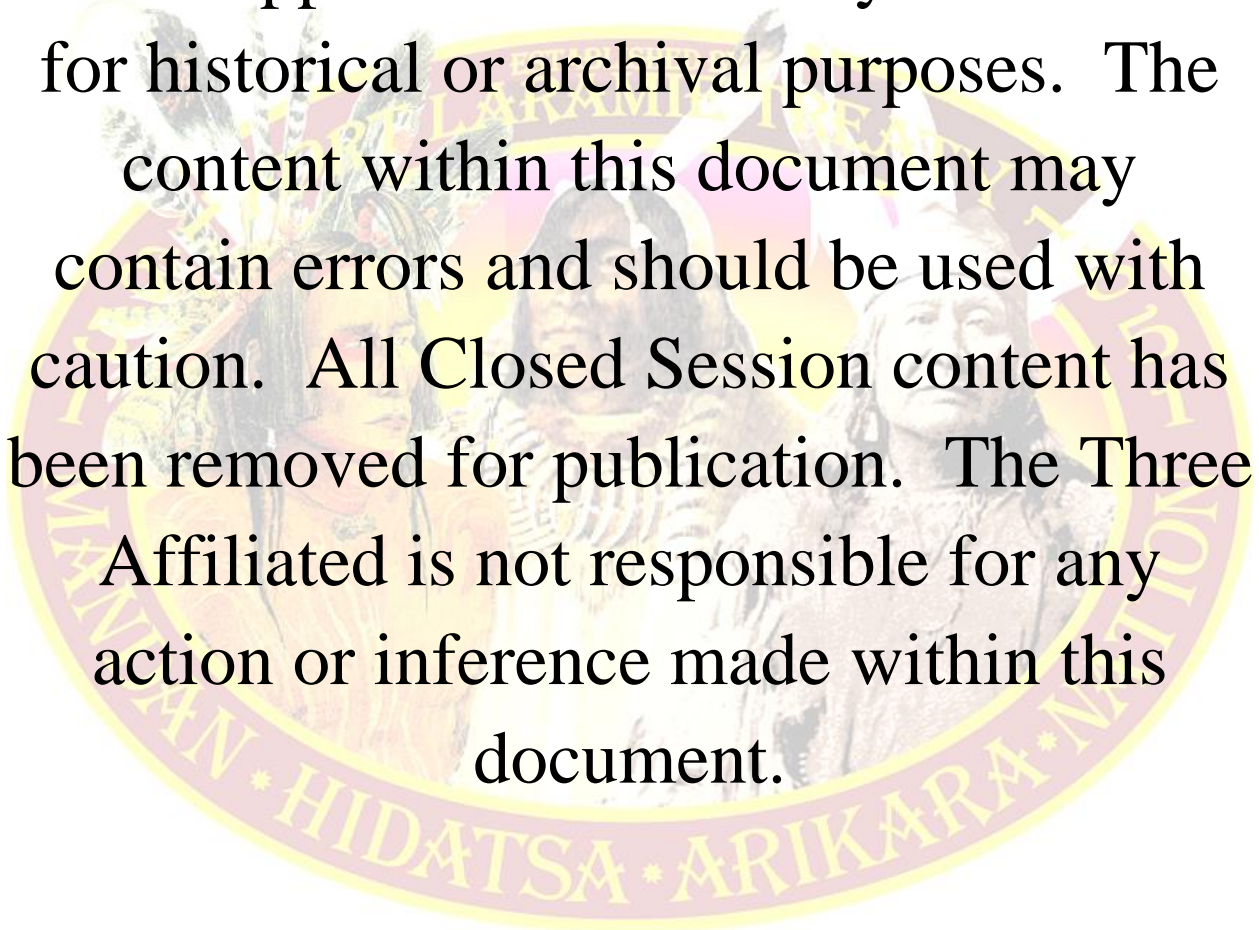


DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three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





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

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
MEETING NO. 03-07-RP
MARCH 13, 2003

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 12:45 p.m.

