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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 04-006-RP  
MAY 21, 2004**

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**CONVENE THE MEETING**

Chairman Tex G. Hall called the meeting to order at 11:15 a.m. Invocation by Councilman Wolf. Chairman Hall began his report although there was lack of a quorum with only four members present. Chairman Tex G. Hall, Councilman Gillette, Councilman Malcolm Wolf, and Councilman Randy Phelan were in attendance.

**CHAIRMAN'S REPORT:**

- S. 1146 Fort Berthold Health Care Facility
- Fort Berthold Rural Water [FBRW/Dakota Resource funds with the Tribe to retain ownership of Section 05460J. The Four Bears Treatment Center was completed and paid with tribal funds.
- Arbitration documents for the Four Bears Lagoon versus USDA

**ROLL CALL:**

Members present: Chairman Tex G. Hall, Councilman Austin Gillette, Councilman Marcus Wells, Councilman Malcolm Wolf, Councilman Randy Phelan. A quorum was established with five members present. Councilman Daylon Spotted Bear and Councilman Mervin Packineau arrived at 1:00 p.m. and 1:30 p.m. and all were in attendance.

**CHAIRMAN REPORT CONTINUED:**

- **Parity Act** The General Accounting Office did a study on the disbursement of the JTAC funds. Cheyenne River received a much higher payment than Three Affiliated Tribes from the JTAC Bill. Senator Conrad is willing to support the Tribe's endeavor to acquire more fund because of the loss of land base.
- **10 Year Master Plan** to deliver services funding based on service unit population. The 10-year study shows a decrease in White Shield, with the Twin Buttes and Mandaree Clinics remaining the same numbers. There is a significant increase in the Parshall Clinic. Master Plan that will be drafted by consultant John Tempo will include Tribal enrollment and population of the Bismarck-Mandan area, and the Grand Forks area, which are highly populated with tribal members. Propose to the UTTC Board to construct an intertribal health care center at the UTTC.
- **Native American Bank** Implementation of a Native American Bank loan production office with a person physically available at the administration building. The Native American Bank offering 151 shares of stock @ \$431.33 each. The tribe would have to pay \$69,404.00 to buy into those shares. The Native American Bank has eleven members on the board.
- **College Level Intern Hiring**  
Chairman hired Candace Hall  
Mandaree Summer Intern: Ismelda Lucio  
New Town Intern: Megan Parisian  
North Segment has been under the budget costs for a period of time. With the savings, Rose Poitra will be hired under the 477 Program with matching funds from North Segment.  
Tanya Driver is on maternity leave with Jennifer Young Bear to fill the position.



**05. RESOLUTION NO. 04-084-RP, ENTITLED" P.L. 103-4113 CONTRACT FOR EXISTING ADULT DETENTION PROGRAM, JUVENILE DETENTION PROGRAMS FUNCTIONS, SERVICES, AND ACTIVITIES**

Councilman Gillette moved for approval of the Resolution entitled, P.L. 103-4113, Contract for Existing Adult Detention Program, Juvenile Detention Programs, functions, services and activities. Councilman Wolf seconded the motion.

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

**TRIBAL HOUSING OFFICE SPACE**

Councilman Phelan moved for approval the proposal from Tribal Housing Division to rent office space at the Good Samaritan Center. Councilman Packineau seconded the motion.

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

**06. MANAGEMENT TRAINING-CONSULTANT AGREEMENT**

Councilman Gillette moved for approval of a consultant Agreement with Jim Davis in the amount of \$4,060.80, to conduct on-site training for Management staff. Councilman Packineau seconded the motion.

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

**07. SKILL PATH TRAINING SESSIONS \$6900**

Councilman Packineau moved for approval of two training sessions conducted by the Skills Path Training Center that is required for all top management staff to attend, "Coaching and Team Building Management Staff," and "Conflict Resolution," with the total cost of the sessions \$6900, [Social Service Department will pay \$5000 with the remaining \$1900 paid from the CEO budget.] Councilman Phelan seconded the motion.

VOTE: 3 Ayes, 3 Nays, 0 Abstention, 0 Not voting. Motion failed.

**08. HA THOMPSON MAINTENANCE AGREEMENT:**

Councilman Gillette moved for approval of a Maintenance Agreement with HA Thompson. The motion and the second were withdrawn after discussing the agreement.

Councilman Gillette moved for approval to rescind the previous motion and to send out bids for a maintenance agreement with limited extension. Councilman Wolf seconded the motion.

