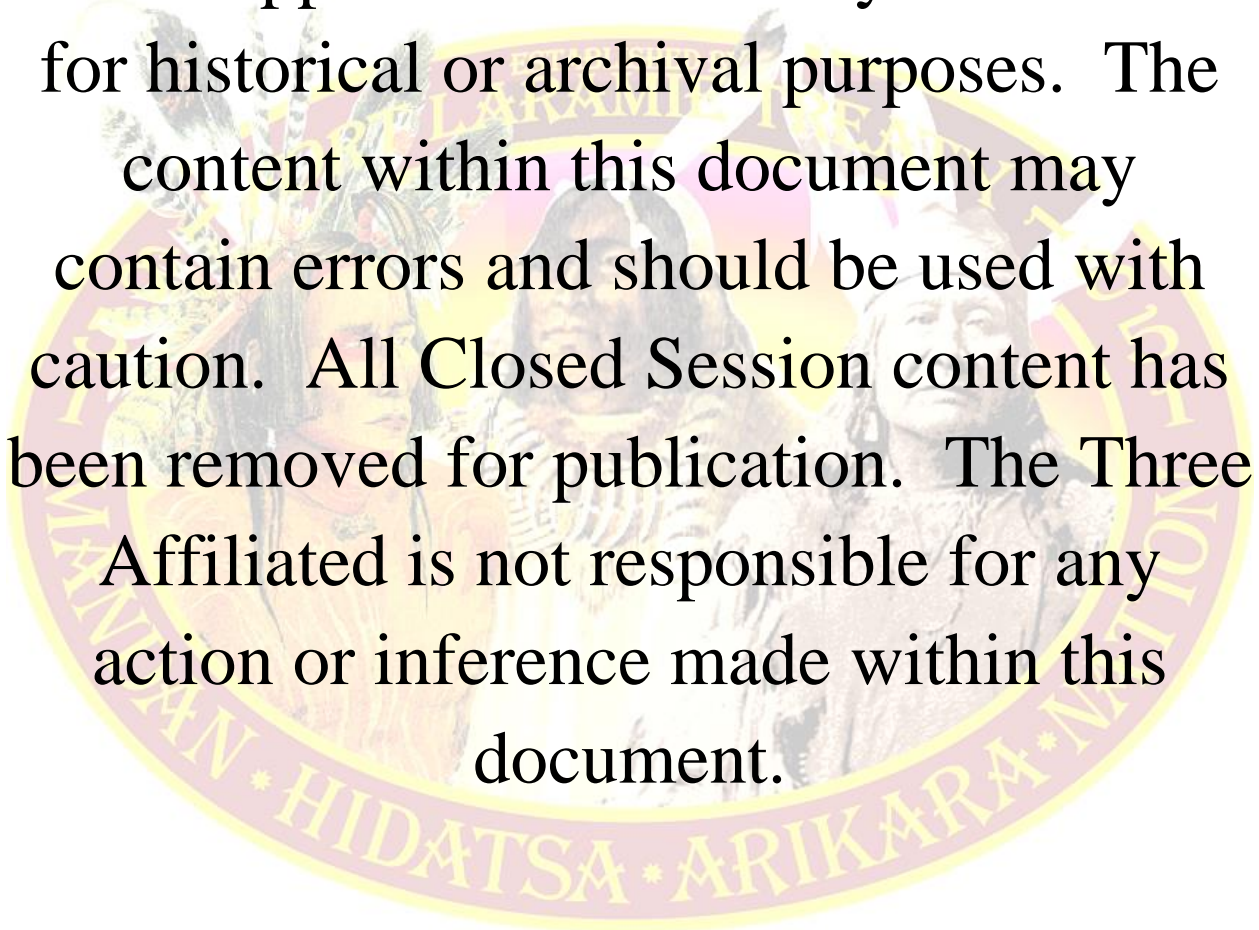


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MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes, Fort Berthold Indian Reservation
404 Frontage Road, New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
MEETING NO. 12-03-RP
JUNE 27, 2003

01. **CALL TO ORDER/INVOCATION**

Vice-Chairman Packineau called the meeting to order at 11:05 a.m., and Councilman Wells said the invocation. Chairman Hall entered the meeting at 11:10 a.m., and presided over the meeting.