02. **ROLL CALL:**

Members present: Councilman Gillette, Councilman Wells, Chairman Hall, Councilman Packineau, and Councilman Phalen, Councilman Spotted Bear, and Councilman Wolf, in at 1:45 p.m.

Councilman Wolf and Councilman Wells left the to attend the open house at the Circle of Life where they were invited guest speakers.

NOTE: Councilman Wolf returned to the meeting at 1:45 p.m., and Councilman Wells returning at 1:50 p.m.

03. **CHAIRMAN'S REPORT:**

- Bridge: PSE requirement prior to disbursement of funds.
Name change dispute
- Constitutional Meeting: An open forum for all tribal members will be held in the events center to voice their concerns or recommendations on changes of the constitution and bridge.
- Trust Reform Act:
- Pension Plan:
- War on Diabetes:
Chairman Hall directed Karen Stevens to draft a tribal resolution for the council's passage to officially declare war on diabetes.
- 24 Hour Medical Care:
Physicians contracts will need to be executed with the Doctors for 24-hour care
- Water Appropriations FY-04
Water Engineering Plans

First time in history that all four tribes in North Dakota associated with the State Water Association agreed to a 50/50 split.
Update on Water Appropriations
Right of Way

Reduction of State budget:
Bartlett and West Engineering. Reclamation budget
Mandaree is in the construction phase, and the budget was modified to include construction.

- **USDA LOAN:**

An annual payment of a 3.5 million loan will be considered. Chairman Hall stated his concern about the timing of the BIA, TSR, and easements.

- **DREAM CATCHERS:**

- **STATE LEGISLATIVE REPORT:**

- **AMERICAN INDIAN FREEDOM RIDE**

Ray Eagle Keeper, President of the American Indian Freedom Ride gave a presentation on the American Indian Freedom Ride. He is handicapped and wheel chair bound making a journey around the United States promoting wellness amongst natives. He spoke of different areas and elders that have died because of neglect. The American Indian Freedom Ride is requesting \$1,000 to \$10,000.00 in financial donation. In return they will publicly display the tribal logo on their tee shirts and website.

MOTION ONE: Councilman Wells moved to approve a Host Stop sponsorship by the Four Bears Casino and Lodge to the American Indian Freedom Ride, consisting of one night's stay, two meals and a financial donation of \$1,000, authorizing the General Manager, Spencer Wilkinson to process the Host Stop sponsor ship. Councilman Phalen seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Nays. Motion carried.

03. **APPROVAL OF THE AGENDA:**

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

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

04. **TRIBAL BUSINESS COUNCIL PENSIONS (PRESENT/FORMER) RESOLUTION NO. 03-109-RP:**

Councilman Gillette moved to approve a resolution, which describes a Tribal Business Council Pension Plan. Councilman Packineau seconded the motion.

FOR THE RECORD: Chairman Hall opposed the Pension Plan because of a lack of available funds, which should be a decision by the people since it includes the expenditure of tribal funds. He further stated for the record, if any of the Tribal Business Council members voted in favor of this motion that it would be a direct

conflict of interest because after the next Tribal Council Election, some members could benefit immensely.

Judy Young Bear opposed the motion and recommended that it should be brought before to the people in a referendum vote. She also spoke about closed meetings, and that tribal members feel it is a violation of their tribal rights when they are directed to leave meetings when budgets are discussed, as it was their vote that placed the Council members in office.

Chairman Hall said this motion could affect both the JTAC distribution and the cash flow of the tribe; in that the Compensation Act specifies that JTAC funds cannot be used as per capita payments; and a pension plan could be construed as such.

Tony Mandan reiterated the need for a referendum vote regarding the Pension Plan, and that a referendum vote should have been held prior to purchasing the Figure Four Ranch with tribal funds.

Judy Young Bear requested that a roll call vote be taken and posted in the MHA Times.

