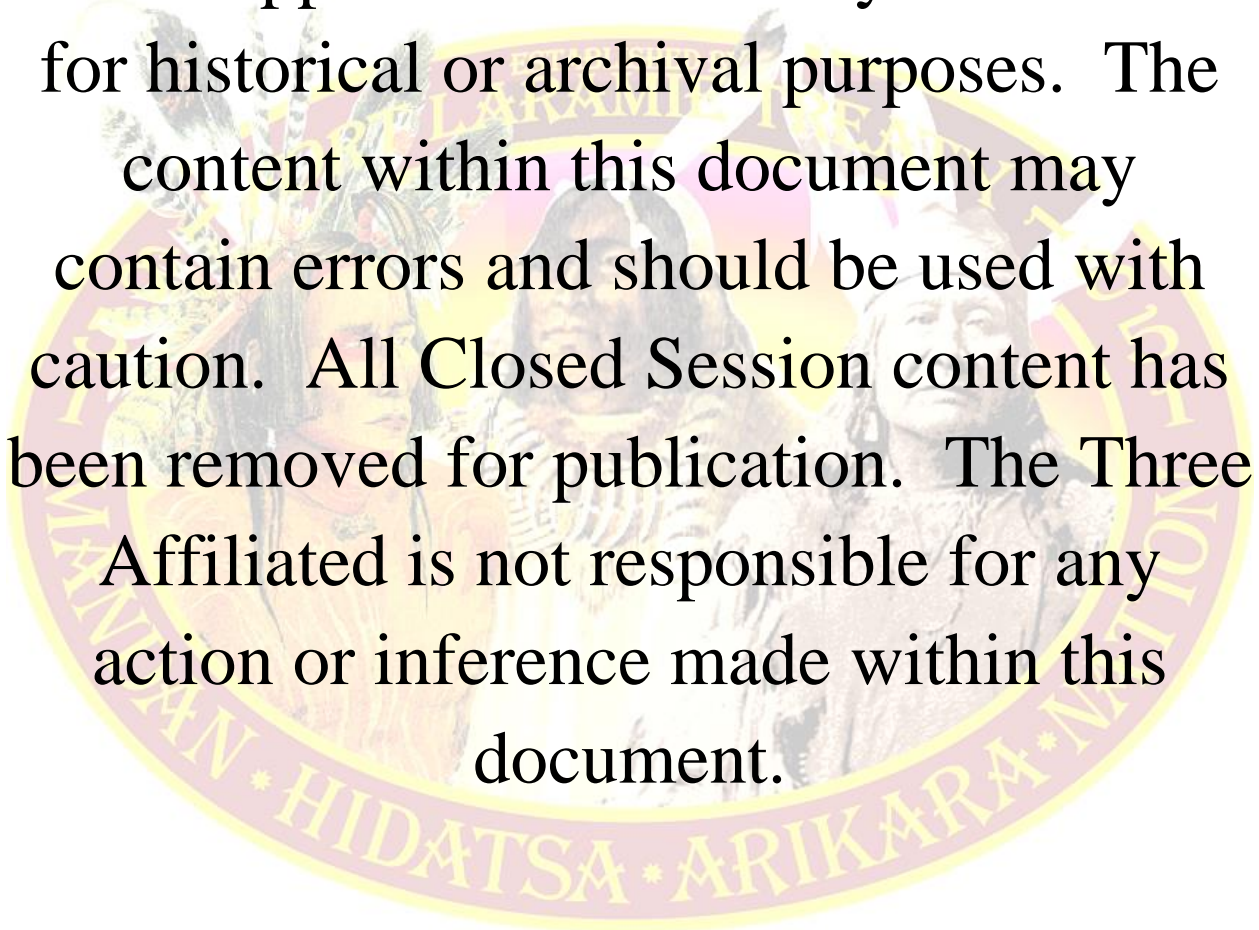


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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 04-005  
APRIL 08, 2004**

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**RECONVENE THE MEETING:**

Chairman Hall called the meeting at 1:30 p.m. with invocation by Councilman Wolf.

**ROLL CALL:** *Councilman Daylon Spotted Bear was appointed to as Secretary until Councilman Phelan came into the meeting.*

Members present: Chairman Tex G. Hall, Councilman Austin Gillette, Councilman Marcus D. Wells, Councilman Malcolm Wolf, Councilman Mervin Packineau. Six members present established a quorum. Councilman Randy Phelan entered the meeting at 2:30 p.m.