02. **ROLL CALL:**

Members present: Councilman Daylon Spotted Bear, Councilman Marcus D. Wells, Jr., Councilman Mervin Packineau, Councilman Malcolm Wolf, Councilman Randy Phelan, Chairman Tex G. Hall, and Councilman Austin Gillette.

03. **APPROVAL OF AGENDA:**

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

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

04. **CHAIRMAN HALL'S REPORT:**

- Bureau of Indian Affairs reorganization update
- TIP List
- Transportation Funding and Issues: teleconference with Jerry Foel regarding the bidding process
- Tribal resolution added the Northern Lights Project to the TIP List.
- Clarification and Description of -P.L. 93-638, Self-Determination Act-Tribe is not receiving benefits.
- Gravel Contract is two separate programs but could be advertised as vertical and horizontal changes and could be bid as two projects. Mandaree Route 14 will be resurfaced with gravel.
- Physical Condition Phase 1, FY-02, and Phase 2 FY/03: The Tribe did the paperwork, hired staff and did all the programmatic things. Hugh Baker and Nathan Hale will review priorities of the project.
- Staff concerns to be addressed at the Natural Resources meeting at the end of the week; First issue: Because of numerous complaints, it was decided to separate the P.L. 93-638 Contracts from standard contracting, which is the first step in the right direction with current staffing designation.

- **POLICY:** Road Construction needs to draft a policy for the Road Maintenance Program Policy. The equipment road server was down but is back on line and plans will be printed up. Approval for FY-03, phase one has been approved.
- A letter went out because the funding is no major concern and no longer a problem.
- **For The Record:** The Recording Secretary was directed to send a letter to the Director of the Tribal Roads Department, Nathan Hale and all appropriate staff that on July 1, 2003 at 1:00 p.m., officials from the Bureau of Indian Affairs/AAO will meet with them at the Mandaree Community Center.
- Mandaree School Expansion:
- OTFM agreed with the JTAC consignment
- TIP List Update: Route No. 2, and 6, is incomplete; with the second loop which is Route No. 17, has two routes to renovate.
- Bus routes and county roads in Shell Creek, Lucky Mound and Northern Lights need gravel. Gravel Route 17, second loop in Mandaree is part of the TIP. BIA Route 17 has been approved for surface renovation only. A determination needs to be made regarding road maintenance.
- **HIP APPEALS:**
Mr. Joseph will inform the Tribe when the appeal notifications are mailed to the HIP Office and Chairman Hall. The procedures on awarding funding priorities for each reservation haven't been resolved, but will be for FY-03. The black mold infested unit needs to be addressed.
- Realty Office, BIA full-time employees: Un-obligated balances with some staffing concerns. Range unit enforcement has one officer patrolling 900,000 acres. Land Operations has one staff and needs assistance.

MARSHALL INVESTMENTS CORPORATION:

General Obligation Taxable Loan: Agreed to and accepted June 26, 2003 and signed by Chairman, Tex G. Hall.

Pay proceeds and closing statement is \$8,000,000.00. The total proceeds to paid out June 30, 2003 are \$4,691,427.46. Balance of proceeds to Marshall Escrow Account: \$3,308,572.54.

General Obligation Tax-Exempt Loan: Agreed to and accepted June 26, 2003 and signed by Chairman Tex G. Hall.

Proceeds from closing are \$4.6 Million. Total proceeds to be paid out June 30, 2003 are \$657,649,00. Balance of Proceeds in Marshall Escrow Account is \$5,342,351.00.