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



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09. **RESOLUTION NO. 04-083-RP, LEASE AGREEMENT MANDAREE SCHOOL**  
Councilman Phelan moved for approval of an amended Resolution entitled, "Approval of Lease Agreement with the Department of Interior and Sublease Agreement with Mandaree School District No. 36." Councilman Wolf seconded the motion.

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

DISCUSSION: [Page two] Amendments are an automatic yearly renewal instead of 25 year. Legal Counsel, Steve Kelly will put the language. "Limited sovereign immunity."

10. **VOCATIONAL REHABILITATION PROGRAM:**  
Councilman Phelan moved for approval to place the Vocational Rehabilitation Program on the organizational chart under Federal Programs. Councilman Wells seconded the motion.

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

11. **INDIAN HEALTH SERVICE:**

- Provide information on different areas
- Financial presentation
- FOR THE RECORD: Diabetes Wellness Center is now open. The exercise equipment delivered at a cost of \$82,000, to be opened by early July, 2004.
- Meeting was held in Bismarck next one is in Aberdeen, South Dakota in July, 2004, with the agenda being, "Planning of New Facility."
- Financial Report: Power Point Presentation.

12. **RESOLUTION NO. 04-084-RP, MHA SYSTEMS CALL CENTER**  
Councilman Packineau moved for approval of a Resolution entitled, "Call Center Start-up Costs," with the MHA Systems @\$330, 000, with a 50% match from Nova CTI, line of credit/general obligation, subject to legal review. Councilman Phelan seconded the motion.

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

13. **RESOLUTION NO. 04-085-RP, MHA HOLDING COMPANY, TRIBAL ENTERPRISES, RESPONSIBILITY FOR THEIR OWN ACCOUNTING DUTIES.**  
Councilman Wells moved for approval to give the MHA Holding Company, Tribal Enterprises adequate notice to initiate their respective transfer of accounts from the financial systems of the Three Affiliated Tribes to their own enterprises as soon as practical, effective July 02, 2004. Councilman Gillette seconded the motion.

VOTE: 5 Ayes, 0 Nay, 1 Abstention, 0 Not voting. Motion carried.



14. **ADOPTION OF MHA SYSTEMS 2004 FY BUDGET**

Councilman Wells moved for approval to accept and fund the MHA Systems FY-04 Annual budget of \$250,000 that will be repaid by December 31, 2004. Councilman Packineau seconded the motion.

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

15. **ALLEGED POLICE BRUTALITY INVESTIGATION AGAINST OFFICER CHAD HARMEN- BY ORVILLE/VICKI FOX**

Councilman Gillette moved for approval that the Tribal Business Council request an investigation of the serious allegations of police brutality by Officer Chad Harman against minor child and Orville and Vicki Fox. Councilman Packineau seconded the motion.

Councilman Gillette amended his motion to, "that the Tribal Business Council request a formal investigation by a Special Prosecutor with the Bureau of Indian Affairs, Law Enforcement, from the Aberdeen Area, with the authority to act fully, and thoroughly investigate the serious allegations of alleged police brutality made by the Fox family, against Officer Chad Harman, Bureau of Indian Affairs, Law Enforcement, located in New Town, North Dakota." Councilman Packineau concurred with the amendment.

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

16. **COMPLAINT AGAINST BUREAU OF INDIAN AFFAIRS POLICE OFFICER CHAD HARMEN.**

Councilman Gillette moved for approval in the event that Officer Chad Harman is found to be guilty by the Special Prosecutor, that he be immediately transferred from the Fort Berthold Law Enforcement located in New Town, North Dakota. Councilman Packineau seconded the motion.

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

17. **ALVINA WELLS COMPLAINT OF POLICE BRUTALITY AGAINST OFFICER CHAD HARMEN:**

Councilman Wolf moved for approval "that the Tribal Business Council request a formal investigation by a Special Prosecutor with the Bureau of Indian Affairs, Law Enforcement, AAO, with the authority to act fully, and thoroughly investigate the serious allegations of police brutality made by the Alvina Wells family against the Bureau of Indian Affairs Law Enforcement Officer, Chad Harman." Councilman Packineau seconded the motion.

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



**18. SMALL LOAN – ORVILLE FOX:**

Councilman Wells moved for approval of a Small Loan of \$2,500 for Orville Fox; lift the cap to \$3,500 and to close the office from June 1- July 1, 2004 to take on the outstanding balances to be transferred to the Small Loan Program. Councilman Phelan seconded the motion.