**01. APPROVAL OF AGENDA:**

Councilman Packineau moved for approval of the agenda as amended. Councilman Wolf seconded the motion.

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

**02. CHAIRMAN REPORT**

Dream Catcher Program Loan Closing, April 29, 2004

Because Treasurer Wells will be on travel April 29, 2004, Vice-Chairman Packineau will sign USDA loan-closing documents with Chairman Hall.

Tribe will be the 184 borrower- rent to own or a mortgage with the 34 individuals

The Tribe will execute contract agreements with Fort Berthold Development to construct 17 units, and Twin Buttes Custom Homes to construct 17 units, for 34 units, with a timeframe of six months for completion.

Northern Lights Housing Project will construct a gravel roadway to eliminate any possible delays in case of rainy days.

**Fort Berthold Housing Authority; Buy-down Program:**

The Tribes concern is that the use of the buy-down HUD Funds is only available to clients who apply with the FBHA and not for clients applying through the TAT Housing Program. According to the HUD regulations, the program can provide up to \$25,000 if the clients' income is within their income guidelines, so it is a critical issue for the potential homeowners purchasing one of the 34 units. Janice Wagner informed the Housing Director that use of these income guidelines is allowable, and she is communicating this to the Fort Berthold Housing. The Chairman of the FBHA's Board of Directors, Casey Fredericks indicated his intention to resign in a month; at that time, the Chairman will replace him with a different appointee.

**Lakeshore Lawsuit**

For the Record: On March 10, 2004, United States District Court Richard Roberts dismissed the suit brought by the TAT, "for return of the excess lands along Lake Sakakawea.

**RESOLUTION NO. 04-039-DSB MHA ENTERPRISES, INC. – MULTI-TRIBAL NATURAL, BEEF, BUFFALO, AND FOOD PRODUCTS COMPANY:**

Councilman Wells moved for approval of a Resolution entitled, "Appropriation of \$10,000.00 to MHA Enterprises, Inc. to invest in the Multi-Tribal Natural Beef, Buffalo and Food Products Company." Councilman Gillette seconded the motion.



VOTE: 6 Ayes, 0 Nay, 0 Abstention, 0 Not voting. Motion carried.

**03. COMMITTEE REPORTS**

Indian Health Service National Budget Meeting – May 13, 2004

Please forward comments to CEO, Richard Mayer and Chairman's Assistant, Karen Stevens

Great Plains Summit-Prairie Knights May 12, 2004 Dave Anderson – Guest Speaker

United Tribes Graduation – May 7, 2004 Dave Anderson guest Speaker.

ITMA Listening Conference for Trust issues involving the Great Plains Area. The Three Affiliated is to host the Conference. May 24-25, 2004.

Fort Berthold Housing Authority: HUD is working with all regions for a national Housing Summit. Unified national more emphasis on Indian housing Region 8 is the National leader on May 25- 26, 2004, Denver, Colorado. Chairman Hall will attend on May 26, 2004 to give opening remarks.

**04. RESOLUTION NO. 04- RP, MINOT STATE UNIVERSITY POW-WOW:**

*Councilman Wells will draft the resolution.*

Councilman Wells moved for approval of a grant of \$3,000 to the Minot State University Cultural committee for their annual pow-wow. Councilman Packineau seconded the motion.

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

Councilman Wells moved for approval to grant the request of a buffalo to feed the people at the Cultural committee at the Minot State University Pow-wow. Councilman Packineau seconded the motion.

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

**05. PROGRAMMATIC AGREEMENT SIGNATURE EVENT:**

Councilman Gillette moved for approval of a budget of \$4,000 to purchase gifts for dignitaries who are recognized at the Signature of the Programmatic Agreement; travel costs for the elders who will attend the event; and to give Councilman Wolf and Councilman Gillette the authority to sign the Programmatic Agreement with the U.S. Army Corp of Engineers that is being held in Pierre, South Dakota on April 13, 2004. Councilman Wells seconded the motion.

Councilman Gillette amended his motion to include; "recognition of the Lower Brule Tribe with an appropriate song, and presenting Chairman Mike Jandreau with a genuine war bonnet on behalf of the MHA Nation thanking them for safeguarding our tribal remains for 25 years." Councilman Wells concurred with the amendment.

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

**06. RESOLUTION NO. 04-040-DSB- DREAM CATCHER PROGRAM:**

Councilman Wells moved for approval to amend Resolution No. 04-\_\_\_\_\_ giving the Vice-Chairman the authority to sign off on the loan closing on the Dream Catcher Program. Councilman Packineau seconded the motion.