05. COUNCIL REPORTS:

- **NORTH SEGMENT:**

- **NORTHEAST SEGMENT:**

 - **MANDAREE**
 - Spiritual Ride
 - Mandaree Pow-wow
 - Goods and Supplies for residents
 - July 15, 2003 Vets in Mandaree shots for horses
 - Infrastructure on housing

 - **CHIEF EXECUTIVE OFFICERS REPORT:**
Closed Session
- 06. TERO PRE-APPRENTICESHIP SUMMER YOUTH PROGRAM:**
Councilman Phelan moved to approve a Summer Youth Program in the amount of \$33,000.00 with the TERO PreApprenticeship Program funding the project. Councilman Wells seconded the motion.
- VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
- 07. EXTENSION OF HEAVY EQUIPMENT OPERATORS:**
Councilman Wells moved to extend for two weeks the heavy equipment training for the 12 students, with the funding amount not to exceed \$4,800. Councilman Wells seconded the motion.
- VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
- 08. TAT HOLDING COMPANY:** Closed session
- 09. CASEY FREDERICKS; AWARDING OF RANGE UNIT:**
Councilman Gillette moved to award Casey Fredericks any range unit that is not in compliance in the Twin Buttes area and properly cancelled. The CEO was directed to follow-up with a written response to Casey Fredericks. Councilman Packineau seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
- 10. DEMOCRATIC AND REPUBLICAN CAUCUS CONTRIBUTIONS;**
RESOLUTION NO. 03-189-RP AND 03-190-RP:
Councilman Packineau moved to approve contributions of \$3,500.00 for the Democratic and Republican Caucus contributions. No second, motion failed.

Councilman Gillette moved to approve contributions of \$3,500 from Tribal funds and \$1,500 from other sources for a total of \$5,000 for Republican and Democratic Caucuses. Councilman Packineau seconded the motion.

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

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

- May 2003 Financial Statements
- Cage Operations Manual
- Marina Liquor License Update
- RSM McGladrey Internal Control Preliminary Audit
- TAT Gaming Commission Reporting Potential Non-compliance Commission (Procedure and Form)
- Signature Events Coordinator
- The Marshall Group Presentation
- Four Bears Casino and Lodge schedule of upcoming events and event comparative
- Four Bears Casino and Lodge Personnel Point System.

12. **FOUR BEARS CASINO AND LODGE MARINA BUSINESS LICENSE FOR OFF-SALE OF LIQUOR:**

Councilman Phelan moved to approve a Business Off-sale Liquor License for the Four Bears Casino and Lodge. Councilman Packineau seconded the motion.

VOTE: 3 Ayes, 2 Nays, 0 Abstentions, 1 Not voting. Motion carried.

13. **HIRING OF SIGNATURE EVENT COORDINATOR/FOUR BEARS CASINO AND LODGE:**

Councilman Phelan moved to temporary hire Clarysa Mandan at \$14.42 until advertised and filled with the permanent salary based upon the recommendation and ranking of the Human Resources Administrator. Councilman Wells seconded the motion.

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

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

Councilman Phelan moved to approve the third quarter incentives pay for the Four Bears Casino and Lodge management staff. Councilman Packineau seconded the motion.

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

15. **ANGEL WHITE HORSE-BLACK HAWK APPEAL:**

Closed Session

16. **KDU ACCREDITED RECORDS TECHNICIAN:**

Councilman Wells moved to hire Tioga Medical Center as a consultant for the Accredited Records Technician. Councilman Packineau seconded the motion.

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

17. **NON-RENEWAL OF DR. BABCOCK CONTRACT: St. Alexius**

Councilman Wells moved to authorize the non-renewal of Dr. Babcock's contract as the Nephrology, due to the expensive travel costs, budget constraints and to contract immediately with St. Alexius Hospital to provide Nephrology services for the Kidney Dialysis Unit patients. Councilman Gillette seconded the motion.

DISCUSSION: Dr. Babcock will be given a thank you letter and a satin star quilt will be presented to in appreciation for her dedicated work with the Dialysis patients.

