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**TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 18
OCTOBER 9, 2003**

CALL TO ORDER:

Chairman Tex G. Hall convened the meeting at 11:10 a.m. with invocation by Councilman Marcus D. Wells, Jr.

ROLL CALL:

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

CHAIRMAN'S REPORT:

- Tribal Business Council Continuation Meeting-October 28, 2003
- First Nations Day-October 10 is declared a recognized tribal holiday
- Sakakawea Unveiling Ceremony-October 16, 2003
- Juvenile Code revisions
- Civil Code (Adult non-tribal members) revisions
- B.I.A. Reorganizational Meeting-October 27, 2003
- Health Care and Self Determination
- Day Care Consolidation Plan to be presented in November 2003
- Master Manual Hearing-October 16, 2003
- Constitutional Revision Committee Meeting-November 24-25, 2003
- Cultural Preservation Meeting-October 23, 2003
- Elders Organization Consolidation to be presented in November 2003

01. OUTSTANDING TRAVEL:

Councilman Wells moved for approval of January 1, 2004 as the deadline for payment of outstanding travel, including all Tribal Business Council members and tribal employees. Councilman Gillette seconded the motion.

DISCUSSION: There will no pre-travel authorized until outstanding balances are paid. A payment plan must be arranged through Small Loans or by wage assignment and be accepted by TAT Finance. All travel closeouts must be submitted within two weeks after travel dates.

FOR THE RECORD: The Tribal Business Council and its administrative staff were first to be assessed wage deductions for outstanding travel and were first to be voluntarily drug tested.

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

- Timberline, Inc. Compliant--FOR THE RECORD: Greystone was awarded the Oil Refinery contract and the Tribal Business Council will not entertain any appeal. The TERO Commission will decide on the Timberline, Inc. appeal.

02. 4 BEARS CASINO:

Councilman Phelan moved for approval to award the 4th Quarter Incentive bonus to the Casino management. Councilman Gillette seconded the motion.

FOR THE RECORD: No findings under comps were reported on the 4 Bears Casino audit.

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

03. RECISSION OF RESOLUTION NO. 00-13-DSB AND RATIFICATION OF RESOLUTION NO. 03-257-RP:

Councilman Phelan moved for approval to rescind Resolution No. 00-13-DSB in its entirety and to ratify Resolution 03-257-RP for signatory authority to Spencer Wilkinson, Jr, Patrick Packineau, Cerese Baker, and Felicia Jarski for the 4 Bears Casino & Lodge. Councilman Gillette seconded the motion.

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

04. 2004 BUDGET INCREASE:

Councilman Wells moved for approval to increase the FY-04 Budget by a minimum of \$50,000 and to authorize staff to negotiate up to \$1,000,000 from Casino revenue. Councilman Wolf seconded the motion.

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

05. RESOLUTION NO. 03-258-RP--DEPARTMENT SERVICE WATER OPERATING:

Councilman Wells moved for approval to authorize debt service on USDA Water Loan for Mandaree and Four Bears communities in the amount of \$139,024 to meet USDA requirements on the \$2.5 million loan. Councilman Gillette seconded the motion.

FOR THE RECORD: The primary source of funds from Dakota Water Resources appropriations and the secondary commitment of \$139,000 annual

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

06. RESOLUTION NO. 03-259-RP--FY04 DOCKET FUNDS:

Councilman Wells moved for approval to authorize the docket withdrawal for FY-04 in the amount of \$539,549.91. Councilman Gillette seconded the motion.

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

07. RESOLUTION NO. 03-260-RP--FY04 BUDGET:

Councilman Wells moved for approval of the proposed FY-04 Budget in the total amount of \$34,114,000. Councilman Gillette seconded the motion.

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

08. TAPE TWO

RESOLUTION NO. 03-261-RP—MEMORANDUM OF UNDERSTANDING:

Councilman Wells moved for approval of the memorandum of understanding which encompasses provisions of related documents between the Three Affiliated Tribes and the Casey Family Program subject to TAT Legal review. Councilman Spotted Bear seconded the motion.

need

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

Can't forget
RIF Policy
Casey as Mom
not approved

09. MILITARY HOUSING UNITS:

Councilman Phelan moved for approval to purchase thirty-two units at \$12,900 per unit, total amount of \$421,000 with five units awarded to each district and the remaining two units awarded to others. Councilman Packineau seconded the motion.