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

**19. RESOLUTION NO. 04-086-RP, OUTSTANDING TRAVEL BALANCES REVERTED TO THE SMALL LOAN PROGRAM FOR COLLECTION.**

Councilman Wells moved for approval of a Resolution, entitled, “outstanding travel balances reverted to the Small Loan Department for collection in concurrence to Resolution 04-045 (B) -RP. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to, 1) “Any outstanding travel of \$2,000 and over would be converted to a small loan and will have until September 30, 2004 as the deadline for any closeout to be paid in full, and any Tribal Council member will have until October 31, 2004 for travel closeouts to be paid in full. Councilman Packineau concurred with the amendment.

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

*Councilman Wells moved for approval to transfer the outstanding balance of \$5, 8300 067 travel the Small Loan Program where each of the documents will be charged a filing fee and recognized as a small loan. Councilman Phelan seconded the motion.*

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

**20. EDUCATIONAL LOANS:**

Council Phelan moved for approval of the following educational loans as recommended by the Small Loan Director. Council Wells seconded the motion.

01.	Hans Young Bird-Bradley	\$1,500.00	Summer School Loan
02.	Elizabeth Demaray	1,500.00	Summer School Loan
03.	Eileen Finley	1,500.00	Summer School Loan
04.	Debbie Grassrope	2,000.00	2004 Spring Semester
05.	Carol Good Bear	2,000.00	2004 Spring Semester
06.	Alva Irwin	1,830.00	2004 Spring Semester
07.	Mark Little Owl	2,000.00	2004 Spring Semester
08.	Lila Lone Eagle	1,500.00	Summer School Loan
09.	Jennifer Phelan	1,500.00	Summer School Loan
*10.	Karen Patz	2,205.50	Master Program Loan

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

**21. AMENDMENT OF SMALL LOAN REPAYMENT SCHEDULE**

Councilman Wells moved for approval of the amended personnel repayment loan scale. Councilman Gillette seconded the motion.



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

**22. RETIREMENT OF EMPLOYEE OF 25 YEARS:**

Councilman Gillette moved for approval to award Don Dickens a plaque and a jacket on Appreciation Day for 25 years of outstanding performance while working for the Three Affiliated Tribes. Councilman Phelan seconded the motion.

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

**23. CLARIFICATION APPROVAL OF LOANS FOR SMALL LOAN STAFF.**

Any small loan requests from the staff of the Small Loan Program is concurred by the Treasurer. Councilman Gillette recalled that it was agreed that loan requests from Small Loan staff members would be approved by the Executive Committee.

**24. REFINANCING OF A SMALL LOAN:**

Councilman Phelan moved for approval of Ardel Jean Baker's request to refinance her small loan of 2,000.00 and approve an additional loan of \$1,500.00 for medical purposes. Councilman Wells seconded the motion.

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

**25. RESOLUTION NO. 04-087-RP, ENROLLMENT:**

Councilman Gillette moved for approval of two applicants to the membership rolls of the Three Affiliated Tribes, 1) Shotaya Ann Fox, and 2) Keija Rayne Koteen. Councilman Wells seconded the motion.

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

**26. SMALL LOAN VERDELL SMITH:**

Councilman Phelan moved for approval of a \$1500 Small Loan for Verdell Smith to be repaid within 20 days, and subject to the requirements of the Small Loan Program. Councilman Packineau seconded the motion.

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

**27. TRANSPORTATION FEES**

Councilman Wolf moved for approval of an educational loan of \$1,000.00 for Robert Young Bird, Jr. and \$1,000.00 educational loan for DuWayne Fox to subsidize their funding while attending the Iron Worker Training session for 12 weeks in Chicago, Ill, beginning June 7, 2004 and ending August 26, 2004. Councilman Wells seconded the motion.

The Tribal Business Council will review the 477 Grant guidelines to see if they could be amended to meet the needs of tribal members attending the Iron Workers Program.



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

28. **ENDORSEMENT OF THE MHA MEDALLIONS FOR THE NEW BRIDGE.** [Refer to RESOLUTION NO. 04-065-RP., on April 08, 2004]

Councilman Wells moved for approval that the Tribal Business Council hereby endorses the Mandan and Hidatsa medallions presented by Tillie Walker, Almeda Baker and Donna Morgan, [with the exception of the Arikara medallion named Sacred Societies as these are not the only societies and are not presented in the medallion) as presented by the Mandan, Hidatsa and Arikara Cultural Advisory Committees and direct the copy right of the medallion with said copy rights to be in the name of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

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

Councilman Malcolm Wolf left the meeting to attend graduation ceremonies.

