



MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes, Fort Berthold Indian Reservation
404 Frontage Road, New Town, North Dakota 58763-9402
HEALTH, HUMAN & EDUCATION
COMMITTEE MEETING NO. 02-03-RP
AUGUST 26, 2003

01. CALL TO ORDER

Committee Chairman Randy Phelan called the meeting to order at 4:15 p.m.

02. ROLL CALL

Members present: Councilman Malcolm Wolf, Councilman Randy Phelan, and Councilman Packineau. A quorum was established with three members present. Councilman Wells came in late.

03. APPROVAL OF THE AGENDA

Councilman Packineau moved to approve the agenda including the add-ons. Councilman Wolf seconded the motion.

DISCUSSION: The add-ons included:

- | | |
|----------------------------|------------------------|
| • Conversion to time clock | Salary advances |
| • Mary Coffey | Four Bears CHR Request |
| • FBCC | Bill Wells, Jr. |
| • Buffalo Project | Ted Lone Fight III |

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

04. APPROVAL OF MINUTES

Councilman Packineau moved to approve the February 04, 2003 Minutes as presented. Councilman Wells seconded the motion.

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

05. EDUCATION DEPARTMENT UPDATE

5-1. Annual Leave Request for Payment:

Councilman Wells moved to approve Bernadine Young Bird' request for payment of her annual leave, as recommended by her supervisor, Hugh Baker. Councilman Wolf seconded the motion.

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

Education Department Update:

5-2 Organizational Chart-Bernadine presented the Organization Chart for the Education Department and asked for clarification of supervision of the position of the Higher Education Program from the Committee. No reply by the Committee members on this concern.

5-3 Head Start Program-On the Parent Policy Committee decision to readvertise all the teacher positions and as administrator for the Head Start Program Bernadine was not aware of this. Due to the Head Start Review there was three centers in questions and the staff were not given a performance evaluation. Therefore, the Parent Council members were dissatisfied with this and proposed the change.

5-4 NARF-In a prior meeting of the Tribal Business Council approved a memorandum of agreement with the tribe. One of the recommendations in the agreement is for Education to be actively involved with NARF. NARF gives technical assistance for the Education Department. So far as the Director of Education, Bernadine has not been working with NARF, the CEO-Rich Mayer is currently handling the NARF Project and the original agreement is to be with the Education Department and NARF is questioning why the Education Department is not involved.

5-5 Resource Police Officer Grant:

The Education Administrator informed the Committee, that we could get six new police officers to working directly with the school systems. She submitted the request on time, but it was deferred time again and the deadline of June 30, 2003 passed. She will give the documentation to the Chief of Police Felix to pursue next funding cycle.

Councilman Packineau moved to refer the Resources Police Officers Grant to the Judicial Committee to be addressed. Councilman Wolf seconded the motion.

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

5-6 Education Summit-2003:

The Education Administrator recommended an interim Language and Culture Commission is established to organize and structure the commissions' requirements, activities and budgetary matters. The following recommendations were made:

- The Summit is held in Bismarck, ND in conjunction with the Tribal Chairman Summit, September 2-5, 2003, to allow involvement of other Tribes.
- Committee Chairman Phelan volunteered to work with Bernadine Young Bird in setting up an interim Language Committee of all three languages with recommendations from the Council members regarding their districts.

Councilman Wells moved to approve the recommendation of the Education Administrator to establish an Interim Language and Culture Commission. Councilman Packineau seconded the motion.

DISCUSSION: Committee Chairman Phelan directed the Councilmen to email the two names to Stephani Baker to serve on the Interim Language Commission. For the Mandaree area, Councilman Phelan named Alex Gwin and Louella Young Bear. Councilman Wells named Tony Mandan and Gail Baker from the Four Bears segment. The Education Administrator recommended the Tribe commit funds to establish the Language Summit.

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

5-7 Educational Departmental Salaries:

- Summer, programmatic changes, carry over waiver request
- Salary increases
- Family Resource Center
- Approval for an RV, laptop and other items
- The carry-over funds will be used to increase salaries by 10% commensurate with duties retroactive to October 2002, and will be a one-time cost.

Chairman Phelan recommended forwarding the salary increase to the full Council to review on September 11, 2003.

5-8. Compensation Time:

The Education Director recommended that all staff, including Directors and Administrators, be allowed to accrue compensatory time when work is necessary during non-regular work hours or weekends. Also, the Directors should be allowed to approve compensatory time for immediate staff working after hours. No action was taken regarding the comment.

5-A Ft. Berthold Community College Resolution # 03-231-RP:

The FBCC President Liz Demaray requested the remaining \$25,000 of the promissory note, short term loan be transferred to the College's account for payroll purposes. Also, the note is due on August 29, 2003 as opposed to August 26, 2003. She requested that the dates be changed on the Resolution. The Resolution was already approved before full council and all it needs is signatures, Chairman Phelan signed off on the resolution and all it needs is the Tribal Chairman signature.

5-B. Northern Lights Community Center:

Bill Wells, Project Manager is requesting \$500,000 from the Tribe to pursue the completion of the construction of the Northern Lights Building. It will be a loan until the CDGB funding is drawn down.

In construction of the building, there will be 23 offices assembled, so programs can rent office space. Chairman Phelan questioned if it is allowable for the tribe to charge rent since the programs are federally funded. Chairman Phelan will forward to full council on September 11th TBC meeting.

