



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
JULY 08, 2004**

CALL TO ORDER

Chairman Tex G. Hall called the meeting to order at 3:50 p.m. with invocation by Councilman Packineau. Chairman Hall appointed Councilman Spotted Bear as acting Secretary until Councilman Phelan arrived at the meeting.

ROLL CALL: Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Marcus Wells, Jr., Councilman Malcolm Wolf, Councilman Packineau, Councilman Austin Gillette and Councilman Randy Phelan. (Arrived later)

01. APPROVAL OF THE AGENDA

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

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

02. TRIBAL COURT STAFF LAY-OFF

Councilman Wells moved for approval of 64 hours administrative leave to Leah Young Bird; with a lay-off effective July 09, 2004 at 4:30 p.m. Councilman Packineau seconded the motion.

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

03. CHAIRMAN HALL REPORT

- Constitution Revision Report
- Northern Lights Community Center
- Election Update
- Four Bears Casino Report
- Elders Assistance Check

04. RESOLUTION NO. 04-120-RP; ELECTION BOARD SELECTION

Councilman Wells moved for approval to hire as Election Board members; Judy Young Bear, [Mandaree Area] Sharon Fitzsimmons, [North Segment] Peter Coffey, Jr. [Northeast Segment] Diana Poitra, [East Segment] Cheryl Good Bird, [South Segment] and Cecelia Reed [Four Bears area and/clerk]. Councilman Packineau seconded the motion.

Consensus of TBC: Eligibility defined that an applicant can owe the Tribe, but cannot be delinquent within their agreement.

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

Councilman Packineau moved for approval to appoint Pete Coffey as the Chairman of the Election Board. Councilman Wells seconded the motion.



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

05. FOUR BEARS CASINO AND LODGE QUARTERLY REPORT

- Financial Report October 2003-May 2004
- Training Program
- IMA Insurance Proposal
- 4Bears Presentation
- Phase 1 Reorganization
- Linen and Laundry Proposal
- 6-Month Promotional Plan

06. MASTER INSURANCE PLAN

Councilman Gillette moved for approval to direct all Tribal departments and all other tribal entities to develop a master insurance coverage plan within 60 days for consideration by the Tribal Business Council. Councilman Spotted Bear seconded the motion

FOR THE RECORD: Tribal Finance, Human Resources Department, Property & Supply, Fort Berthold Housing Authority, Four Bears Casino and Lodge.

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

07. TRIBAL HOUSING TO PURCHASE SPENCER WILKINSON MOBILE HOME

Councilman Phelan moved for approval to authorize the Tribal Housing Division to make an offer at appraised value, the purchase of a mobile home from Spencer Wilkinson, Jr. Councilman Wells seconded the motion.

Councilman Phelan amended his motion to, "that the tribe will secure the necessary funds if the offer is accepted by the owner." Councilman Wells concurred with the amendment.

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

08. FOUR BEARS CASINO AND LODGE QUARTERLY INCENTIVE

Councilman Phelan moved for approval of the third quarter incentives for the general managers of Four Bears Casino and Lodge; and to direct the CEO, Richard Mayer to ensure that the Gaming Commission members stagger their hours for availability purposes at all times. Councilman Packineau seconded the motion.

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

09. RESOLUTION NO. 04-121-RP; ELDERS DISTRIBUTION

Councilman Phelan moved for approval to award the Elderly living assistance of \$500 to all elders who turned 60 before January 1, 2004; to be paid in two increments of \$250.00, first one being July 31, 2004 and no later than September 30, 2004. Councilman Wells seconded the motion.



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

10. FINANCIAL REPORT

Councilman Wells moved for approval a Request for Proposals [RFP] to purchase software and computers for the Finance Department. Councilman Gillette seconded the motion.

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

11. REASSIGNMENT OF CHIEF FINANCIAL OFFICER: STEVE SALVESON

Councilman Wells moved for approval to reassign Steve Salvesson to another position in Finance and to advertise for a Chief Financial Officer. Councilman Phelan seconded the motion.

Councilman Wells amended his motion to include, "at the same rate of pay and to include the position on the Finance Reorganization chart.

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

12. RESOLUTION NO. 04-122-RP; ADDENDUM TO RIBAIL, STAUFFER & ASSOCIATES AUDIT SERVICES FOR FY-03

Councilman Wells moved for approval of the addendum to the original contract of Stauffer & Associates PLLC for \$70, 000 to perform FY-03 audit services. Councilman Phelan seconded the motion.

Councilman Wells amended his motion, "to direct the CEO to negotiate a supplemental amount of \$70,000 with Ribail Stauffer & Associates to perform audit FY-03, not to exceed \$150,000."

NOTE: Councilman Wells will draft the resolution.

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

13. GENERAL FUND BUDGET REPORT

Councilman Wells moved for approval to authorize the Chief Executive Officer and Chief Financial Officer to bring in a balanced budget of all consolidated programs for fiscal year 2005 to the budget meeting on July 20, 2004. Councilman Gillette seconded the motion.

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

The Office of Trust Services, [Sonny Holliday] Albuquerque, New Mexico will be asked to attend the August 12, 2004 Regular Council Meeting scheduled on July 20, 2004-Special Budget Meeting for Fiscal Year 2005.