29. **RESOLUTION NO. 04-088-RP, APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH FANNIE MAE:**

Councilman Wells moved for approval to rescind Resolution No. 04-287, which was the original Memorandum of Understanding with Fannie Mae that restricted us to only using First Mortgage, and to replace with Resolution No. 04-090-RP, "Amended Approval of Memorandum of Understanding with Fannie Mae. Councilman Phelan seconded the motion.

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

30. **RESOLUTION NO. 04-089-RP, "HOUSING DIVISION WITH NATIVE AMERICAN BANK REVOLVING LINE OF CREDIT."** amended memorandum of agreement with Fannie Mae.

Councilman Wells moved for approval of the amended Resolution entitled, "Housing Division with Native American Bank revolving line of credit." Councilman Spotted Bear seconded the motion.

Amendment: Change the Three Affiliated Tribes shall have authority for the disbursement of funds.

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

31. **ARLENE CHARGING:**

- MHA Holding Company will submit a report to Councilman Phelan in writing.
- A letter dated May 14, 2004, explained the Section eight voucher program and payment plan. The Tribe wants to waive their plan.
- Elderly homes are \$150 a month. The Successor form has to be filled out with the house constructed in a residential area.





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32. **RESOLUTION NO. 04-090-RP: HIP CFR AMENDMENTS:**

Councilman Wells moved for approval of a Resolution entitled, "Housing Improvement Program's CFR Amendments." Councilman Spotted Bear seconded the motion.

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

33. **DENNIS DEUTSCH CONSULTANT AGREEMENT:**

Councilman Packineau moved for approval to adopt the amended proposal of \$3500 a month for Dennis Deutsch's Consultant Services, and to add "elderly units." Councilman Phelan seconded the motion.

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

34. **RESOLUTION NO. 04-091-RP, HOUSING DIVISION NATIVE AMERICAN**

Councilman Wells moved for approval of the salary increases for the Tribal Housing Division, deleting the accountant position, salary increases effective immediately. Councilman Phelan seconded the motion.

Executive Director	\$25.80
Assistant Director/Counselor	22.80
Administrative Assistant	13.00
Compliance Technician	15.00

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

35. **NORTH DAKOTA HISTORY DAY FINALS FINANCIAL REQUESTS**

Councilman Phelan moved for approval to grant Kelli Spotted Bear and Lee Ann Nation each \$500 to attend the North Dakota History Day finals in Washington, D.C. June 12-19, 2004. Councilman Wells seconded the motion.

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

36. **FINANCIAL REQUEST TEEN MISSIONS SUMMER CAMP:**

Councilman Spotted Bear moved for approval of a grant of \$1,000 for Star Big Back and \$1,000 for Colin J. Hall to attend a teen summer mission camp in the Fiji Islands of Australia on June 23, 2004 returning August 13, 2004. Councilman Wells seconded the motion.

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

37. **FORT BERTHOLD COMMUNITY COLLEGE**

Councilman Phelan moved for approval to have Tribal legal counsel and the Tribal chief financial officer assist the Fort Berthold Community College to address the court of competent jurisdictional and tribal guarantee issues to any bank that will work with the Tribe. Councilman Packineau seconded the motion.



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

DISCUSSION: On June 1, 2004 the Tribal Business Council will meet to finish meeting items, and return with a resolution addressing the interim loan of \$150,000 to cover two payrolls for FBCC with remaining funds available.

The Fort Berthold Community College will be exempt from the Resolution that rescinded Resolution 97-113-DSB. A letter from the Acting-President submitted a letter requesting exemption as the letter was dated May 14, 2004. This action will be exempt, as the Resolution says from this date forward.

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38. **RESOLUTION NO. 04-092-RP AUTHORIZATION FOR THE PURCHASE OF 161 SHARES OF COMMON STOCK IN NATIVE AMERICAN BANCORPORATION CO.**

Councilman Phelan moved for approval of a Resolution, entitled, "Authorization for the purchase of additional 161 Shares of common stock at \$69,508.00 from the Native American Bancorporation, subject to the availability of funds. Councilman Wells seconded the motion.

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

39. **BRANCKO BROTHERS CLAIM DISPUTE**

Councilman Phelan adoption of a Resolution entitled, "Dispute within the Tribe against Brancko's claim and if necessary to proceed with arbitration." Councilman Packineau seconded the motion.

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

40. **PATRICIA MCKENZIE WELL:**

Councilman Phelan moved for approval to authorize a letter from the Tribal Chairman to Elizabeth Morsette to pursue the water well service for Patricia McKenzie and to use the Indian Health Service Program or other programs. Councilman Packineau seconded the motion.