Councilman Packineau moved to forward to the full Council, the Northern Lights request of \$500,000 to complete the construction of the building; and that it be a loan until the CDGB funding comes in. Councilman Wells seconded the motion.

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

06. HUMAN RESOURCES DEPARTMENT: (Barlow Wells)

Councilman Packineau moved to approve the temporary hire of Kenny Wells, and Didimus Morsette as carpenters at \$10.00 to the end of the fiscal year, September 30th, 2003. Councilman Wolf seconded the motion.

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

6-A MIS Director Position:

Brandon Hand resigned as the MIS Director and the position needs to be filled immediately. A memo presented from Val Finley recommending for temporary appointment of Martin Henry to MIS Director.

Councilman Packineau moved to approve the temporary appointment of Martin Henry for 90 days, and to immediately advertise and fill the position. Councilman Wolf seconded the motion.

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

6-B Salary Advance Requests:

Councilman Wells moved to approve payroll advances to Valentine Finley, Jr. and Kathy White Tail for vehicle repairs. Councilman Packineau seconded the motion.

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

6-C. Jerry Driver Request for Compensation:

Councilman Packineau moved to compensate Jerry Driver for services performed last summer for moving large medical equipment and transport to Parshall and White Shield Indian Health Service field facilities, for a total of 160 hours to receive a rate differential of \$1.36 an hour from June 17th to July 26th 2002, not to exceed 160 hours for \$219.00. Councilman Wolf seconded the motion.

Discussion: In the past, the Committee has disallowed employees' requests for payment of compensatory time. Because this was a justifiable need, an extraordinary request and a unique situation, it will be granted as a one-time payment for the record.

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

6-D. Time Cards/Time Sheets:

The Human Resource Administrator, Barlow Wells informed the Committee that it has been a common practice to submit altered time cards without administrative authority which causes confusion for the staff when payroll is processed. He is requesting from the HHR&Education Committee support in eliminating this practice. In the event a Director or administrator finds it necessary to sign off on an altered card, that a memorandum be submitted with the time card stating the reason for the change.

Councilman Wells moved to support Human Resource Administrator's efforts in eliminating the practice of submitting altered time cards without back-up documentation. Councilman Wolf seconded the motion.

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

6-E Donated Sick Leave:

In the past, it was allowable for workers to donate sick leave to staff who come up short on hours to be paid because of illness or illness of a family member. The Human Resources Director recommended changing the method to, "donation of sick leave only to staff who have a terminal illness." If it becomes necessary to donate leave to other staff, that it be "Annual Leave."

It was discussed regarding the kind of leave donated to staff that have depleted all their leave, and need additional hours to make 80 hours for the pay period. Committee Chairman Phelan didn't agree with the recommendation, and directed the Human Resource Administrator to draft up a policy for this to be reviewed at the next meeting.

6-F Dream Catcher Program Temporary Appointment:

Councilman Wolf moved to appoint Mary Coffey as Administrative Assistant with the Dream Catcher Program for 30 days or until advertised and filled. Councilman Packineau seconded the motion.

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

6-G Time Clock Issue:

A memorandum was issued from Hugh Baker, the Federal Programs Administrator directing all Directors or Administrators to utilize the time clock immediately. The concern was, "if the directive included all Directors and Administrators that Chief Executive Officer, Richard Mayer should have concurred with the directive." Councilman Phelan recommended that the issue be deferred to the full council to review.

Councilman Packineau moved to forward the time clock issue to the Council to review and make a decision. After no second, motion failed.

6-H. Personnel Issue:

The letter from a disgruntled employee of the Four Bears Casino and Lodge was referred to the Executive Committee for action.

6-I. Four Bears Additional CHR

The C.H.R. Director, Alton Spotted Horse, requested an additional CHR for the Four Bears Segment, due to an increase in population of 570 tribal members inhabiting the 36 apartments in Brooks Heights.

Councilman Wells moved to approve the employment of an additional C.H.R. for the Four Bears Area. Councilman Packineau seconded the motion.

DISCUSSION: Connie Fox, who was the former director of the C.H.R. Program, said that Scope of Work for the program would have to be revised to include the additional worker, with a request sent to the Aberdeen Office, Gail Martin for additional funds. Councilman Wells said he would like to continue with Della Foolish Bear and Henry Young Bird as C.H.R. workers for the Four Bears Area.

Councilman Wells will draft a letter to Gail Martin from the Aberdeen Area Office to be signed by Committee Chairman Phelan, that the Health, Human & Education Committee is in support of hiring an additional C.H.R. worker for the Four Bears Area.

07. OTHER BUSINESS:

Walking Shield Housing Project:

In discussing the Walking Shield Housing Project, the members present felt that it should be a decision of the Tribal Council member to make the selections for housing in their districts as opposed to the Director of the Dream Catcher Program. It was communicated that the Program is set up by a qualification basis and income basis. There was no action taken regarding the selection of homes for the areas.

08. ADJOURNMENT:

Councilman Wells moved to adjourn and seconded by Councilman Packineau.

VOTE: 3 Ayes, 0 Nays, 0 Abstention, 0 Not Voting. Motion carried.

The meeting was adjourned at 7:15 p.m.

Submitted by: Connie Fox
Connie Fox/Committee Secretary

01/06/04
Date

Concurred by: Randy Phelan
Randy Phelan/Chairman of the
Health & Human Resources/Education Committee

5-25-04
Date

ATTEST:

Randy Phelan
Randy Phelan, Executive Secretary
Tribal Business Council of the
Three Affiliated Tribes user

5-25-04
Date