14. **PROGRAM BUDGETARY SUSPENSION**

Councilman Wells moved for approval to authorize the Chief Executive Officer suspension authority of any program who has over expended their budgets, to give a two week notice; allowing the program to request a meeting with the Tribal Business Council to discuss budgetary issues. Councilman Gillette seconded the motion

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

PERSONNEL MATTERS Closed Session

15. **\$200 ROCKET'S BASKETBALL FINANCIAL REPORT**

Councilman Gillette moved for approval to award the Rockets Basketball team \$200 from each community. Councilman Wolf seconded the motion.

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

16. **EVALUATION OF CHIEF EXECUTIVE OFFICER**

Personnel Matters

17. **CHANGE OF PAYROLL DISTRIBUTION DAY**

Councilman Wells moved for approval to change the payroll distribution from Thursdays to Fridays at 12:00 Noon, beginning pay period No. 15. Councilman Packineau seconded the motion.

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

18. **EVALUATION OF CHIEF FINANCIAL OFFICER**

Personnel Matter

19. **PROGRAMS MANAGER REPORT**

- Correctional /Rehabilitation Facility
- Federal Program Budgets FY-2005
- Federal Programs Year End Reports
- BIA Modifications Contracting Systems
- Contracts Officer Department relocation

20. **FAILURE TO RESOLVE ISSUES WITH INDIAN HEALTH SERVICE**

Councilman Wells moved for approval of a Resolution entitled, "Failure to resolve issues with Indian Health Service." Councilman Packineau seconded the motion.

Maker and second of the motion were withdrawn until the Service Unit Director and all members of the Council are present.

- Process of 638 Contracting Indian Health Services
- IHS is only funded by 45%
- Tribe would assume financial difficulties of the Indian Health Service.



Aberdeen is the worst area in the United States for providing health care dollars to Indians. The Three Affiliated Tribes considering hosting a Senate Select Committee as a "shortfall of health dollars for the Aberdeen Area." The Chairman can do the lobbying for the Indian Health Service.

21. RESOLUTION NO. 04-123-RP; HIPPA POLICY MOA

Councilman moved for approval of a Memorandum of Understanding between the Three Affiliated Tribes and the U.S. Department of health and Human Services, Indian Health Services for the purpose of providing the Parshall and White Shield Clinics access to the I.H.S. Resource and patient Management Systems (RPMS) and to authorize Chairman Hall to sign the agreement on behalf of the tribe. Councilman seconded the motion.

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

22. RESOLUTION NO. 04-124-RP; ENROLLMENT

Councilman moved for approval of 69 applicants for enrollment with the Three Affiliated Tribes. Councilman seconded the motion.

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

23. TRIBAL HOUSING DIVISION –HIP PROGRAM:

Councilman Wells moved for approval the Tribal Housing Director's recommendation to not move the current HIP Coordinator with the Program remain with the Fort Berthold Housing Authority to finish the HIP contracts for FY-2002-2003 contracts, and to hire Monica Rabbithead as the HIP Coordinator for the Three Affiliated Tribes. Councilman Phelan seconded the motion.

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

24. RESOLUTION NO. 04-125-RP, WALKING SHIELD PROJECT.

Councilman Phelan moved for approval of a modification of \$48,750.00 in the Tribal Housing Division's budget to complete construction of the Project Walking Shields 25 units. Councilman Packineau seconded the motion.

= \$407,

*FOR THE RECORD: The modification includes \$16,300 X 25
500.00.*

*Additional costs for hook-up and sewer @\$20,250.00 X 25=
\$506,250.00 which leaves a difference of \$98,750.00. The MEGA
Contract will be charged \$1000.00 X 25 units for the sewer & water
stub-ins –MR&I will be charged \$1000.00 X 25 units for plumbing
hook-ups for a total of \$50,000 subtracted from \$98,750.00, for a
total of \$48,750.00.*

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



25 **CONSTRUCTION OF FOUR BEARS ELDERLY UNITS**

[Councilman Wells will draft up the Resolution for signature]

Councilman Phelan moved for approval authorizing Councilman Marcus D. Wells, Jr. as administrator of the four elderly units to be constructed in the Four Bears Segment. Councilman Packineau seconded the motion.

DISCUSSION: Tribal Housing Director, Connie Wilkinson confirmed that funds of \$130,000 to construct two elderly units for the Four Bears area were included in the Tribal Housing FY-04 Budget. Money to construct the remaining two homes was recouped from the Twin Buttes Custom Homes tribal allocation.

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

26 **NORTHERN LIGHTS CONSTRUCTION**

Councilman Wells moved for approval to pay time at regular hour time payment for the Northern Light crew, subject to the review by the CEO, Richard Mayer and the Chief Financial Officer. Councilman Wolf seconded the motion.

[Names attached to document - \$4,188.00]

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

27. **RESOLUTION NO. 04-127-RP; MHA SYSTEMS DIGITALIZING TRIBAL RECORDS**

Scott Wilson will draft the resolution and bring to the Executive Secretary's office.