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



**07. RESOLUTION NO. 04-040-DSB, TRIBAL HOUSING DIVISION AUTHORITY TO OBTAIN A NATIVE AMERICAN BANK LOAN FOR THE DREAM CATCHER DEVELOPMENT:**

Councilman Wells moved for approval of a Resolution entitled, "Tribal Housing Division Authority to obtain a Native American bank loan for the Dream Catcher Program."  
Councilman Spotted Bear seconded the motion.

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

**08. RESOLUTION NO. 041-DSB, CONSULTANT AGREEMENT FOR LORI PEMBERTON TO PROVIDE LOAN ORIGATION SERVICES TO THE TAT HOUSING DIVISION.**

Councilman Packineau moved for approval to enter into a Consultant Agreement with Lori Pemberton to process mortgage origination and provide grant-writing services to the TAT Housing Division and North Segment for a six-month period of which compensation shall not exceed \$12,480. Councilman Wolf seconded the motion.

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

**09. RESOLUTION NO. 04-042, HOUSING DIVISION AUTHORITY TO OBTAIN A FEDERAL HOME LOAN BANK GRANT OF \$500,000.00:**

Councilman Wells moved for approval of a Resolution, entitled, "Housing Division Authority to obtain a Federal Home Loan Bank Grant of \$500,000.00. Councilman Spotted Bear seconded the motion.

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

**10. RESOLUTION NO. 04-TRIBAL HOUSING BUDGET:**

Councilman Wells moved for approval of the adoption of the revised FY-Operating Budget of \$537,089.86 for the Tribal Housing Division. Councilman Wolf seconded the motion.

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

The following operating expenses changed or deleted:

- 1) Elderly Home Program decreased to \$130,000
- 2) Construction Analyst costs deleted at \$42,000 fees with be paid from the
- 3) Tribal Housing Vehicle costs deleted at \$30,000
- 4) Legal Fees deleted at \$30,000, with fees paid from the budget of the Legal Department. A Tribal 2000 Mercury Sable previously assigned to the Finance Department will take care of the vehicle request.

**11. RESOLUTION NO. 04-043-DSB, TRANSFER OF THE HIP PROGRAM TO THE TAT:**

Councilman moved for approval of a Resolution, entitled, "Transfer of the Housing Improvement Program to the MHA Nation. Council member seconded the motion.

VOTE: 4 Ayes, 03 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**12. LESTER CROWSHEART/JOHN MOSSETT LEASE:**

Councilman Gillette moved for approval to put Lester Crows Heart's tribal land lease held in abeyance until the Natural Resources Committee meets on April 20, 2004 and clarifies the lease agreement. Councilman Phelan seconded the motion.



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

13. **WALKING SHIELD UNITS:**

Councilman Gillette moved for approval to allocate five Walking Shield Units to the Twin Buttes area. Councilman Spotted Bear seconded the motion.

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

14. **CEO REPORT:**

- Finance Department
- Accounting Code
- Expenditures versus actual figure
- Purchase Orders not processed in a timely manner
- Third Party Billing

15. **THIRD PARTY BILLING/RPMS:**

Councilman Gillette moved for approval to authorize the Health Systems staff to meet with the Indian Health Service and try to come to an agreement that will put the Tribe in compliance with all HIPPA Regulations, and to invite all management staff to get involved. Councilman Phelan seconded the motion.

Chairman Gillette amended his motion to include language, "that the Chairman is available to meet with the Health Systems staff, Area Director, Service Unit Director and the Compliance Officer. Councilman Wells concurred with the amendment.

DISCUSSION: A letter will be sent to Service Unit Director, Karol Parker and Donald Lee informing them that the Tribe is scheduling a meeting on April 30, 2004 to discuss Health care on the Fort Berthold Reservation.

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

16. **THE THIRD PARTY BILLING BUDGET:**

Councilman Gillette moved for approval of the Health Systems budget of \$152, 2983.74

funded with the third Party Billing reimbursements. Councilman Packineau seconded the motion.

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

17. **RESOLUTION NO. 04-044-RP, LEGAL APPEAL OF THIRD PARTY BILLING:**

Councilman Gillette moved for approval to develop a legal appeal to the denial of the collection of the third party, file it requesting a waiver allowable for the Tribe is paid from the date of the inception of the billing process. Councilman Phelan seconded the motion.

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

NOTE: There are two resolutions with the same Number.