DISCUSSION: Jim Dennis has a TERO license and is holding an elderly tribal member water hostage because of old bills [Pouch Point] from 1997. He was paid a settlement of \$10,000 in 1997. The MEGA Contract should be contracted under 638 processes. Legal Counsel will draft the letter with a copy to Patricia McKenzie.

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

41. **RISING SUN CONSTRUCTION:**

Councilman Phelan moved for approval to authorize Rising Sun Construction Company to buy 40 yards of gravel @ \$8 a yard that will be used to finish the Four Bears Lagoon with the sale monitored by Kyle Baker, Councilman Packineau seconded the motion.



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

42. **MOUNTRAIL COUNTY ELECTRIC EASEMENT FOR THE BRIDGE LIGHTS:**

Councilman Wells moved for approval of an easement indenture situated in Mountrail County with electric services by Mountrail Williams to put lights on the bridge. Councilman Packineau seconded the motion.

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

43. **RESOLUTION NO. 04-092, ROBERT YOUNG BIRD SR. LAND SALE**

Councilman Wells moved for approval of a land sale of \$6,400.38 @ 42.66 acres actual appraisal from the Bureau of Indian Affairs, at \$150.91 an acre, the purchase exclusive of minerals, from: Robert Young Bird, Sr., 301-U1822 which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, It's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation, to wit:

Allot. No. 858A, an undivided 2/15 interest within the S1/2 Section 10, T149N., R94W., Fifth Principal Meridian, North Dakota containing 320.00 acres, more or less, of which his interest is 42.66 acres @ \$150.91 an acre, more or less valued at \$6,438.00. Councilman Phelan seconded the motion.

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

44. **RESOLUTION NO. 04-093, LAND SALE MEREDITH IRWIN 301-U-00605**

Councilman Wells moved for approval of a purchase of 115.32 acres, at \$156.95 an acre, exclusive of minerals, from Meredith Irwin, 301-U605, for a cash consideration of \$18,100.00, which is the actual value, utilizing funds from the Docket 350-G Land Purchase Account and hereby authorizes the Chairman of the Tribal Business Council, It's Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to transfer title of the land to the United States of America in trust for the Three Affiliated Tribes of the Fort Berthold Indian Reservation, to wit:

Allot. No. 1108A, Lots 1 & 2, ENW Section 18, T148N., R94W., less 33.29 acres described as follows: Commencing at the NW section corner of said section 18, being the point of beginning; then S.89°59'27"E., along the North section line of the NW1/4 said section 18, a distance of 558.59 feet to a point; then S.0°00'00"W., a distance of 1,946.53 feet to a point; then N.89°59'27"W., a distance of 40.01 feet to a point; then S.1°01'37"E., a distance of 691.45 feet to a point, being on the East-West ¼ line of said section 18; then N.89°59'27"W., along said ¼ line, a distance of 530.98 feet to a point, being the W1/4 corner of said section 18; then N.0°00'00"E., along the west section line of the NW1/4 of said section 18, a distance of 2,637.87 feet to the point of beginning, Fifth Principal Meridian, North Dakota. Councilman Phelan seconded the motion.



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

45. **RESOLUTION NO. 04-094-~~RP~~ RP VALENTINE FINLEY, SR. LANDSALE**

Councilman Phelan moved for approval of the exchange of lands described below, exclusive of minerals, held in trust by the United States of America for the Three Affiliated Tribes and lands held in trust status by the United States of America for Valentine Finley, Sr., 301-U1202, hereby authorizes the Chairman of the Tribal Business Council, its Secretary, and the Superintendent of the Fort Berthold Agency, the Area Director, and the Commissioner of Indian Affairs to prepare all documents and to do all things necessary to exchange lands for which title is to be transferred to the Tribe and Valentine Finley, Sr., under the terms and conditions as stated below:

**Valentine Finley, Sr.**

Allot. No. 3129, NW1/4SE1/4 Section 18, T149N. R91W. Fifth Principal Meridian, containing 40.00 acres valued at \$6,400.00.

**Tribal Land** Allot. No. T1800, SW1/4NE1/4 Section 4, T148N, R93W,

Fifth Principal Meridian, containing 40.00 acres valued at \$6,900.00. The Tribe will waive the \$500.00 difference.

Councilman Packineau seconded the motion.