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

18. **KDU DIRECTOR/LEAVE OF ABSENCE:**

Councilman Wells moved to approve the leave of absence request from KDU Director, Linda Irwin for three months, beginning immediately and ending on October 4, 2003. Councilman Phelan seconded the motion.

DISCUSSION: A donation of annual leave from her husband, Jerry Irwin will cover the cost of the leave of absence.

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

19. **RATIFICATION OF EXECUTIVE COMMITTEE ACTION; CODY BRUGH**

Councilman Wells moved to ratify the actions of the Executive Committees actions regarding Cody Brugh's Education and Small Loan, subject to the requirements of the Small Loan Program. Councilman Phelan seconded the motion.

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

20. **DELEGATION OF LOAN AUTHORITY TO APPROVE SMALL LOANS TO THE EXECUTIVE COMMITTEE; RESOLUTION NO. 03-192-RP**

Councilman Phelan moved to approve Resolution No. 03-192-RP, which delegates the approval of Small Loans to the Executive Committee.

Councilman Packineau seconded the motion.

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

21. **MEMORIAL GRANT RESOLUTION NO. 00-207-RP; AMENDED TO RESOLUTION NO.03-194-RP**

Councilman Packineau moved to rescind Resolution No. 00-207-RP Memorial Grant and amend the language, "to a \$500 one-time grant," with the new Resolution No. Being 03-194-RP. Councilman Phelan seconded the motion.

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

22. **ROGER WHITE OWL EDUCATIONAL SUMMER SCHOOL:**

Councilman Wells moved to approve \$1500 subject to the Educational Loan policy requirements. Councilman Phelan seconded the motion.

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

23. **\$1500 DAVID HOSIE FINANCIAL ASSISTANCE IN RESTORING TWO VEHICLES THAT WERE VANDALIZED:**

Councilman Gillette moved to approve a grant of \$1500 to David Hosie for the vandalism that occurred; and destroyed his two vehicles at the Four Bears District. Councilman Wells seconded the motion.

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

24. **FISH AND GAME WARDEN ILLEGAL COMPLAINT:**

- Townships of Fee Lands
- Open Reservation
- Closed Reservation
- Game Wardens are not respecting tribal law
- State claims to own the game.

Councilman Phelan moved to authorize Mr. Tom Fredericks to work with appropriate staff and the Legal Dept. to include negotiations of jurisdictional hunting and how to proceed because of no legal action, and to include all other available sources. Councilman Packineau seconded the motion.

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

25. TAT BUSINESS LICENSE APPROVAL: (6)

Councilman Gillette moved to approve of the business licenses for FBDC, Shannon Fay Grady, Charlie Rozelle Fire works, Billie White Owl Fireworks, Cory's Portable Toilet Service, Valerie Poitra Convenience Store, and White Shield School Business Club. Councilman Phelan seconded the motion.

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

26. 2001 AUDIT:

Councilman Gillette moved to direct Finance staff, Angie Nering and Mark Nordby to assist the Financial Advisor with the 2001 Financial Audit, with the concurrence of the Chief Financial Officer and scheduling by the CEO. Councilman Wells seconded the motion.

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

27. RESOLUTION NO. 03-195-RP ENTITLED, "REDIRECTION OF DEPUTY SUPERINTENDENT."

Councilman Gillette moved to approve Resolution No. 03-195-RP that authorizes the Tribal Chairman to negotiate and pursue a contract under the Self-Determination Act, (P.L. 93-64\338) for the two positions allocated as "Deputy Superintendent" positions so that these positions can be used for reducing the backlog in the BIA Realty Department of the Fort Berthold Agency. Councilman Phelan seconded the motion.

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

28. EVERETT HALL LAND EXCHANGE; RESOLUTION NO. 03-196-RP

Councilman Wells moved to approve the land exchange of Everett Hall. Councilman Phelan seconded the motion.

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

29. BOR REQUEST FOR 60-DAY EXTENSION TO FINISH NEGOTIATIONS ON THE 638 CONTRACT:

Councilman Wells moved to approve a 60-day extension requested by the Bureau of Reclamation to finish negotiations on the 638-Contracting process. Councilman Phelan seconded the motion.