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

10. RESOLUTION NO. 03-262-RP--MILITARY HOUSING UNITS:

Councilman Packineau moved for approval to purchase five military housing units for Parshall and Mandaree at the cost of \$12,900 per unit, total amount of \$129,000 to be derived from the Tribal Housing budget and to be designated for low-income families. Councilman Phelan seconded the motion.

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

TAPE THREE
Rescind
all these
NO.

RESOLUTION NO. 03-263-RP—TRIBAL CODE AMENDMENT:

FORECLOSURE: Councilman Wells moved for approval of the amendments to the Tribal Code-Foreclosures as presented. Councilman Gillette seconded the motion.

Judgement for
Recording
TITLE 34
pp 2-3

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

12. LOAN PACKAGE PROPOSAL:

Councilman Gillette moved for approval to authorize Councilman Austin Gillette to research a proposed loan package for the purchase of mobile homes for four segments to be presented by Councilman Austin Gillette at the Tribal Business Council Continuation meeting on October 28, 2003. Councilman Wells seconded the motion.

→ Day Beauty Consultant Agreement (Ol. Personnel Act 1015)

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

And Anyone Council men from any district to take the money amt allocated per district and leverage loan arrangement separate all other trans. to purchase double wide trailers accommodate

Purchase of 5 double wide trailers
\$4351
just spent \$129,000
306,000
\$16,500
bring back mtg.

13. RESOLUTION NO. 03-265-RP—FORT BERTHOLD DEVELOPMENT CORPORATION LETTER OF CREDIT:

Councilman Wells moved for approval to renew CD #6420306092 and letter of credit for Fort Berthold Development Corporation from Community First National Bank of Dickinson, North Dakota. Councilman Wolf seconded the motion.

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

*Renew CD
TBC # 6420306092
Community
First*

15. RESOLUTION NO. 03-266-RP—MHA BUFFALO ENTERPRISE, INC.:

Councilman Wells moved for approval of the corporate charter and bylaws for MHA Enterprise, Inc. as presented. Councilman Packineau seconded the motion.

BOB (least 3) Holding Co. ENT 4 - Community
VOTE: 4 Ayes, 1 Nay, 1 Abstention, 0 Not Voting. Motion carried.

*Buffalo
Ent? ?*

16. MHA NATION SALARY SCHEDULE: Councilman Wells moved for interim approval of the MHA Nation Salary Schedule, subject to proposed revisions, and to present revised draft at the Tribal Business Council meeting on November, 2003. Councilman Gillette seconded the motion.

*Grade 2 water 9/13-18. (dish) # of employees
of operation
Clarify
Partitions*
VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

GRADE 1: Custodians, Cooks Maint. Includes H. S.

17. RESOLUTION NO. 03-268-RP—PERSONNEL RANKING COMMITTEE:

Councilman Wells moved for approval to form a personnel ranking committee as presented. Councilman Spotted Bear seconded the motion.

*For the record:
Employee stay at same level until
research is
done
2 working levels (job description) 2 employee + present
+ present findings*
VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

18. RESOLUTION NO. 03-269-RP—NATIONAL LEWIS & CLARK ADVISORY COMMITTEE:

Councilman Phelan moved for approval of the Resolution to appoint Brenda Hall Dvorak to the National Lewis & Clark Advisory Council as presented. Councilman Wells seconded the motion.

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

20. RESOLUTION NO. 03-270-RP—IN SUPPORT OF TEX G. HALL'S CANDIDACY FOR NCAI PRESIDENT:

Councilman Wells moved for approval of a resolution in support of Tex G. Hall's candidacy for re-election as NCAI President. Councilman Phelan seconded the motion.

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

FOR THE RECORD: Chairman Hall thanked the Tribal Business Council and the members of the Three Affiliated Tribes for its continued support and commitment in allowing Chairman Hall to serve as President of the National Congress of American

*15. Sep. 15th
Requirements
of A. Section
Implementation*

TAPE #4

Indians. The efforts in sharing Chairman Hall's time away from regular Tribal Business Council business will afford the Three Affiliated Tribes the benefit of recognition on important issues such as.....

21. RESOLUTION NO. 03-271-RP—NCAI MEMBERSHIP DUES:

Councilman Wells moved for approval of National Congress of American Indians dues in the amount of \$5,000. Councilman seconded the motion.

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

22. REQUEST FOR ASSISTANCE—AISES:

Councilman Phelan moved for approval of AISES request in the amount of \$1,660 for eight (8) Fort Berthold Community College students to attend.... Councilman Packineau seconded the motion.