A Resolution entitled, "Housing Division HUD Section 184 Loan was assigned Number of 04-045-RP, which was assigned to the Closeout Of travel records extension; and Personnel Policy Procedure Handbook.

18. **FINANCE SYSTEM IMPROVEMENT:**

- Software System
- Personnel changes



- Actual cash balances
- Purchase orders need to be logged
- Staff training
- Process not defined

**19. EVALUATIONS FOR THE CFO AND THE CEO.**

Councilman Wells moved for approval to develop an instrument to evaluate the Chief Executive Officer and the Chief Financial Officer at a Special meeting on May 20, 2004. Councilman Packineau seconded the motion.

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

**20. FREEZE TRAVEL, AND EXPENDITURES**

Councilman Gillette moved for approval that the CEO and the Treasurer determine a list and place on hold all purchases for 60 days, excluding essential travel, medical supplies and so forth be allowed. Councilman Wells seconded the motion.

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

**21. RESOLUTION NO. 04-045-RP, EXTENSION OF TIME TO CLOSE-OUT TRAVEL RECORDS:**

Councilman Wells moved for approval to extend the date of travel close-out to May 31, 2004, and to hire two essential staff at \$00.00 per hour for 60 days to work in Finance to get the travel records in order, filing and centralize travel files, one being Tillie Little Soldier. Councilman Phelan seconded the motion.

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

**22. NORTHERN LIGHTS PROJECT OVERTIME; PAYMENT:**

Councilman Gillette moved for approval to issue overtime up to pay period #13, June 27, 3003 for the Northern Lights Division. Councilman Spotted Bear seconded the motion.

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

**23. CEO ADMINISTRATIVE ASSISTANT:**

Personnel Matter.

**24. MHA TIMES:**

Councilman Wells moved for approval to authorize CEO to meet with the MHA Communications Board to discuss the internal audit findings and to bring back the recommendation at the next Regular Meeting. Councilman Packineau seconded the motion.

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

**25. APPOINTMENT OF PROGRAMS MANAGER:**

Personnel Matter

**26. CONTRACTING OFFICER APPOINTMENT:**

Personnel Matter



27. **ACCOUNT RECEIPTS TRAVEL/RECEPTIONIST**  
Personnel Matter
28. **SALARY INCREASES FOR CEO:**  
Personnel Matter
29. **FEDERAL PROGRAMS MANAGER SALARY INCREASE:**  
Personnel Matter
30. **INJURY PREVENTION PROGRAM:**  
The Injury Prevention Program will be transferred to the Traffic Safety Department.  
Personnel Matter
31. **DETENTION CENTER**  
Personnel Matter
32. **CEDS REORGANIZATION:**  
Personnel Matter
33. **FINANCIAL REQUEST: SHEILA MANY RIBS**  
Councilman moved for approval to authorize \$500 to Sheila Many Ribs to travel to Minnesota.  
Motion dies.
34. **RUTH BUFFALO:**  
Councilman Wells moved for approval to subsidize funding with \$500 for the basketball team  
of Ruth Buffalo. Councilman Phelan seconded the motion.
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
35. **KIBBY REYNOLDS MEMORIAL**  
A Memorial Grant of \$500.00 was awarded to the Kibby Reynolds family
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 not voting. Motion carried.
36. **PARSHALL STATE YOUTH:**  
A grant of \$500 was awarded to the Parshall youth to attend a state youth conference.
37. **PERSONNEL MATTERS: CLOSED SESSION**
38. **FOUR BEARS CASINO AND LODGE QUARTERLY REPORT:**
- Financial Report October 2003-2004
  - Loan Refinancing
  - New slot purchases
  - Casino Re-organization
  - Financial Audit FY 2002/2003
  - G.P.I.G.A. General Manager Report
  - M.I.C.S. Internal Audit
  - North Dakota State Lottery-Update



Councilman Gillette moved for approval of the quarterly incentives for the Four Bears Casino and Lodge General Manager. Councilman Packineau seconded the motion.

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

39. **RESOLUTION 04-046-RP, MARSHALL INVESTMENTS CORPORATION TAXABLE 2002 LOAN OF \$15,620,000.**

Councilman moved for approval of a Resolution entitled, "Approving Loan and Pledge of Revenues and Personal Property of Four Bears Casino and Lodge and Related Facilities." Councilman seconded the motion.