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

30. RESOLUTION ENTITLED "RUPERTA L. AND GAYLEN J. LARSON SALE OF LOTS AND HOUSE TO THE THREE AFFILIATED TRIBES; RESOLUTION NO. 03-197-RP:

Councilman Packineau moved to approve Ruperta and Gaylen J. Larson sale of lots and House to The Three Affiliated Tribe, for a negotiated cash consideration of \$30,000 less the cost of appraisal of \$400 and taxes due of \$823.31 for a net total of \$28,776.69 utilizing funds from the Docket 350-G Land Purchase Account. Councilman Phelan seconded the motion.

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

31. GREGORY BREUER LAND SALE

He's asking for \$625 an acre for Allotment 1277, minus fifteen acres of farm appraised as grass The BIA's actual value appraisal \$150,000. Councilman Phelan recommended to table this item, and refer it back to Natural Resources for negotiations to see the actual appraisal and when it was reviewed during the Natural Resources Committee, the acreage wasn't \$625 per acre. Annette Young Bird was directed to obtain the full appraisal of Mr. Breuer from the Bureau of Indian Affairs. Because the BIA did the appraisal they're should be comparative sales for the Tribe to review and to bring the recommendation from the Natural Resources Committee on Tuesday, July 08, 2003 to the full council meeting.

32. TRIBAL LAND FILL:

Replacing the Tribal landfill is considered Number one on the Indian Health Service; Sanitation Deficiency Systems (SDS) TBC's priority list. On Page three: the language in the memorandum of understanding between McKenzie County and the Tribe waives the Tribe's sovereign immunity. Page six Item 11; jurisdiction, subjects the Tribe to State Court jurisdiction.

Councilman Wells moved to direct the Environmental Director, Patti Jo Thomas and Legal Counsel, Steve Kelly to meet with McKenzie County Landfill personnel to discuss a potential memorandum of agreement in utilizing the McKenzie County Landfill temporarily, look at other soil sites, and specifically work on the MOU Contract items No., 11, *Jurisdiction* 14; *Waiver of immunity*; drafting consistent language in the contract and bring back to the Tribal Business Council for final approval on July 14, 2003. Councilman Packineau seconded the motion.

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

33. ENVIRONMENTAL KEY STAFF:

This item will be deferred to the Special Tribal Business Council Meeting on July 15, 2003.

**34. TAT REGIONAL TRIBAL ENVIRONMENTAL OPERATION MEETING;
AUGUST 17-21, 2003**

Councilman Phelan moved to have Hugh Baker, Federal Programs Manager designate money to help defray expenses for the TAT Regional Tribal Operation Meeting on August 17-21, 2003. Councilman Packineau seconded the motion.

DISCUSSION: A breakdown of the \$4,500 Budget will come from within existing program funds along with a resolution.

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

35. PARSHALL RESOURCE CENTER

Councilman Packineau moved to award the Parshall Resource Center and the Detox Center each one-half buffalo. Councilman Phelan seconded the motion.

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

36. CONSULTANT AGREEMENT \$4,500 LESLIE MORSETTE:

Councilman Wells moved to affirm the Natural Resources Committee hire of Leslie Morsette as a consultant, not to exceed \$4,500.00; with the funding coming from the EPA General Assistance Contractual line item. Councilman Packineau seconded the motion.

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

37. SALARY INCREASE FOR THE ENVIRONMENTAL STAFF

This item was deferred to July 15, 2003 Special Council Meeting.

38. TRIBAL ELDERLY LIVING ASSISTANCE GRANT; RESOLUTION NO. 03-198-RP

Councilman Phelan moved to approve an elderly living assistance grant of \$500 for each elderly person who is 60 years old as of January 01, 2003, with the payment disbursed at the discretion of Treasurer. Councilman Packineau seconded the motion.