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

46. **RESOLUTION NO. 04-095-~~RP~~ RP, EQUIOSYSTEM RANGE UNIT STUDY:**

Councilman Wells moved for approval of a range unit study that will be paid the Bureau of Indian Affairs. Councilman Phelan seconded the motion.

*DISCUSSION: [Only obligated payment Phase One of \$189,000. paid by the Tribe, with the rest to be paid by the BIA.] Grant money from Natural Resources. Steve Kelly to make that amendment.*

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

47. **INDIAN COUNTRY NETWORK TELEPHONE SERVICE:**

Councilman Phelan moved for approval to direct the MHA Holding Company's Chief Executive Officer to come back with a proposal, including the recommendation and a business plan to present at the next regular meeting. Councilman Wells seconded the motion.

*DISCUSSION: The business plan will include what entity it would fit in or if it would need to form a separate entity.*

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



48. **RESOLUTION NO. 04-096-RP; MOA NATIONAL GUARD AND THE MHA NATION, CONSTRUCTION OF WALKING TRAIL IN NE SEGMENT.**

Councilman Wells moved for approval of an MOA with the National Guard North Country trail. Councilman Phelan seconded the motion.

For the Record: as part of the MOA, the Tribal Tourism department has been able to secure 247,000 for 5.3 miles of walkway to be constructed under the MOA by National Guard.

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

49. **RESOLUTION NO. 04-097-RP, PROTECTING MHA NATION HISTORICAL PARK:**

Councilman Phelan moved for approval of an amended Resolution entitled, "Protecting MHA Nation Historical Park." Councilman Packineau seconded the motion.

Amendment: The Tribe will be involved in the drafting of legislation to create the MHA Nation Historical Park Historical Park. Any concept of the legislation should be brought back to TBC to review before any action. Legal Department to follow up on the purchase of 1600 acres from Paul Undall. Steve Kelly will write the amended resolution.

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

50. **ELECTION UPDATE**

- Change of seven members to five members
- 2004 Election process will begin the first of July
- Increase the representation
- Proposed change absentee ballots eligibility
- Absentee application will still have to be signed by applicant
- Constitutionality of the Election Ordinance-Fredericks Law Firm
- Tribal members turning eighteen after primary election voting process

51. **APPROVAL OF MINUTES:**

Councilman Phelan moved for approval of the Tribal Business Council's meeting minutes of November 12, 2003; November 13, 2003; December 18, 2003; January 8, 2004; January 9, 2004, February 16, 2004, March 11, 2004, and April 8, 2004 with amendments. Councilman Wells seconded the motion.

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

52. **PERSONNEL MATTERS:** Closed Session



**53. ON-SALE SPECIAL EVENT LIQUOR PERMIT, TWIN BUTTES C-STORE:**

Councilman Spotted Bear moved for approval of a one day special event permit for the Twin Buttes C-Store, and Sharon Jacobs for its grand opening on June 18, 2004. Councilman Phelan seconded the motion.

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

REVOTE: 2 Ayes, 1 Nay, 2 Abstentions, 0 Not voting. Motion carried.

**54. RESOLUTION NO. 04-~~098~~<sup>99</sup>-RP, NORTH DAKOTA INDIAN GAMING DUES:**

Councilman Packineau moved for approval of the annual dues of \$25,000 to North Dakota Indian Gaming. Councilman Phelan seconded the motion

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

**55. RESOLUTION NO. 04-~~099~~<sup>100</sup>-RP MANDAREE SEGMENT SECURITY PROGRAM:**

Councilman Phelan moved for approval of an additional \$10,000 for continuation funding of the Mandaree Security Program to safeguard all of the housing units in the Mandaree area; and request matching funds from the Fort Berthold Housing Authority. Councilman Packineau seconded the motion.

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

**56. RESOLUTION NO. 04-~~100~~<sup>101</sup>-RP LAKE SAKAKAWEA CASINO: PLAN B**

Councilman Phelan moved for approval of a Resolution entitled, "Approval of buy-out of LSA and Associates interests in its participating lease with the Tribe and with the purchase of certain land owned by Dale Little Soldier. Councilman Spotted Bear seconded the motion.

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

**57. CONVENIENCES STORES:**

Councilman Phelan moved for approval to amend Resolution No.03-281, authorizing the additional \$25,000 each for the Mandaree and Four Bears C- Stores, subject to availability of funds. Councilman Wells seconded the motion.

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

**58. ADJOURNMENT OF MEETING:**

Councilman Phelan moved to adjourn the meeting at 11:45 p.m. Councilman Spotted Bear seconded the motion.

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