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

40. **RESOLUTION NO. 04-047-RP, MARSHALL INVESTMENTS CORPORATION TAX-EXEMPT 2002 LOAN \$9,5003,000.**

Councilman moved for approval of a Resolution entitled, "Approving Loan, Withdrawal of Trust Fund Moneys for Reserve Account Therefore and Assignment of Trust Fund Interest as Security. Councilman seconded the motion.

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

41. **QUARTERLY GOALS AND OBJECTIVES, FOUR BEARS CASINO AND LODGE:**

Councilman Gillette moved for approval of the quarterly Incentives for the top management staff. Councilman Packineau seconded the motion.

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

42. **CASINO CASH REDEMPTION PLAN**

Councilman Gillette moved for approval to direct the General Manager to come up with a plan for a Casino Cash Redemption Plan. Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting

43. **DETENTION CENTER:**

Councilman Wells moved for approval to authorize the transition team to develop a budget for the transition. Councilman Packineau seconded the motion.

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

44. **KAREN MANY RIBS SMALL LOAN:**

Councilman Wells moved for approval of a \$1,000 loan for Karen Many Ribs with the Small Loan Program. Councilman Gillette seconded the motion.

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

Councilman Gillette moved for approval to direct Realty Officer to do an expedited appraisal with Ed Fox coordinating the task and that the Tribe is reimbursed from the pending land sale. Councilman Wells seconded the motion.

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





**45. EDUCATIONAL LOAN, KANDI BURR-SETTE:**

Councilman Gillette moved for approval to authorize the \$1000 remaining in the docket grant funds set aside to assist graduate students for Kandi Burr Sette. Councilman Phelan seconded the motion.

Councilman Packineau moved for approval up to a \$1000 small loan, subject to the recommendations of the Small Loan Director and the requirements of the Small Loan program. Councilman Phelan seconded the motion.

DISCUSSION: The Small Loan Director will be directed to work with the student on the remaining balance of the \$1,000 loan previously made. Councilman Packineau spoke to the Director who said that if the loan maker is current, he will work something out with them. Discussion was held on the possibility of waiving the regulation.

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

**46. EDUCATIONAL LOAN RECOMMENDATIONS:**

Councilman Wells moved for approval of Education Loans of \$2,000 per applicant for 2004 as recommended by the Small Loan Director, Lawrence Baker. 1) Vivian Hurkes, 2) Lyda Foote, 3) Anita Green, 4) Pansy Goodall, 5) Nelson Heart, 6) Kathy Samuels, 7) Lisa White Bear, 8) Francine White and 9) Jerrilyn Lone Horse for \$1,000. Councilman Phelan seconded the motion.

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

**47. SMALL LOAN, ANGEL MANY RIBS:**

Councilman Wells moved for approval of a Small Loan of \$1,698.00 for Angel Many Ribs, subject to the requirements of the Small Loan Program. Councilman Phelan seconded the motion.

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

**48. UTTC-JTAC SUPPLEMENTAL FUNDING:**

Councilman Gillette moved for approval to amend TAT Resolution 00-368 and insert right after the final whereas, "that any tribal member attending the United Tribes Technical College would be eligible for funding purposes to attend.

DISCUSSION: The Resolution No. 00-368 will be amended by the Legal Department.

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

**49. LETTER OF INTENT, TRIBE PURCHASED LAND**

Councilman Mervin moved for approval of a loan of \$1,000 for Byron Bad Brave, collateral being the letter of intent, and subject to the provisions of Small Loan requirements. Councilman Wells seconded the motion.

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



50. **SMALL LOAN:**

Councilman Packineau moved for approval of a \$1,000 loan for Sue Romero, subject to the provisions of the Small Loan Program. Councilman Wells seconded the motion.

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

51. **SMALL LOAN:**

Councilman Wells moved for approval of a \$1,000 loan for Paula Danks, subject to the provisions of the Small Loan Program. Councilman Phelan seconded the motion.

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

52. **EDUCATIONAL LOAN:**

Councilman Gillette moved for approval of educational loans for 1) Cheryl White, 2) Camille Young Bird, 3) Cheryl Danks, and 4) Connie Fox, subject to the procedure in place by the Higher Education Department, and screened by the Education Loan Committee. Councilman Phelan seconded the motion.

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

53. **NATURAL RESOURCES COMMITTEE**

**A. RESOLUTION NO. 04-048-RP, LAND TRADE ARLA MUZZY**

Councilman Wells moved for approval of a land trade between Arla Jean Fox-Muzzy, that includes a home site of twenty acres Arla would waive the \$301.89 to the Tribe. Councilman Phelan seconded the motion.