ROLL CALL VOTE: Councilman Spotted Bear (Aye) Councilman Gillette (Aye) Councilman Wells (Aye) Chairman Hall (Nay) Councilman Wolf (Nay) Councilman Packineau (Aye) Councilman Phelan (Nay). Motion carried.

Chairman Hall requested that the amount of funds each former council member will receive be included in the resolution, indicating what budget the funds will be deducted from. He also questioned if the cuts will be evenly distributed among all the segments or just for the segments voting in support of the pension plan.

Councilman Wells said he voted for the motion because of elders who were prior councilmen living in his district would benefit from the plan.

For The Record: Chairman Hall said to remove his name from the Resolution, that he will by no means utilize the pension plan.

Councilman Wolf requested that his name be removed from the resolution as the budget cuts affect his constituents from the North Segment and Shell Creek area.

The objective of the next meeting on March 24, 2003 will reflect where the funds will be dispensed from the FY-2003 Budget to pay out the pension plan. Also, the program budgets that will be cut to fund the pension plan will be identified.

Councilman Phelan also requested his name to be removed from the resolution, that it was a hard decision to make and the reasons he didn't support the Pension Plan was:

- 1) Referendum vote needed
- 2) Lack of funds in the budget

Although Councilman Packineau and Councilman Wells voted for the Pension Plan, both requested that their names not be included in the plan. The names removed from the Pension Plan will be:

- A) Tex G. Hall Mandaree
- B) Randy Phalen
- C) Malcolm Wolf
- D) Mervin Packineau, and
- E) Marcus Wells, Jr.

05. **BEAUMONT FOUNDATION OF AMERICA GRANT APPLICATION; TRIBAL ENROLLMENT OFFICE:**

Councilman Phalen moved to give authorization to the Tribal Enrollment Office to apply for the Beaumont Foundation of America grant for the year 2003 funding. Councilman Gillette seconded the motion.

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

A. ROLAND MIGUEL III- 301U-9091, RELINQUISHMENT; RESOLUTION NO.03-111-RP:

Councilman Gillette moved to relinquish Roland Miguel, III, enrollment number, 301U-90-91 from the Three Affiliated Tribes membership. Councilman Wells seconded the motion.

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

B. ROSE MARIE STAR, 301U-2948- RELINQUISHMENT; RESOLUTION NO.03-112-RP:

Councilman Gillette moved to relinquish Rose Marie Star, enrollment number, 301U-2948 from the Three Affiliated Tribes membership. Councilman Wells seconded the motion.

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

C. ANITA MCDONALD- 301U-4311, RELINQUISHMENT; RESOLUTION NO.03-113-RP:

Councilman Gillette moved to relinquish Anita McDonald, enrollment number, 301U-4311 from the Three Affiliated Tribes membership. Councilman seconded the motion.

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

D. TERRENCE LEE HERMAN, 301U-8472, RELINQUISHMENT; RESOLUTION NO.03-114-RP:

Councilman Wells moved to relinquish Terrence Lee Herman, enrollment number, 301U-8472, from the Three Affiliated Tribes membership. Councilman Packineau seconded the motion.

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

**E. CHANZE MARTIN HERMAN, 301U-8901, RELINQUISHMENT;
RESOLUTION NO.03-115-RP:**

Councilman Wells moved to relinquish Chanze Martin Herman, enrollment number, 301U-8901 from the Three Affiliated Tribes membership. Councilman Packineau seconded the motion.

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

F. ENROLLMENT OF 34 APPLICATIONS; RESOLUTION NO. 03-116-RP

Councilman Wells moved to approve the 34 applications for enrollment with the Three Affiliated Tribes. Councilman Packineau seconded the motion.

