



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 04-007-RP
JUNE 29, 2004**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 3:00 p.m. with invocation by Esley Thornton, Sr.

ROLL CALL:

Present: Chairman Tex G. Hall, Councilman Austin Gillette, Councilman Marcus D. Wells, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Daylon Spotted Bear.

Chairman Tex G. Hall appointed Councilman Daylon Spotted Bear as Acting Secretary. Councilman Phelan arrived at 5:30 p.m.

01. APPROVAL OF AGENDA:

Councilman Gillette moved for approval of the agenda as amended. Councilman Spotted Bear seconded the motion.

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

02. CHAIRMAN REPORT:

- Double Ditch Property- Legal
- Northern Lights Streets Claim.
- Holding up the projects up for the possibility of Indian Health Service to pay for the water wells.
- Buy-Down Project
- Construction Report
- Job Selection Criteria
- Fort Berthold ITMA Probate Report distribution of proceeds.
- Motor Fuels Report: Steve Kelly
- Financial Reports
- Drilling water wells and payment
- Military homes renovation

03. RUBIL, STAUFFER & ASSOCIATES, PROPOSAL FOR 2004 AUDIT-

- Travel
- Cash Adjustments
- Attorney letter
- Time sheets
- Audit preparation
- Prep attached to the original proposal
- Contract for \$70,000.



Councilman Wells approve of the total audit cost of \$72,000 for additional work, not to exceed \$127,000. Councilman Packineau seconded the motion.

Councilman Wells amended his motion, to "\$135,000. Councilman Packineau concurred with the amendment.

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

04. RIBAIL STAUFFER & ASSOCIATES PLLC PROPOSAL FOR 2003 AUDIT:

Councilman Wells moved for approval to accept the proposal to perform 2003 audit services for the Three Affiliated Tribes at a rate of \$79, 000 with a completion date of September 30, 2004, to include A1-87 training. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to, "include approximately \$1500 actual out of pocket travel allowance." Councilman Packineau concurred with the amendment.

DISCUSSION: Steve Salvesson will coordinate with the schools, per training." The added costs are because of the GASB 34 requirements.

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

05. AUDITARY SOLUTION TO OUTSTANDING TRAVEL

Councilman Wells moved for approval to adopt the "Subsequent receipt testing." (Paragraph four) Motion dies due to lack of a second.

- Solution to the outstanding travel.
- Confirmation process
- Overall balance of travel

Councilman Wells moved for approval to adopt the "Subsequent receipt testing." Councilman Wolf seconded the motion.

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

NOTE: On July 8, 2004, the final 2002 Audit approval will be dealt with.

06. NATIONAL PUBLIC HEALTH PERFORMANCE STANDARDS:

Councilman Gillette moved for approval to permit the Tribe to participate in the Public Health System Standards. Councilman Wells seconded the motion.

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

DISCUSSION: Madonna Azure made a presentation with Dr. Pickart from the North Dakota State Health Department, "Proposal to do a self assessment on public health on Fort Berthold," There will be 5 meetings The assessment will benefit the tribal members of all systems health policy.



FOR THE RECORD: Madonna Azure will work with SUD, Karole Parker or designee, and Deb Thompson or designee.

07. **THREE AFFILIATED TRIBES-CROW NATION DECLARATION OF RECONCILIATION.**

Councilman Phelan moved for approval of a "Declaration of the Three Affiliated Tribes and the Crow Nation Reconciliation." Councilman Wells seconded the motion.

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

DISCUSSION: Karen Stevens will coordinate with the Crow Nation's Tribal Chairman's office on the return visit to Fort Berthold.

08. **RESOLUTION NO. 04-100-RP; SUPPORTING THE DEVELOPMENT OF A HOTEL IN BISMARCK OWNED AND OPERATED BY THE UNITED TRIBES TECHNICAL COLLEGE.**

Councilman Phelan moved for approval of a Resolution entitled, "match from the tribe to first investment to move forward with the design, financial package, management corporation, A&E package, not to exceed \$20,000, to develop a hotel in Bismarck, North Dakota owned and operated by the UTTC, and authorize MHA Hotel committee member to seek and secure funding the Intertribal committee. Councilman Gillette seconded the motion.