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

54. **RESOLUTION NO. 04-049-RP, LAND EXCHANGE ANGUS FOX**

Councilman Wells moved for approval of a Resolution entitled, "Approval of the land exchange for Angus Fox, value for value. Councilman Packineau seconded the motion.

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

55. **STANFORD UNIVERSITY POW-WOW FINANCIAL REQUEST:**

Councilman Gillette moved for approval of a \$500 grant to the Stanford Pow-wow. Councilman Wells seconded the motion.

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

56. **RESOLUTION NO. 04-050-RP, LAND EXCHANGE, ELEANOR SORENSON**

Councilman Gillette moved for approval of an Amendment to Resolution No. 03- entitled, a Gift Deed from Eleanor Sorenson. Councilman Wells seconded the motion.

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

57. **RESOLUTION NO. 04-051-RP, MHA NATION RODEO CLUB**



Councilman Wells moved for approval of the Corporation, subject to legal review by the Legal Department, with a Resolution attached. Councilman Packineau seconded the motion.

**DISCUSSION:** The materials that are stored in the roping arena will not be removed until a proposal is submitted. The CEO will delegate this matter to Sherrie Gillette or Mary Schoppert. The resolution will be drafted by Tom Disselhorst.

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

**58. WATER BUSTER REQUEST:**

Councilman Phelan moved for approval of the request from the Water Buster Pow-wow Committee as described in Resolution No. 01-275-MWJR. Councilman Packineau seconded the motion.

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

**59. RESOLUTION NO. 04-052-RP, PARSHALL RESOURCE CENTER**

Councilman Packineau moved for approval to pay the audit costs of \$6,000 for FY-2001 from the general fund budget. Councilman Spotted Bear seconded the motion.

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

**60. APPOINTMENT OF MAGISTRATE JUDGE:**

Personnel Matter

**61. FOUR BEARS POW-WOW:**

Councilman Wells moved for approval of a donation of a second buffalo to the Four Bears Pow-wow Committee. Councilman Packineau seconded the motion.

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

**62. RESOLUTION 04-053-RP, ENROLLMENT**

Councilman Gillette moved for approval to accept the applications for enrollment of the 98 names as listed. Councilman Spotted Bear seconded the motion.

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

**63. RESOLUTION NO. 04-054-RP, RELINQUISHMENT**

Councilman Gillette moved for approval to accept the relinquishment of Blake Morgan Stiffarm from the official membership roll of the Three Affiliated Tribes. Councilman Wolf seconded the motion.

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

**64. RESOLUTION NO. 04-055-RP, RELINQUISHMENT**

Councilman Packineau moved for approval to accept the relinquishment from Jason Stevenson from the official membership roll of the Three Affiliated Tribes. Councilman Gillette seconded the motion.

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



65. **RESOLUTION NO. 04-056-RP, RELINQUISHMENT**

Councilman Wolf moved for approval to accept the relinquishment from Maynard Good Bear, Jr. from the official membership roll of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried

66. **RESOLUTION NO. 04-057-RP, RELINQUISHMENT**

Councilman Gillette moved for approval to accept the relinquishment of Tyler Tam crafts from the official membership roll of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

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

67. **RESOLUTION NO. 04-058-RP, RELINQUISHMENT**

Councilman Packineau moved for approval to accept the relinquishment of Lyda Jade Robertson from the official membership roll of the Three Affiliated Tribes. Councilman Gillette seconded the motion.

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

68. **RESOLUTION NO. 04-059-RP, RELINQUISHMENT**

Councilman Gillette moved for approval to accept the relinquishment of Kalsey Thinka from the official membership roll of the Three Affiliated Tribes. Councilman Wells seconded the motion.

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

69. **RESOLUTION NO. 04-060-RP, RELINQUISHMENT**

Councilman Packineau moved for approval to accept the relinquishment of Shane Frank from the official membership roll of the Three Affiliated Tribes. Councilman Wells seconded the motion.

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

70. **RESOLUTION NO. 04-061-RP, RELINQUISHMENT**

Councilman Wells moved for approval to accept the relinquishment of Melinda Incognito from the official membership roll of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

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

71. **RESOLUTION NO. 04-062-RP, RELINQUISHMENT**

Councilman Wells moved for approval to accept the relinquishment of Anthony Incognito from the official membership roll of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

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



72. **RESOLUTION NO. 04-063-RP, EXTENSION OF CONTRACT OF TOM DISSELHORST:**

Councilman Wells moved for approval of an extension of Mr. Tom Disselhorst's contract of for a period of October 01, 2004 to September 30, 2004, not to exceed \$20,000, subject to legal review. Councilman Packineau seconded the motion.