DISCUSSION: The names of the 34 applicants are:

01. Tashena Marie Bird
02. Amber Dawn Blackhawk
03. Mary Jane Deschamp
04. Celina Ailene Foote
05. Katherine Leona Fox
06. Shayreen Ajay Denny Fox
07. Tika Marie Hunts Along
08. Ceara Marie Hurkes
09. William James Johnson, Jr.
10. Antonia Rae Lanza
11. Raeann Lockwood
12. Renae Lockwood
13. James Albert McFadden, Jr.
14. Jackie Joanna Mendoza
15. John Clifford Mendoza
16. Dylan Patrick Moore
17. Taysean Allen Moran
18. Jordan Noah Pfliger
19. Nevaeh Destiny Quarry
20. Daysha Ailet Serdahl
21. Sarah Nicole Steams
22. Marie Veronica Talavera
23. Jaeyona Thomas
24. Savannah Thomas
25. Colton Dale Thompson
26. Anjelita G. Trujillo
27. Jerome Trujillo
28. Lee Angelo Davonn Turner
29. April Starr Two Crow
30. Colton James Uran
31. Hailey Rebecca Vigen
32. Jessee Lillian Vigen
33. Dalton Rope Wolf
34. Adrianna Rae Young Bird

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

G. CEO REPORT:

The CEO's Report was deferred until March 31, 2003.

6. **REPORT OF THE TREASURER:**

A. **SMALL LOANS:**

Cindy Packineau:

Councilman Wells moved to approve a loan of \$2,500, subject to refinancing previous loan with collateral on file with the Small Loan Program. Councilman Packineau seconded the motion.

Councilman Packineau withdrew his second, and Councilman Phelan seconded the motion.

DISCUSSION: An education loan is still available for Cindy Packineau to apply for.

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

B. **Dyan Renee Thundercloud:**

Councilman Phelan moved to approve a loan of \$2,500, subject to the requirements of the Small Loan Program. Councilman Wells seconded the motion.

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

C. **Marty Grady:**

Councilman Wells moved to permit Marty Grady to refinance his outstanding small loan, and approve an additional loan of \$1,149.53 for a total of \$3,100.00. Councilman Wolf seconded the motion.

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

D. **EDUCATION LOANS**

Councilman Wells moved to approve four Educational Loans for a total of \$7,274.00, subject to the requirements of the Education Loan Policy. Councilman Phelan seconded the motion.

DISCUSSION: The education loans were approved for Stacy Driver @ \$2,000.00; Charlene Fredericks Gourd \$1,274.00; Ron Smith Jr. \$2,000; Anita Green: \$2,000.

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

Councilman Wells moved to approve an Education Loan for Justin Spotted Bear and Brandon Clarke, subject to the requirements, and authorize the Small Loan Director and the Treasurer to review and approve. Councilman Phelan seconded the motion.

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

E. ELMER FREDERICKS:

Councilman Phelan moved to approve a Small Loan of \$3,000 for Elmer Fredericks, subject to the requirements of the Small Loan Program. Councilman Wells seconded the motion

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

F. BONNIE HUNTS ALONG:

Bonnie Hunts along has an approved land sale and requested approval of 1/3 of the land sale price, which is \$900.00. The Small Loan Director has the authority to approve loans up to \$1,000 and will work with Bonnie Hunts Along.

07. THREE AFFILIATED TRIBES PENSION PLAN; COMMUNITY FIRST BANK: RESOLUTION NO. 99-258-RP:

Councilman Wells moved to reaffirm Resolution No. 99-258-DSB, that read as follows: multiple loans may be made to a qualified participant, not to exceed 50% of employee/employer vested balance. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to add the language that the Tribal Business Council will review the number of loans a participant can make after 12 months. Councilman Packineau concurred with the amendment.

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

**08. TAX COMMISSIONER ASSISTANT HIRE: Marliss Mandan
Personnel Matter**

**09. OFFICE ASSISTANT RECORDS MANAGEMENT: Stephani Baker
Personnel Matter**

10. ORGANIZATIONAL CHART:

Councilman Packineau moved to approve the organizational chart as presented by the Chief Executive Officer. Councilman Wolf seconded the motion.

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

11. FORT BERTHOLD RURAL WATER: RESOLUTION NO. 03-117-RP

Councilman Gillette moved to approve the submittal of a loan application with the Rural Development program of the United States Department of Agriculture with an amendment on the 4th whereas, to delete 2). Councilman Phalen seconded the motion.

