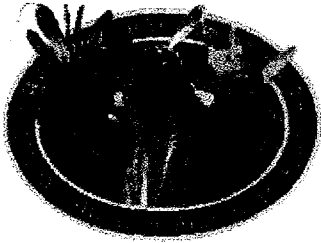


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**MHA NATION
TRIBAL BUSINESS COUNCIL
REGULAR MEETING
NO. 04-004-RP
MARCH 11, 2004**

CALL TO ORDER:

Chairman Tex G. Hall convened the meeting at 2:30 p.m., invocation by Councilman Phelan.

ROLL CALL:

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Austin Gillette, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Randy Phelan. A quorum was established with six members present.

Members absent: Councilman Marcus D. Wells, Jr. (Funeral in the Four Bears Community)

APPROVAL OF THE AGENDA:

Councilman Phelan moved for approval of the amended agenda. Councilman Gillette seconded the motion.

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

01. CHAIRMAN'S REPORT:

A. RESOLUTION NO. 04-029-RP, BUREAU OF INDIAN AFFAIRS HIGHER EDUCATION BUDGET:

Councilman Gillette moved for approval of a standing Resolution entitled, "Requesting increase, or permanent funding for the Higher Education and for the funding of UTTC, Legal Counsel is to draft a resolution to that effect."

Councilman Phelan seconded the motion.

DISCUSSION: The CEO was directed to meet with the Higher Education Director to make sure that she has adequate numbers of applicants and students in higher education institutions. Nation wide the higher education is taking a \$547,000 cut because of declining number of applicants.

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

B. KEEPS-EAGLE UPDATE:

A number of people are in foreclosure with the federal Government who is trying to do offsets to accelerate payments and require monies paid while the Tribe is in litigation. The Tribe needs to know who has been served with Notices of foreclosure from the IRS or the Treasury Department that are involved in the Keeps Eagle lawsuit. Please inform the CEO and the papers will be filed with Joe Seller, Attorney for the lawsuit and is the contact person.

C. DREAMCATCHER PROGRAM:

The Tribe is in the process of closing the loan on the Dream Catcher Program. Wally Schelsky, from the Office of the Native American Programs has been working efficiently with the Dream Catcher Program who were looking forward to meeting with him on March 19, 2004. The CEO and the Tribal Housing Director were directed to call the Office of Native American Programs to see what Mr. Schelsky's status is and if the guy was transferred from the Department.

- Language was amended to include trust status in the agreement with Northern Lights addition.

D. ELOISE COBELL, NACDC:

- A meeting is scheduled with Tribal officials and Stan Drvas from the Otto Bremer foundation to possibly fund some of the programs of the TAT.
- Financing Projects with Otto Bremer Foundation to possibly fund some of the programs of the TAT.

E. HEALTH CARE CONTRACT REPORT:

- House of Representatives regarding the 24-hour Health Care facility
- Update on Third party Billing
- Aberdeen Area Office – 638 Contracts-Field clinics

F. TWIN BUTTES SCHOOL APPLICATION

- Appropriations language in construction demonstration project say, "it doesn't have to pay for operating and maintenance costs." For the Record: The Legal Counsel is to provide a copy pf the CFR to all Tribal Business Council members and draft an opinion regarding the language in the CFR. Chairman Hall said, "In his opinion, it's at the discretion of the Secretary to decide if operation and maintenance should be funded." After reviewing the Legal opinion, they are too follow-up with a letter to Dave Anderson and the Twin Buttes School Board.

G. CONSTITUTION REVISION COMMITTEE:

- Next meeting is scheduled for April 1-2, 2004
- All Tribal Business Council members are urged to attend
- Topic for meeting is, "how many representatives per segment
- Representation should be population based.

H. COLEMAN BEEF:

- Ranchers are signing up for the project
- Casey Fredericks is the point of contact person
- Long range goal is "a Multi-Tribal Natural Beef Corporation"
- Requesting financial assistance to pay ITA fees of approximately \$5,000

02. **RESOLUTION NO. 04-030-RP, APPROVING LOANS, WITHDRAWAL OF TRUST FUND MONIES FOR RESERVE FUND THEREFOR AND ASSIGNMENT OF TRUST FUND INTEREST AS SECURITY:**

Councilman Packineau moved for approval of an amended Resolution entitled, "FINANCING PROPOSAL FROM MARSHALL INVESTMENTS CORPORATION, Approving loans, withdrawals of trust fund monies for reserve fund therefore and assignment of trust fund interest as security." Councilman Spotted Bear seconded the motion.

DISCUSSION: The amendments are: Page two, (iv) add language: "provided that the amount assignment shall not exceed the annual principal and interest payments."
Exhibit A: remove the "State of North Dakota."

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

03. **NORTHERN LIGHTS-USDA LOAN AMENDMENTS:**

Councilman Wolf moved for approval of changes in the North Segment Community Loan: Changes are: \$3.4 to 3.3 Million, with the payments from \$413,000 to \$407,000; and the certification dated March 11, 2004, and authority for Councilman Packineau and Councilman Wolf to close the loan on March 21, 2004. Councilman Phelan seconded the motion.