Scott Wilson brought in a proposal from the MHA systems work off a debt that is owed the tribe. The plan describes that it will: 1) assess all of Tribal Business Council records, 2) Develop a management plan, 3) records criteria and 4) data management, to pay off a debt owed the tribe for payment of payroll for two years.

DISCUSSION:

- Total pages listed for minutes are 41,004.00
- Proposal is asking a cost of \$5.95 per page which is under the fair market value
- The CEO said the miscellaneous debt is too high [\$2.00] [PF] for a total cost of \$3.95 per copy is reasonable {\$2.00}

Councilman Wells moved for approval of a Resolution, "giving MHA Systems the ability to work off a debt *[one-half split to equal \$125,000 cash and \$125,000 work]* of \$250,000 owed to the Tribe by digitalizing/scanning all tribal resolutions and tribal minutes of business council meetings; with the management and legal to develop policies and procedures to protect propriety information and ensure quality control prior to the scanning process."

Councilman Packineau seconded the motion.

The members all concurred that absolutely no official documents will be taken out of the Records Management Department/Executive Secretary office; the scanning will be done at the Tribal Secretary's office. Councilman Phelan appointed Stephanie Baker to work with the MHA Systems and be responsible for coordinating the process of scanning minutes/resolutions. [Executive Secretary staff is designated caretakers of the archives.]



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

28. **CHARLES HUNTER CHANGE OF EMPLOYMENT STATUS**

Councilman Wolf moved for approval to permanently hire Charles Hunter with the North Segment Employee workers, with retroactive benefits from the date of temporary date of hire fulltime benefits, and for the CEO and Legal to review the retro-active date request. Councilman Phelan seconded the motion.

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

29. **SMALL LOAN DENNIS YOUNG BEAR**

Councilman Phelan moved for approval of a \$600 loan for Dennis Young Bear with his existing balance of \$400.00 rolled into his existing balance of \$400.00, for a total of \$1000.00, due to emergency transportation purposes. Councilman Wells seconded the motion.

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

30. **RESOLUTION NO. 04-128-RP; CONTRIBUTION TO VIETNAM VETS**

Councilman Wells moved for approval of a \$1500 contribution to the North Dakota State Convention of Vietnam Veterans held in Fort Berthold, the week-end of July 9-11, 2004. Councilman Phelan seconded the motion.

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

31. **EDUCATIONAL LOANS**

Councilman Wells moved for approval to award educational loans for 1) Joelle Bearstail, [\$835.00] 2) Joni Bolman, [\$1,331.00] 3) Antoine Fettig, [\$1,464.00] 4) Katherine Young Bear [\$1,500.00] and 5) Loren White Horn. Councilman Phelan seconded the motion.

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

32. **RESOLUTION NO. 04-129-RP, LSA BUY-OUT- SOUTH SEGMENT CASINO**

Councilman Wells moved for approval to adopt the final figures of a Resolution entitled, "Approval of buy-out of LSA and Associates' interests in its participating lease with the tribe and purchase of certain land owned by Dale Little Soldier." Councilman Packineau seconded the motion.

- *[350 machines equal net revenue \$12.5 Million] This Resolution was previously passed at a meeting in either April or May, 2004. The Tribe designates a vendor number seeing how much was paid out in the past and deducts the previous payments. Make sure that this language is put in the Resolution/ motion they we deduct the previous payments under 3.1 Million*

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



33. RESOLUTION NO. 04-130-RP, AUTHORIZATION TO SEEK \$13,000,000 LOAN TO FINANCE SOUTH SEGMENT CASINO PROJECT.

Councilman Phelan moved for approval of a Resolution, entitled: "Up to 10 Million dollar loan to purchase Lake Sakakawea Casino to include a 40 room motel." [6.8M net] Councilman Packineau seconded the motion.

Possibly finance a boat on a lease to own. Last page is [ten million, one sixtyfour10, 000,164] estimated budget departmental capital including beverages, maintenance facilities

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

34. RESOLUTION NO. 04- 131-RP, SOLID WASTE USDA GRANT

Councilman Phelan moved for approval of a Resolution, entitled, "Solid Waste USDA Grant." Councilman Wells seconded the motion.

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

35. RESOLUTION NO. 04-132-RP, CONSTITUTION REVISION BUDGET AMENDMENT

Councilman Wells moved for approval to modify the budget of the Constitution and Revision Committee by \$20,000.00. Councilman Packineau seconded the motion.

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

36. RESOLUTION NO. 04-133-RP, PURCHASE OF WEST NILE VACCINE

Councilman Phelan moved for approval of the \$23,000 budget to purchase vaccine for the West Nile Virus. Councilman Wolf seconded the motion.

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

37. ADJOURNMENT

Councilman Phelan moved for approval to adjourn the meeting at 2:35 a.m. Councilman Packineau seconded the motion.

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

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the November, 2004; in that the Executive Secretary presented the foregoing minutes at such meeting and approved, by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting.

Chairman [X] voting. [] not voting.



Dated this 24TH day of November, 2004.

Tribal Secretary, Nathan Hale
Tribal Business Council
Three Affiliated Tribes

ATTEST:

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