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

AGENDA ITEM; MARCH 24, 2003 TRAVEL CLOSE-OUT POLICY.

12. **DARLENE PERKINS REQUEST: RESOLUTION NO. 03-118-RP**

Councilman Packineau moved to make an exception for Darlene Perkins because of her unique situation and approve a grant of \$1,000 from the Independence Program to help Darlene Perkins with her travel expenses to New York City to market her quillwork. Councilman Gillette seconded the motion.

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

13. **BASEBALL TRAINING**

Councilman Wells moved to approve a grant of \$100 each for David Williams and David White Bar to attend baseball training. Motion failed, due to no second.

14. **JOBS CORP CENTER PROPOSAL:**

Monte Yellow Bird made a presentation that could possibly benefit the tribe if they went sole source on a bid of the Minot Job Corp. Bring back on March 24, 2003.

- Appropriations in coordination
- Contracting Officer DOL sole source
- Kicking Horse Model
- Financing SBA

Monte Yellow Bird was directed to work with the CEO and to bring back on April 01, 2003.

NOTE: Councilman Gillette left the meeting 7:00 p.m.

15. **ELDER HOME PROGRAM:**

Councilman Wells moved to approve the Elder Home Purchase Program Policy with the adoption of No. 2. Councilman Wolf seconded the motion.

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

16. **MANDAREE ELDER HOME:**

Councilman Phelan moved to assign Arlen Charging an elder home for the Mandaree area. No second, motion failed.

17. **FORT BERTHOLD DEVELOPMENT CORPORATION; RESOLUTION NO. 03-119-RP**

Councilman moved for approval for the renewal of a \$250,000 line of credit at the Community First Bank of Dickinson, North Dakota for Fort Berthold Development Corporation. Councilman seconded the motion.

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

18. **CLEAN FUELS REFINERY; RESOLUTION NO. 03-120-RP**

Councilman Packineau moved to approve Resolution No. 03-120-RP which authorizes a complete application to be submitted to the Bureau of Indian Affairs, pursuant to Title 25 of the Code of Federal Regulations, Part 151 and pursuant to Section 465 of Title 25 of the United States Code, to place in trust with the United States, the land as described,
which is to be used exclusively for the site of a refinery to be owned and constructed by the Tribe and not for any other purpose. Councilman Wolf seconded the motion.

DISCUSSION: The future site for the refinery is now in fee simple status, and consists of three tracts, with the following legal descriptions:

- 1) 10.8 acres, out lot 1 of NE/4, Section 19, T152N, R87W
- 2) 309.57 acres, N/2, Section 19, T152N, R87W and,
- 3) 148.39 acres NW/4 Section 20, T152N, R87W, all located within Ward County, north Dakota and within the exterior boundaries of the Fort Berthold Reservation of the Three Affiliated Tribes.

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

19. **WIND AND RENEWABLE POWER FEASIBILITY STUDY; RESOLUTION NO.03-121-RP**

Councilman Wells moved to enter into an Energy Services Agreement (ESA) for the purpose of collaborating an application to the Department of Energy for funds to be made available specifically for the study of the feasibility of developing wind power generation capability on tribal lands and upon the award of the grant of such monies to engage the services of Disgen to conduct the feasibility study, with fees not to exceed Twenty-five Thousand Dollars (\$25,000.) Councilman Packineau seconded the motion.

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

20. **PUBLIC MEETING WITH MAKOTI RESIDENTS:**

Chairman Hall, Councilman Packineau and Horace Pipe will attend a meeting on April 02, 2003 with the City of Makoti, North Dakota regarding the Oil Refinery Project.

21. **NATIVE AMERICAN ENERGY GROUP, LLC:**

Councilman Wells moved to authorize Chairman Hall to sign the letter written to Tom Kulland from the Native Energy Program. Councilman Packineau seconded the motion.