*Amendment:
Now therefore require either the intertribal committee or if the other tribes don't want to do it that Scott Wilson or designee be included on the front end of the development. UTTC or a for profit corporation. UTTC or a separate charter from the tribes of North Dakota. If we're putting in tribal \$ would like to see some of that money come back to the tribes with 10% channeled to the educational line item.*

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

09. **RESOLUTION NO. 04-101-RP, FORT BERTHOLD HOUSING AUTHORITY BOARD OF COMMISSIONER DESIGNEE CHAIRMAN**

Councilman Phelan moved for approval to appoint Karen Stevens as the Chairman's designee to serve on the Fort Berthold Housing Authority's Board of Commissioner. Councilman Wells seconded the motion.

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

NOTE: Parshall Resource Center provided the evening meal.

10. **RESOLUTION NO. 04-102-RP; HISTORIC RESEARCH OF PAST COUNCIL MEMBERS:**

Councilman Phelan moved for approval to purchase historic drawings of the Three Affiliated Tribal leaders from Esley Thorton, Sr., for \$1,000 and because of justifiable educational material that \$1,500 be paid with funds from the 477 Program. Councilman Packineau concurred with the amendment.



NOTE: For additional payments a written proposal was requested from Mr. Thorton justifying the breakdown justifiable for auditing purposes.

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

11. **RESOLUTION NO. 04-103-RP; INDIAN HEALTH REPORT:**

Councilman Wolf moved for approval to draft a resolution to increase the Contract Health Service Budget to pay for the health costs of the members for this FY remaining needs, with emphasis that the clinic is funded at 40% while other tribal clinics are funded at 75%. Councilman Spotted Bear seconded the motion.

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

DISCUSSION: Chairman Hall directed Deb Thompson and Renee Mayer to comment on the Mental Health 638 Resolution, give a recommendation at the next Regular Council Meeting.

NOTE: Councilman Spotted Bear re-entered the meeting.

12. **CHIEF EXECUTIVE OFFICER REPORT:**

A. DON MORGAN CONSULTANT FEES:

Councilman Phelan moved for approval to pay the two payroll vouchers PP #2 and PP#3 submitted by Don Morgan for drafting reports on the Flood Mitigation at a cost of \$1600.00 and \$350.00, for a total of \$1,950.00; subject to all documented reports and to end the consultant agreement because of budgetary constraints. Councilman Packineau seconded the motion.

Discussion: The Council gave the CEDS Department direction to finish the Mitigation Homeland Security Plan. Mr. Whitman was directed to secure funding for the program.

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

B. THREE AFFILIATED TRIBES AND CROW NATION RECONCILIATION:

Councilman Packineau moved for approval of a budget of \$6,974.50, for thirteen members attending the Three Affiliated Tribes and the Crow Nation Reconciliation. Councilman Wolf seconded the motion.

Note: Richard Mayer will do the Resolution.

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

C. RESOLUTION NO 04-104-RP-NON-PROFIT, 501C3.

Councilman Gillette moved for approval of a Resolution entitled, "Approval of Charter for 501C3, Charter-Non-profit Three Affiliated Tribes Cultural Interpretive Center Foundation. Councilman Packineau seconded the motion.



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

D. RESOLUTION NO. 04-105-RP; APPROVAL OF THE FORT BERTHOLD TRIBAL CULTURAL INTERPRETIVE CENTER ECONOMIC DEVELOPMENT INITIATIVE FOR 2003.

Councilman Phelan moved for approval of a Resolution entitled, "Approval of the Fort Berthold Cultural Interpretive Center Economic Development Initiative VA-HUD for 2003." Councilman Packineau seconded the motion.

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

RESOLUTION NO. 04-105-B-RP; APPROVAL OF THE FORT BERTHOLD TRIBAL CULTURAL INTERPRETATIVE CENTER ECONOMIC DEVELOPMENT INITIATIVE FOR 2004.

Councilman moved for approval of a Resolution entitled, "Approval of the Fort Berthold Tribal Cultural Interpretive Center Economic Development Initiative for 2004. Councilman seconded the motion.

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

E. GHC ARCHITECTURE AND ENGINEERING PROPOSALS FOR THE CULTURAL INTERPRETATIVE

Councilman Gillette moved for approval to accept the bid from the GHC Design Group, as submitted by Randy Wagner A/A. Councilman Packineau seconded the motion.

NOTE: Committee members were Dennis Fox, Calvin Grinnell, Orville Fox, Dominick Sillitti and Marilyn Hudson.

Chairman Hall asked the maker and the second to withdraw their motions. Councilmen Gillette and Councilman Packineau both said they would not withdraw because Scott Eagle went thru all the procedures. Scott Eagle said that he gave it to Ramona then she says we did. She said nothing was handed in. I'll tell it on the loud speaker.