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

04. **RESOLUTION NO. 04-031-RP, PURCHASE OF RDO EQUIPMENT:**

Richard Mayer and Nathan Hale were directed to write the resolution.

Councilman Spotted Bear moved for approval of a purchase agreement between RDO Equipment and the MHA Nation in the amount of \$120,940. Councilman Packineau seconded the motion.

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

05. **RESOLUTION NO. 04-032-RP, UPPER MISSOURI INTERTRIBAL ALLOTTEES ASSOCIATION:**

Councilman Gillette moved for approval of a Resolution entitled, "Charter for Upper Missouri Intertribal Allottees Association, Charter and Resolution. Councilman Phelan seconded the motion.

Councilman Gillette amended his motion to include the language under (J) (2) on page four of the charter: "*except that the association will not sue any tribe or tribal entity.*" Councilman Phelan concurred with the amendment.

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

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06. **RESOLUTION NO. 04-033-RP, IN THE WAKE OF THE FLOOD DOCUMENTARY**
Councilman Gillette moved for approval to adopt a Resolution entitled, "In the Wake of a Flood." Councilman Phelan seconded the motion.
- VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
07. **RESOLUTION NO. 04-034-RP, INTERTRIBAL COUP/ICLEI INDEPENDENCE DAY CAMPAIGN & ENDORSEMENT.**
Councilman Phelan moved for approval of a Resolution, entitled, "Support for the Intertribal COUP/ICLEI Energy Independence Day Campaign & Endorsement of the "American Indian & Alaska Leadership Statement on Global Warning." Councilman Spotted Bear seconded the motion.
- VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.
08. **RESOLUTION NO. 04-035-RP, INTERTRIBAL COUP ENVIRONMENTAL JUSTICE WIND ENERGY DEVELOPMENT DEMONSTRATION PROJECT.**
Councilman Phelan moved for approval of a Resolution entitled, "Commitment to participate in the Intertribal COUP Environmental Justice Wind Energy Development Demonstration Project." Councilman Packineau seconded the motion.
- VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.
09. **RESOLUTION NO. 04-036-RP, MCKENZIE COUNTY REFUSE DISPOSAL AGREEMENT:** *Steve Kelly will draft Resolution*
Councilman Gillette moved for approval of the McKenzie County Refuse Disposal Agreement. Councilman Wolf seconded the motion.
- VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.
10. **RESOLUTION NO. 04-037-RPWATER SUPPLY CONTRACT BETWEEN THE THREE AFFILIATED TRIBES, DBA-FORT BERTHOLD WATER SUPPLY SYSTEM, AND MCKENZIE COUNTY WATER MANAGEMENT DISTRICT dba MCKENZIE COUNTY RURAL WATER SYSTEM:** *Steve Kelly will draft Resolution with Texx Lone Bear.*
Councilman Gillette moved for approval of the Water Supply Contract between TAT, FBRW, and McKenzie County Water Management District and to include in the Resolution: "allow Chairman, FBRW Director and the Legal Counsel to make sure the rates are equitable and fair." Councilman Wolf seconded the motion.
- VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.
11. **FORT BERTHOLD COMMUNITY COLLEGE:**
Councilman Gillette moved for approval to authorize the Fort Berthold Community College to seek a loan from any financial institution and to bring back for final review on March 29, 2004. Councilman Wolf seconded the motion.
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VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

12. **RESOLUTION NO. 04-038-RP, FINISH GRADE AND GRAVEL BASE ON 9TH STREET.** *Steve Kelly will draft the resolution*

Councilman Phelan moved for approval of a Resolution entitled, "Finish Grade and Gravel base on 9th Street." Councilman Gillette seconded the motion."

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

13. **FINANCIAL MEDICAL REQUEST:**

Councilman Phelan moved for approval of an emergency medical grant of \$250.00 to Gladys Black Hawk. Councilman Packineau seconded the motion.

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

14. **PAT FREDERICKS SMALL LOAN:**

Councilman Phelan moved for approval to reclassify Pat Frederick's small loans, remove Marty Fredericks name off the co-signor for the \$1,000 loan as he fulfilled his obligation as a co-signer, with the balance remaining in Pat Frederick name. Councilman Packineau seconded the motion.

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

Councilman Phelan moved for approval of a \$500 emergency loan for Pat Fredericks for transportation costs, subject to the policies of the Small Loan Program. Councilman Packineau seconded the motion.

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

15. **GRETRUDE SILLETTI:**

The Fort Berthold Community College will be on the agenda for March 11, 2004.

16. **PERSONNEL MATTERS: CLOSED SESSION**

17. **ADJOURNMENT:**

CERTIFICATION

I, the undersigned, as 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 the _____ Meeting thereof duly called, noticed, convened and held on the _____ day of _____, 2003; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of _____ members; _____ members opposed; _____ members abstained; _____ Members not voting.

Chairman [] Voting. [] Not voting.

Dated this _____ day of _____, 2004.

ATTEST:

Randy Phelan, Executive Secretary
Tribal Business Council, MHA Nation

Tex G. Hall, Tribal Chairman
Tribal Business Council, MHA Nation