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

23. FINANCIAL REQUEST--NATIONAL VOLLEYBALL TOURNAMENT:

Councilman Phelan moved for approval of a financial request in the amount of \$500 to Kris Wells to attend the National Volleyball Tournament to be derived from grants/donations. Councilman Packineau seconded the motion.

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

24. FINANCIAL REQUEST--INDIAN NATIONAL FINALS RODEO:

Councilman Wells moved for approval of a financial request in the amount of \$500 to Brandee Brugh to attend the Indian National Finals Rodeo to be held in San Jacinto, CA, October 16-19, 2003. Councilman Packineau seconded the motion.

Councilman Wells and Councilman Packineau concurred to amend the motion to include a grant/donation for Cody Brugh in the amount of \$500, subject to documentation.

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

25. RESOLUTION NO. 03-272-RP—BUFFALO ROBE PURCHASE:

Councilman Wells moved for approval to purchase a buffalo robe in the amount of \$4,500 from Ron Brugh to display in the Parshall/Lucky Mound community building. Councilman Phelan seconded the motion.

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

26. EDUCATIONAL LOAN:

Councilman Wells moved for approval to an educational loan in the amount of \$2,978 for Charlene Fredericks-Gourd, subject to Small Loan requirements. Councilman Phelan seconded the motion.

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

27. **RESOLUTION NO. 03-273-RP—NORTHERN LIGHTS COMMUNITY CENTER:**
Councilman Phelan moved for approval to allocate \$480,000 from USDA surplus dollars. Councilman Wolf seconded the motion.

DISCUSSION: Richard E. Mayer, CEO, will provide resolution and Steve Salvesson, CFO, will provide letter.

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

28. **FOUR BEARS DAY CARE:**
Councilman Wells moved for approval of an appraisal for Four Bears Day Care not to exceed \$500 to be derived from the Four Bears Day Care line. Councilman Packineau seconded the motion.

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

29. **RESOLUTION NO. 03-274-RP--DAKOTA DREAMS PROJECT:**
Councilman Wells moved for approval of a resolution of support for the Northwest Venture communities grant application. Councilman Wolf seconded the motion.

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

30. **RESOLUTION NO. 03-275-RP—JACKSON & ASSOCIATES:**
Councilman Wells moved for approval of Jackson & Associates, Inc. contract subject to identification of the \$330,000, to include language that Jackson & Associates, Inc. will produce \$42,500, and a draft proposal or outline of work product (as defined A-M). Councilman Packineau seconded the motion.

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

31. **RESOLUTION NO. 03-276-RP—GROSS PRODUCTION TAX:**
Councilman Wells moved for approval of a resolution to assess Gross Production Tax retroactive to 1997. Councilman Spotted Bear seconded the motion.

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

32. **RESOLUTION NO. 03-277-RP—EDUCATIONAL ADVISORY COMMITTEE:**
Councilman Wells moved for approval of a resolution creating an Educational Advisory Committee for the purpose of Education Code Development. Councilman Spotted Bear seconded the motion.

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

34. **RESOLUTION NO. 03-278-RP—CIRCLE OF TRIBAL ADVISORS:**
Councilman Wells moved for approval of a resolution to provide an In-Kind match of 100% of \$10,000.00 for the 2004-05 Circle of Tribal Advisors (COTA) Tribal Enhancement Grants for the National Council of the Lewis and Clark Bicentennial. Councilman Phelan seconded the motion.

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

35. **SOBRIETY CHECKPOINTS:**
Councilman Wells moved for approval of an annual sobriety checkpoint within the exterior boundaries of the Fort Berthold Indian Reservation, subject to TAT Legal review. Councilman Packineau seconded the motion.

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

36. **FOUR BEARS WASTEWATER TREATMENT PROJECT 556MOA1:**
Councilman Wells moved for approval of a meeting with all parties (Baranko Bros.....) on Thursday, October 16, 2003. Councilman Phelan seconded the motion.

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

37. **ADJOURNMENT:**
Councilman Phelan moved for approval to adjourn the meeting at 11:35 p.m. Councilman Spotted Bear seconded the motion.

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

CERTIFICATION OF MINUTES

I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, _____ were present at a _____ Meeting thereof duly called, noticed, and convened and held on the _____ day of _____, 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 _____ members, _____ members opposed, _____ members abstained, _____ members not voting.

Chairman [] Voting. [] Not voting.

Dated this _____ day of _____, 2003

ATTEST:

Randy Phelan, Secretary
Tribal Business Council

Tex G. Hall, Chairman
Tribal Business Council