VOTE: 4 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

F. TOURISM AND "IN THE WAKE OF THE FLOOD."

Councilman Phelan moved for approval that the CEO and the Tourism Director negotiate a price with J. Carlos Peinado and GHC for payment of \$60,000.00 to produce the film could be paid with A&E dollars, with the understanding that all footage that shot to date and in the future be tribally owned. Councilman Packineau seconded the motion

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



G. RESOLUTION NO. 04-106, APPROVAL OF THE CERTIFICATION OF A LOAN RESOLUTION OF \$1.85 MILLION LOAN FROM THE USDA TO THE TRIBE.

Councilman moved for approval of a Resolution entitled, "Approval of the Certification of a Loan Resolution of \$1.85 Million Loan from the USDA to the Tribe. Councilman seconded the motion.

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

H. DETENTION CENTER DEBT SERVICE PAYMENT

Councilman Phelan moved for approval to authorize the CEO, CFO, and Programs Manager, and Legal Counsel to develop a plan that will generate revenue of debt service for the Adult Detention Center. Councilman seconded the motion.

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

I. REMINDER OF RESOLUTION NO. 03-173-RP, POLICY FOR PRESENTATION OF RESOLUTIONS AND AGENDA ITEMS FOR TRIBAL BUSINESS COUNCIL ACTION:

The CEO was reminded of Resolution No. 03-173-DSB, which states, "In order to allow an orderly consideration of all necessary matters brought before the Tribal Business Council, that each agenda item proposed to be placed on the agenda of the Tribal Business Council be submitted to and reviewed by the Tribal Secretary of the Tribal Business Council who will determine the item for inclusion on or exclusion from the agenda of each public meeting of the Tribal Business Council, with such determination being subject to challenge by a majority vote of the Tribal Business Council at the commencement of the meeting at which the agenda item is to be considered." It was made clear that the Chief Executive Officer's report will only cover activities.

12. THREE AFFILIATED TRIBES ELECTION ORDINANCE:

Councilman Phelan moved for approval of the Notice of the Election and Candidacy, Article IV on July 6, 2004, with an amendment of "changing polling place from Mandaree School to Mandaree Community Center." Councilman Packineau seconded the motion.

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

13. RESOLUTION NO. 04-107-RP; PRIORITIZATION OF HIP

Councilman Phelan moved for approval of a Resolution entitled, "Housing Improvement Program prioritization of applicants FY 2005, with a listing of names. Councilman Gillette seconded the motion.

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



14. **RESOLUTION NO. 04-108-RP; CONTRACTING OF HIP PROGRAM FOR FY-2004:**

Councilman Phelan moved for approval of a Resolution entitled, "Contracting of Home Improvement Program for FY-2004," and for the Tribal Housing Director to provide a status report on the "Dream Catcher Program, and the Home Ownership Program each of Mandaree participants. Councilman Packineau seconded the motion.

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

15. **RESOLUTION 04-109-RP, APPROVAL OF BREMER BANK MORTGAGES HOME. TWO PAGE AGREEMENT REFER LOANS TO BREMER BANK**

Councilman Packineau moved for approval of a Resolution entitled, "Approval of Mortgage Loan Referral Agreement with Bremer Bank. Councilman Phelan seconded the motion.

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

Councilman Phelan moved for approval because of their unique situation to prioritize Joe Black Hawk and Valentine Finley, Sr. for the double units or 4 single units. Councilman Packineau seconded the motion.

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

NOTE: Councilman Wolf left the meeting for the evening because of illness.

16. **INDIAN COUNTRY NETWORKS:**

Councilman Packineau moved for approval to send a letter to support the efforts of Richard Mayer, Scott Wilson and Jason Two Crow who are entering into a partnership to sell long distance on the reservation with a request for funding through the Independence Program. Councilman Wells seconded the motion.

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

17. **MHA HOLDING COMPANY-FISCALLY RESPONSIBLE**

Councilman Phelan moved for approval to extend the deadline for 30 days to become fiscally responsible and to have the Finance Department continue running payroll until then. Councilman Packineau seconded the motion.

VOTE: 4 Ayes, 2 Nays, 0 Abstentions, 0 Not voting. Motion carried.

18. **RESOLUTION NO. 04-110-RP, GOVERNING GRANT BOYS AND GIRLS CLUB:**

Councilman Phelan moved for approval of a grant application, "2004 Tribal Juvenile Accountability Discretionary," for the Boys and Girls Club. Councilman Packineau seconded the motion.

Jarret Baker will submit the resolution.