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

22. **DOE ENVIRONMENTAL GRANT NO. DE-FC36-990G010472
UTILITY SCALE WIND TURBINE DEMONSTRATION PROJECT**

Councilman Wells moved to approve of transferring the Environmental Grant to Natural Resources Department and designate Clifton Whitman to administer the grant. Councilman Phelan seconded the motion.

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

23. **CULTURAL RESOURCE MANAGEMENT PLAN: RESOLUTION NO. 03-122-RP**

Councilman Wells moved to approve the Management Resource Plan as submitted by Pemina Yellow Bird. Councilman seconded the motion.

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

24. **RELOCATION OF MOBILE HOMES:**

Councilman Wells moved to negotiate the cost of moving Pauline Hinden and Natalie White Singers mobile homes with the Twin Buttes Custom Homes. Councilman Phelan seconded the motion.

Councilman Wells amended his motion to, " give Mervin Packineau the responsibility of negotiating costs with the Twin Buttes Custom Homes. Councilman Phelan concurred with the amendment.

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

25. **HOME OWNERSHIP PROGRAM:** Tony Foote March 13, 2003 agenda.

26. **TRIBAL COURT SALARIES:**

El-Marie Conklin addressed salary increases for herself and four staff Members, handling the technology with funds allocated from the Court Enhancement Grant. Chairman Hall said the request is two different issues:

- 1) Pursuant to the Personnel Manual, the HR Dept ranks all positions based on duties pursuant to the Job descriptions reflecting additional duties; and rate the positions prior to action taken on any salary increases.

Councilman Wells moved to direct Hugh Baker to work with Councilman Packineau in seeking three Judges to evaluate the court system and the Court positions.

Judge Conklin's request will be dealt with at the next regular meeting. Secretary staff will research the salary adjustment and bring the materials to the next meeting.

NOTE: Councilman Spotted Bear verified that full council hired Patti Shelky on June 27, 2003 in which Councilman Wells and Councilman Fox made the motions.

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

27. **PUBLIC DEFENDER CONSULTANT AGREEMENT:**

Councilman Packineau moved to execute a consultant agreement with Tom Gunderson, Esq. as public defender @ \$200 a Day/10 days @ 18 months not to exceed \$36,000.00. Councilman Spotted Bear seconded the motion.

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

28. FABIAN FINLEY APPEAL: [CLOSED SESSION]

29. NORTH SEGMENT BOARD APPOINTEES; RESOLUTION NO. 03-122-RP
Councilman Phelan moved to approve the North Segments Board Appointees. Councilman Wolf seconded the motion.

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

30. FORT BERTHOLD COMMUNITY COLLEGE ANA GRANT: RESOLUTION NO. 03-123-RP

Councilman Wolf moved to approve of the FBCC ANA Language Grant. Councilman Packineau seconded the motion.

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

31. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION: RESOLUTION NO. 03-125-RP

Councilman Wells moved to approve the execution of a consultant agreement with Robert Lattergrass to develop a grant application for technical assistance in creating a Community Development Financial Institution, for a total amount of \$5,500.00 with the funds coming from Mandaree Enterprises Corporation. Councilman seconded the motion.

DISCUSSION: The period of performance for the agreement shall be from March 14, 2003 through April 14, 2003. The consultant shall provide the completed grant proposal to the Three Affiliated Tribes for signature and submission three days prior to the deadline of April 14, 2003.

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

32. GAMING COMMISSION:

Councilman Wells moved to give the Gaming Commission the authority to administer the administrative fee of \$7,000 received from Class 3 and Class 2 Revenue. Councilman Wolf seconded the motion.

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

33. NATURAL RESOURCES LAND SALES:

A) ROBERT STERUD, 301-U11868; RESOLUTION NO. 03-126-RP

Councilman Wells moved the Three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Robert Sterud, for a cash consideration of \$2,216.67 which is the actual value, utilizing funds from the Docket

350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

Allot. #13394, containing 73.29 acres selling his undivided 7/120 interest within lot 2 (SW1/4NW1/4); SE1/4NW1/4 Sec 7, T. 148 N., R 89 W. Fifth Principal Meridian, North F\ Dakota, containing 4.28 acre acres, more or less, valued at more or less, valued at \$2,21667.