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

73. **RESOLUTION NO. 04-064-RP, AUTHORIZATION TO APPLY TO THE OFFICE OF VICTIMS OF CRIME TRIBAL VICTIM ASSISTANCE FUNDING OF \$61,705.**

Councilman Phelan moved for approval and authorizes and directs the Fort Berthold Domestic Violence Program to execute and file a grant application to the Office of Victims of Crime Tribal Victim Assistance Funding of \$61,705 with the assurances. Councilman Packineau seconded the motion.

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

73. **RESOLUTION NO. 04-065-RP, ENDORSEMENT OF THE MANDAN, HIDATSA, AND ARIKARA MEDALLIONS FOR THE NEW BRIDGE:**

Councilman Gillette moved for approval of a Resolution entitled, "Endorsement of the Mandan, Hidatsa, and Arikara Medallions for the new bridge." Councilman Wells seconded the motion.

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

74. **RESOLUTION NO. 04-066-RP, CREATION OF ADVISORY BOARD FOR THE 2006 LEWIS & CLARK BICENTENNIAL SIGNATURE EVENT.**

Councilman Phelan moved for approval of the creation of advisory board for the 2006 Lewis & Clark bicentennial signature event, with the change of Tillie Walker to Judy Young Bear, and to add Gail Baker for the Four Bears area. Councilman Wells seconded the motion.

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

75. **RESOLUTION NO. 04-067-RP, "TAT ADVISEMENT TO THE DOI, OFFICE OF SPECIAL TRUSTEE AND BUREAU OF INDIAN AFFAIRS CONCERNING THE PLACEMENT OF TRUST OFFICERS AND DEPUTY SUPERINTENDENT:**

Councilman Wells moved for approval the Resolution as amended, entitled, "TAT AdviseMENT to the DOI, Office of Special Trustee and Bureau of Indian Affairs concerning the Placement of Trust Officers and Deputy Superintendent." Councilman Phelan seconded the motion.

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

76. **RESOLUTION NO. 04- 068-RP, LAW ENFORCEMENT MEMORANDUM OF AGREEMENT**

Councilman Phelan moved for approval of a Resolution entitled, "Approval of the Memorandum of Agreement for Law Enforcement Services," with the omission of under Article IX (a) one- last paragraph. Councilman Wells seconded the motion.

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



NEXT AGENDA: VEHICLE USE OF TRIBAL LAW ENFORCEMENT VEHICLES

77. **RESOLUTION NO. 04-069-RP, \$3,000 DONATION TO UNITED TRIBES TECHNICAL COLLEGE:**
78. **RESOLUTION NO. 04-070-RP, SONOSKY, CHAMBERS, SACHSE, ENDRESIB AND PERRY BOR AND OTHER CONTRACT MATTERS:**  
Councilman Wells moved for approval of a Resolution entitled, "Authorization for the Chairman to sign Contract Amendment with Sonosky, Chambers, Sachse, Endresib and Perry, LLP to establish attorney compensation rates for work on a potential contact support cost claim against the U.S. Bureau of Reclamation and other contract matters. Councilman Packineau seconded the motion.  
  
VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
79. **EMERGENCY FIRE:**  
Councilman Phelan moved for approval to grant Barlow Wells \$1,000 to subsidize fire repairs caused by a fire in his home. Councilman Packineau seconded the motion.  
  
VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
79. **RESOLUTION NO. 04-071-RP, FORT BERTHOLD COMMUNITY COLLEGE ENDOWMENT FUND:**  
Councilman Phelan moved for approval of a Resolution entitled, "Amendment to the Charter of the Fort Berthold Community College prohibiting the Expenditure or Obligation of the Principal Amount of Endowment Funds." Councilman Packineau seconded the motion.  
  
VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
80. **RESOLUTION NO. 04-072-RP, DOCKET FUNDS CONSOLIDATION LOAN**  
Councilman Gillette moved for approval of a Resolution entitled, "Tribal Guarantee of consolidation loan to Fort Berthold Community college. Councilman Packineau seconded the motion.  
  
VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not voting. Motion carried.
80. **RESOLUTION NO. 04-073-RP, AUTHORIZING A LOAN TO TBCH IN THE AMOUNT OF \$250,000.**  
Councilman Packineau moved for approval to of a Resolution entitled, "authorizing a loan to Twin Buttes Custom Homes in the amount of \$250,000, to be paid back with monthly payments of \$32,000 to be paid up completely by the end of the fiscal year." Councilman Wells seconded the motion.  
  