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



19. **RESOLUTION NO. 04-111-RP; KELLY FOX**
Councilman Wells moved for approval of a Resolution entitled, "Land Sale of Kelly Fox, 80 acres @\$176.00 an acre. Councilman Phelan seconded the motion.
- VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
20. **RESOLUTION NO. 112-RP; PATRICIA MIKE**
Councilman Phelan moved for approval of a Resolution entitled, Land sale of Patricia Mike, 346.64 acres @ \$145.16 per acre. Councilman Wells seconded the motion.
- VOTE: 5 Ayes, 0 Nays, Abstentions, 0 Not voting. Motion carried.
21. **RESOLUTION NO. 04-113-RP, JANICE VIGIL, 301-U2957**
Councilman Gillette moved for approval of a Resolution entitled, "Landsale of Janice Vigil, with the exclusion of Allotment 1121. Councilman Wells seconded the motion.
- The BIA has money available for purchasing fractionated acres which the Tribe is going to apply for.
- VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
22. **RESOLUTION NO. 04-114-RP, LETTER SOLID WASTE IMPROVEMENT PROJECT:**
Councilman Wells moved for approval of an amended Resolution entitled, " Solid Waster Improvement Project." Councilman Phelan seconded the motion.
- Amendments are: Preference in hiring and contracting.
- VOTE: 6 Ayes, 0 Nays, 0 Abstentions 0 Not voting. Motion carried.
23. **LOGO ARIKARA**
Councilman Gillette moved for approval of the attached logo from the Arikara
Councilman Wells seconded the motion.
- VOTE: 5 Ayes, 0 Nays, 1 Abstentions, 0 Not voting. Motion carried.
24. **TWIN BUTTES SEGMENT WORKER:**
Councilman Spotted Bear moved for approval to hire Jonathan Perry as a Segment Worker for the Twin Buttes area at the same rate of pay. Councilman Phelan seconded the motion.
- VOTE: 5 Ayes, 0 Nays, 1 Abstentions, 0 Not voting. Motion carried.



25. **RESOLUTION NO. 04-115-RP, WATER OR WASTE GRANT EMERGENCY INTAKE MANDAREE:**
Councilman Packineau moved for approval of a Resolution entitled, "Approval of Water or Waste System grant of \$428,000 from USDA. Councilman Phelan seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
26. **RESOLUTION NO. 04-116-RP, 638 SELF DETERMINATION CONTRACT**
Councilman Gillette moved for approval of a Resolution entitled, "Conduct Waste water assessment, abandoned wells for water management plans." Councilman Wells seconded the motion

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
27. **RESOLUTION NO. 04-117-RP, PROCESS FOR DISBURSEMENT OF FUNDS MARSHALL INVESTMENTS**
Councilman Wells moved for approval of a Resolution entitled, "Process for disbursement [\$5.6M] of Funds – Marshall Investments. [Form 1034]
Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
28. **RESOLUTION NO. 04-118-RP; MARSHALL INVESTMENT CORPORATION:**
Councilman Gillette moved for approval of a Resolution entitled, Disbursement of funds with the inclusion of consideration and all other legal corrections required by law. Councilman Wells seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
29. **RESOLUTION NO. 04- 119-RP, FORT BERTHOLD COMMUNITY COLLEGE**
Councilman Wells moved for approval of a financial request received from the Fort Berthold Community College for a \$150,000 loan is considered in the Tribe's negotiations for the line of credit with BNC, with a time line to be paid back not to exceed October 1, 2004. Councilman Phelan seconded the motion.

VOTE: 5 Ayes 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.
30. **FBCC REQUEST TO SEEK FUNDING FROM THE MYSTIC LAKE TRIBE:**
Councilman Gillette moved for approval to seek grant funding from Mystic Lake for the Phase three construction of FBCC \$550,000 for the student union and the daycare. Put together a nice proposal. Councilman Phelan seconded the motion.

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



31. **477 CONSULTANT AGREEMENT:**

Councilman Wells moved for approval of the proposal submitted by Unity Riders and the Consultant Agreement will only include the events of the Unity Riders. Councilman Phelan seconded the motion.

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

The meeting was recessed until Thursday, July 1, 2004. 10:39 p.m.

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 24th day of November, 2004; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman Voting. Not voting.

Dated this 24th day of November, 2004.

ATTEST:

Tribal Secretary Nathan Hale
Tribal Business Council,
Three Affiliated Tribes

Tribal Chairman, Tex G. Hall
Tribal Business Council,
Three Affiliated Tribes