Councilman Phelan seconded the motion.

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

B) GARY STERUD, 301-U2345; RESOLUTION NO. 03-127-RP

Councilman Wells moved the three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Gary Sterud, for a cash consideration of \$2,216.67 which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

Allot. #13394, containing 73.29 acres selling his undivided 7/120 interest within lot 2 (SW1/4NW1/4); SE1/4NW1/4 Sec 7, T. 148 N., R 89 W. Fifth Principal Meridian, North F\ Dakota, containing 4.28 acre acres, more or less, valued at more or less, valued at \$2,21667. Councilman Phelan seconded the motion.

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

C) JOYCE GABEL, 301-U1962; RESOLUTION NO. 03-128-RP:

Councilman Wells moved the three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Joyce Gabel, for a cash consideration of \$123,566.66 which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

Allot.#1394, containing 73.29 acres, selling her undivided 17/20 interest within Lot 2 (SW1/4NW1/4). SE1/4NW1/4 SEC. 7 T. 148N,R 89 W Fifth

Principal Meridian, North Dakota, containing 62.27 acres, more or less, valued at \$33,566.66, and

Allot. 3104, NE1/4SW1/4, Lot 3 (NW1/4SW1/4) Sec. 7, T. 148 N., R. 89 W., Fifth Principal Meridian, North Dakota, containing 73.43 acres, more or less, valued at \$40,000.

DISCUSSION: The land sale will be subject to purchase, upon the availability of funds through a USDA loan.

Councilman Wells seconded the motion.

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

D) ALVIN D. HOULE, 301-U2794; RESOLUTION NO. 03-129-RP

Councilman Wells moved the three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Alvin D. Houle, for a cash consideration of \$991.00, which is the appraised value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

LAND DESCRIPTION:

Allot. #738A containing 321.60 acres selling his undivided 1/56 interest within Lots 1,2,3,4, N1/2S1/2N1/2 Section 3 T. 146N, R. 92 W.; S1/2S1/2S1/2 SECTION 34, T. 147 N.; R. 92 FIFTH principal Meridian, North Dakota, containing 5.74 acres, more or less, valued at \$991.00.

Councilman Phelan seconded the motion.

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

E) KALVIN D. HOULE, 301-U4170; RESOLUTION NO. 03-130-RP

Councilman Wells moved the three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Kalvin D. Houle, for a cash consideration of \$991.00 which is the appraised value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the

United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

LAND DESCRIPTION:

Allot. #738A containing 321.60 acres selling his undivided 1/56 interest within Lots 1,2,3,4, N1/2S1/2N1/2 Section 3 T. 146N, R. 92 W.; S1/2S1/2S1/2 SECTION 34, T. 147 N.; R. 92 FIFTH principal Meridian, North Dakota, containing 5.74 acres, more or less, valued at \$991.00.

Councilman Phelan seconded the motion.

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

F) BONNIE HUNTS ALONG, 301-U3379; RESOLUTION NO. 03-131-RP

Councilman Phelan moved the Three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Bonnie Hunts Along, for a cash consideration of \$3,342.00 which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

LAND DESCRIPTION:

Allot.#0839A containing 80.00 acres, selling her 1/300 undivided interest within W1//2SW1/4 Sec. 35, T. 150 N.; R90 W. Fifth Principal Meridian, North Dakota containing 0.266 acres, more or less, valued at \$123.00

Allot. # 0417A containing 160.00 acres, selling her 1/27 undivided interest in the SW1/4 Sec. 01, T. 150 N.; R. 90 W. Fifth Principal Meridian, North Dakota containing 5.93 acres valued at \$3,342

DISCUSSION: The resolution was amended to, " request \$900 for medical services, and subject to Bonnie Hunts Along signing her deed to the Small

Loan Program. Councilman Packineau seconded the motion.