VOTE: 4 Ayes, 1 Nays, 1 Abstentions, 0 Not voting. Motion carried.
81. **RESOLUTION NO. 04-074-RP, AUTHORIZING A 90-DAY LOAN TO FORT BERTHOLD DEVELOPMENT CORPORATION IN THE AMOUNT OF \$800,000.**  
Councilman Wells moved for approval of a Resolution entitled, "authorizing a 90-day loan to



the Fort Berthold Development Corporation in the amount of \$800,000, adding 6% annual interest, to be paid back no later than July 9, 2004. Councilman Packineau seconded the motion.

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

82. **RESOLUTION NO. 04-075-RP, AUTHORIZES THE CASHING OF THE \$253,000.00 CERTIFICATION OF DEPOSIT AT COMMUNITY FIRST NATIONAL BANK TO PAY OFF FBDC'S NOTE.**

Councilman Wells moved for approval of a Resolution entitled, "Authorizes the cashing of the \$253,000.00 Certification of Deposit at Community First National Bank to pay off FBDC notes with added language, "to pay \$126,050 before September 30, 2004. Councilman Phelan seconded the motion.

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

84. **MHA SYSTEMS:**

The MHA Systems Coordinator informed the tribal Business Council of the following items:

- Site visit with potential contract
- Presidential Campaign-Energy Systems
- Medical Coding
- MHA Systems Budget
- Staff reduction during slow periods

85. **MHA HOLD COMPANY CEO:**

Councilman Phelan moved for approval to change MHA Holding Company's CEO-Scott Wilson's employment status from temporary to permanent. Councilman Packineau seconded the motion.

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

86. **RESOLUTION NO. 04-077-RP, FORT BERTHOLD TRIBAL CULTURAL INTERPRETIVE CENTER-PHASE TWO.**

Councilman Packineau moved for approval to authorize the Three Affiliated Tribes Cultural Interpretative Center Project to apply for a "Phase Two," three year ANA-SEDS grant funding opportunity of \$751,283 and commit to 20% in-kind of \$187,821. Councilman Wolf seconded the motion.

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

87. **RESOLUTION NO. 04-078-RP, FORT BERTHOLD TRIBAL CULTURAL INTERPRETIVE CENTER, USDA LOAN, GUARANTEED LOAN.GRANT APPLICATION:**

Councilman Packineau moved for approval to authorize to seek funding from the USDA-Rural Housing Service of a \$8,000,000, guaranteed loan and grant application, and to bring back the loan documents for review. Councilman Phelan seconded the motion.

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

88. **RESOLUTION NO. 04-079-RP, APPROVAL TO DRAWDOWN \$894,000 OF HV-**



**HUD FUNDS: (Need Resolution drafted by Steve Kelly)**

Councilman Wells moved for approval to authorize a Resolution to drawdown HV –HUD funds of \$894,000 for the Cultural Resource Center, subject to legal drafting a resolution. Councilman Packineau seconded the motion.

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

**89. RESOLUTION NO. 04-080-RP, HEALTHY SKIN FOUNDATION:**

Councilman Phelan moved for approval to authorize a transfer title of the (old) Circle of Life building to the Healthy Skin Foundation to use as a recovery center for chemical treatment, transitional housing and food bank, with a verbal commitment to assist with financial support of \$6,812 per year for 3 years. Councilman Wolf seconded the motion.

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

**90. FINANCE MANUALS- PROPERTY PROCUREMENT MANUAL:**

Councilman Wells moved for approval of both manuals subject to ratifications. Councilman Packineau seconded the motion.

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

**91. KELLY FOX HOUSING REQUEST**

Councilman Wells moved for approval of a home loan of \$7,000 to Kelly Fox, subject to the requirements of the program. Councilman Packineau seconded the motion.

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

**92. ADJOURNMENT:**

Councilman Phelan moved for approval to adjourn the meeting at 5:20 a.m. Councilman Wells seconded the motion.

**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 7 were present at the Regular Meeting thereof duly called, noticed, convened and held on the 21 day of May, 2004, that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman  Voting. [ ] Not voting.

Dated this 21 day of May, 2004.

ATTEST:

*Randy Phelan*

Randy Phelan, Executive Secretary

Tex G. Hall, Tribal Chairman