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

39. MANDAREE ELECTRONIC CORPORATION; RESOLUTION NO. 03-199-RP

Councilman Wells moved to approve of the limited waiver, immunity of suit been reviewed by the Legal Department with a recommendation from both the CEO and the Legal Counsel. Councilman Packineau seconded the motion.

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

40. **MANDAREE SCHOOL SEWER LINE REQUEST FOR PAYMENT:**
Councilman Phelan moved to direct Richard Mayer and Hugh Baker to work with Paul Good Iron in finding other existing funding appropriate funds to reroute the sewer lines for the new Mandaree School. Councilman Wolf seconded the motion.

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

41. **SCREENING, BRIEF INTERVENTION, GRANT FOR CIRCLE OF LIFE; RESOLUTION NO. 03-200-RP**
Councilman Phelan moved to approve the submission of a grant application of \$500,000 for the screening, brief intervention grant with the Circle of Life being the sub-grantee with Spirit Lake being the Grantee. Councilman Packineau seconded the motion.

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

42. **PROVISION OF THE ALLOCATION OF FEDERAL EDUCATION FUNDS FOR FUNDING OF TRIBAL CONSTRUCTION LOAN FOR THE MANDAREE SCHOOL PROVISION; RESOLUTION NO. NO. 03-201-RP**
Councilman Packineau moved that in the event that the Mandaree School District doesn't make available the annual funds necessary to repay the loan between the Tribe and Marshall Investments Corporation in the amount of \$2,808,101, the Tribe shall immediately reassume federal funds provided pursuant to any funding agreement or grant for the benefit of Mandaree School District which are presently provided directly to the school pursuant to a Tribal Resolution of the Tribal Business Council. Councilman Phelan seconded the motion.

DISCUSSION: The Tribe shall withhold such funds as are necessary to repay the construction loan provided to the School District by the tribe, or, in the alternative, withhold such funds from the Mandaree School District until such time the School District provides assurance satisfactory to the Tribe that the funds needed to repay the construction loan are available at the time loan payments are due.

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

43. **MANDAREE SCHOOL BOARD/HOLDING COMPANY MEETING:**
Councilman Packineau moved to that the Tribe authorize representatives of the Holding Company to discuss with the Mandaree School Board the possibility of

entering into either a force account or a sole source contract of all or parts of the Mandaree School construction project and to draft a proposal to present at the next School Board Meeting. Councilman Wells seconded the motion.

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

44. FORT BERTHOLD RELENDING COOPERATION; RESOLUTION NO. 03-202-RP:

Councilman Wells moved to approve a total of \$3,000 to the Fort Berthold Relending Cooperative towards Phase two of the cooperative development to be used as match to an Agricultural Products Utilization Commission request. Councilman Packineau seconded the motion.

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

45. FOUR BEARS LAGOON PROJECT: TEK COMPLAINT:

Councilman Wells moved for approval to direct Steve Kelly, TAT Legal Counsel and Richard Mayer, C.E.O., to draft a letter to the TERO Commission to resolve the TEK/Rising Sun issue and to provide an update to the Tribal Business Council on July 08, 2003. Councilman Phelan seconded the motion.

DISCUSSION: For the record, the correspondence from Rising Sun, dated June 26, 2003 and the TERO Order the Tribal Business Council received dated June 19, 2003 on June 27, 2003 and such documentation will be referred to the TAT Legal Department.

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

46. DENISE GRASS ROPE MEDICAL REQUEST

This item was referred to the TAT Social Service Department.

47. ADJOURNMENT:

Councilman moved to adjourn the meeting at 12: Councilman seconded the motion.

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

Submitted by,

Ardel Jean Baker
Recording Secretary

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 15th day of JULY, 2003 whereupon the Three Affiliated Tribes Recording Secretary presented the foregoing minutes for approval.

Said minutes were duly approved as amended by the affirmative vote of 6 Members, 0 Members opposed, 0 Members abstained, 0 Members not voting. Motion carried

Chairman () Voting () Not voting

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