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

G) ADRIAN FOOTE, JR., 301-U2670; RESOLUTION NO. 03-132-RP

Councilman Wells moved the Three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Adrian Foote, Jr., for a cash consideration of \$9,133.34 which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold

Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

LAND DESCRIPTIONS

Allot.# 295A-B, described as S1/2NW1/4SE1/4 SW1/4SE1/4 containing 60.00 acres within Sec. 29, T. 150 N.,R. 90 W. Fifth Principal Meridian, North Dakota, selling his 1/3 undivided interest of 20.00 acres, more or less, in said allotment valued at \$9,133.34.

Councilman Packineau seconded the motion.

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

H) ADRIAN FOOTE, SR., 301-U191; RESOLUTION NO. 03-133-RP

Councilman Wells moved the three Affiliated Tribes' Tribal Business Council approve the purchase of land, exclusive of minerals, from Adrian Foote, Sr, for a cash consideration of which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, it's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to wit:

LAND DESCRIPTION:

Allot. #3135A, W1/2SE1/4 within Sec. 35, T. 150 N., R. 90 W Fifth Principal Meridian, North Dakota, containing 80.00 acres, more or less, valued at \$14,400.00.

Councilman Packineau seconded the motion.

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

34. MANDAREE ENTERPRISES: RESOLUTION NO. 03-134-RP

Councilman Wells moved to approve of the exemption and to do a background check. Councilman Packineau seconded the motion.

DISCUSSION: A typo needs to be changed under; be it further resolved that this action.

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

35. **NAHASDA PREFERENCE RESOLUTION NO. 03-135-RP:**

Councilman Spotted Bear moved to direct the Fort Berthold Housing Authority consistent with any regulations and statutes to which it is subject, to design all housing projects and to design all other contracts it might award in a manner that will recognize the capabilities of any existing tribally owned and operated enterprises, including, but not limited to, providing for designs of projects FBHA may be seeking to construct in a manner which accommodates modular built structures that are within the capability of Twin Buttes Custom Homes to provide. Councilman Packineau seconded the motion.

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

36. **SHANDA LEE VERSUS LITTLE LODGE HEAD START PROGRAM:
RESOLUTION NO. 03-136-RP**

Councilman Spotted Bear moved to assert sovereign immunity in the lawsuit pending in Tribal Court brought by Shanda Lee against the Little Lodge Head Start Program and the St. Paul Fire and Marine Insurance Company. Councilman Packineau seconded the motion.

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

37. **WIND-UP ACTIVITIES OF CONVENIENCES STORE IN WEST SEGMENT:**

Councilman Phelan moved to authorize the debts for consumer goods supplied to the Convenience Store operated by the West Segment Development Corporation to be satisfied from the general funds of the Tribe in an amount not to exceed the actual cost of such goods and services provided, without interest or penalties, as described in Resolution No. 98-134-DSB. Councilman Wells seconded the motion.

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

38. **MANDAREE TERO COMMISSIONER:**

Councilman Phelan moved to appoint Ron Brugh as his designated appointee to the TERO Commission for the Mandaree area. Councilman Wells seconded the motion.

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

39. **KIDNEY DIALYSIS UNIT**

Councilman Wells moved to pay 100 hours of compensatory time earned to Rena Dusenberry, because of her unique situation. Councilman Spotted Bear seconded the motion.

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

40. **COMP TIME:**

The Secretary brought the issue of accruing compensatory time for the Executive Secretary/Records Management staff to light, if they could be exempt from the policy of

being unable to accrue compensatory time if leave is taken during a pay period because of their unscheduled time put in during Council or Council related meetings. He will bring in a Resolution at the next regular meeting for review

41. DREAM CATCHER DAY CARE:

Councilman Spotted Bear moved to approve an Employee Part-time Daycare pool.
Councilman Phelan seconded the motion.

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

42. RECESS:

Councilman Phelan moved to recess the meeting at 10:55 p.m. Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 abstentions, 02 Not voting. Motion carried.