



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
CONTINUATION MEETING  
SEPTEMBER 01, 2004**

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**RECONVENE MEETING:**

Chairman Tex G. Hall reconvened the meeting at 4:10 p.m.

**ROLL CALL:**

Members present: Chairman Tex G. Hall, Councilman Austin Gillette, Councilman Marcus D. Wells, Jr., Councilman Mervin Packineau, and Councilman Randy Phelan. A full quorum was established with all members present.

**01. ANITA DEANE FINANCIAL REQUEST:**

Councilman Packineau moved for approval a grant of \$300 for vehicle repairs to Anita Deane, because of her medical condition. Councilman Wells seconded the motion.

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

**02. TRIBAL ROADS DEPARTMENT BUDGET:**

Councilman Wells moved for approval to transfer \$45,000 of the BIA Allocation to the Tribal Roads budget to complete the groundwork on Clarks Creek. Councilman Gillette seconded the motion.

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

**03. TRIBAL HIGHER EDUCATION BUDGET:**

Councilman Wells moved for approval to transfer \$30,000.00 from student repayment loan/higher education line item to the summer school line item. Councilman Gillette seconded the motion.

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

**04. GRAVE DIGGING SERVICE REIMBURSEMENT REQUEST:**

Councilman Phelan moved for approval to include in the Tribal FY-05 budget, \$15,000 for maintenance of equipment used for grave digging services. Councilman Gillette seconded the motion.

*The Chief Financial Officer was directed to have the Federal Programs Manager review the BIA federal budgets to determine if funds could be used for these types of services. Another option the business council determined, would be to transfer the remaining \$5,000 from the BIA appropriated allocation to the social service department's funeral services line item; for them to disburse the funds as needed. The social service budget has never been maximized or increased, and these funds could be used to subsidize their services.*

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

**05. RIBAIL, STAUFFER & ASSOCIATES, PLLC:**

Councilman Wells moved approval of a contract between Ribail, Stauffer & Associates, PLLC, paid from the contingency fund, to get the tribe's bank reconciliations current and prepared for the FY-03 and FY-04 audits, and Councilman Phelan seconded the motion.



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

06. **NORTHERN LIGHTS SUB-DIVISION:**

Councilman Gillette moved for approval of the right-of-way for the Northern Lights sub-division. Councilman Phelan seconded the motion.

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

07. **FY-05 COMMUNITY SERVICES BLOCK GRANT**

Councilman Gillette moved for approval of a Resolution entitled, "FY-05 Community Services Block Grant, [LIEHP] Councilman Phelan seconded the motion.

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

08. **TRANSFER OF FUNDS-REALTY APPRAISAL**

Councilman Gillette moved for approval to transfer the remaining \$5000 left from the Bureau of Indian Affairs un-obligated appropriation of funds to the Tribal Realty Department for appraisal purposes. Councilman Wells seconded the motion.

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

09. **ROBERTA BEAR FINANCIAL REQUEST:**

Councilman Wells moved for approval of a housing loan of \$2,788.60 to Roberta Bear to subsidize her electrical costs, subject to availability of funds and policy guidelines of the tribal Housing Division. Councilman Gillette seconded the motion.

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

10. **RESOLUTION NO.] ]-RP, TWIN BUTTES CUSTOM HOMES**

Councilman Packineau moved to approve the Executive Committee's actions on reauthorization of the two CD's [\$100,000] [\$400,000] available in the Community First Bank to the Twin Buttes Custom Homes for one year. Councilman Phelan seconded the motion.

The Chief Financial Officer negotiated with the Bank to give him a notice within two months, prior to the CD maturing. The Bonding Company was going to call the CD's unless they were renewed.

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

11. **RESOLUTION NO. 04- [ ]-RP, MHA HOLDING COMPANY-LAKESIDE STATE BANK:**

Councilman Wells moved to guarantee a loan of \$100,000 [tribal allocation FY-05 budget] between the Lakeside State Bank to Mandan, Hidatsa, and Arikara Enterprises who will have the responsibility for repayment to the tribe. Councilman Packineau seconded the motion.

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



12. **RESOLUTION NO. 04- -RP, THREE AFFILIATED TRIBES TRIBAL BUDGET AMENDMENT FY-05:**

Councilman Wells moved for approval of the FY-05 Budget as amended. Councilman Phelan seconded the motion.

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

13. **CLEAR VOICE NETWORK PROPOSAL:**

There was discussion regarding the Tribal Government and all Tribal Enterprises utilize the Clear Voice Network to enter into a customer agreement with the tribe. They requested a customer agreement and want to offer it to the Tribe. Councilman Phelan moved for approval of a Resolution entitled, "Support for Voice over Internet Technology for Clear Voice Communications. Councilman Packineau seconded the motion.

Discussion: Changes to the Resolution:  
Whereas [4 up] individually tribal member owned company negotiated to be paid by Clear Voice Network.  
"Enterprises, change to "Nation." Recommendation by Legal Counsel was for them to come back with a marketing plan and a proposal which spells out the request that is to be ready in 90 days. Councilman Gillette opposed to it because it seems to be backward, no marketing plan in place or proposal just a Resolution asking for \$160,000. Look on the last Therefore be it Resolved, looking to get into Clear Voice Communication Tribally owned business we'll It says that we will authorize payment these services commit to use it, but it says we hereby authorizes the purchase of. Amendment: Now therefore be it resolved the TBC hereby supports CBCV equipment purchase expresses a strong interest in the purchase agreement of CBCV equipment. Chairman Hall assured the members that there is no money involved.

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

14. **REQUEST FOR DONATION OF BUFFALO FOR LEWIS AND CLARK SIGNATURE EVENT.** *[Verlee Saylor will be the representative]*

Councilman Gillette moved for approval authorizing the donation of one buffalo to the October, 2004 Lewis and Clark Signature Event coordinated by Verlee White Calf. Councilman Phelan seconded the motion.

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

15. **RESOLUTION NO. 04- -RP, MANDAREE SECURITY PROGRAM:**

Councilman Phelan moved for approval a request from the Tribal Housing Division to supplement funding the Mandaree Security Program from the budget's *real Estate Demo renovation line item* of \$7,500.00 to supplement funding the Mandaree Security Program until October 01, 2004. Councilman seconded the motion.

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



**16. BARBARA BAKER SMALL LOAN:**

Councilman Wells moved for approval of a \$3,500 Small Loan for Barb Baker, who has collateral on file for \$2600, with the remaining \$1,500.00 will be co-signed by Councilman Wells. Councilman Packineau seconded the motion.

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

**17. CHRISTINE STANDISH FINANCIAL REQUEST:**

Councilman Phelan moved for approval of a \$500.00 emergency loan for Christine Standish and to prioritize her situation. Councilman Gillette seconded the motion.

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

**18. RESOLUTION NO. 04-141-RP, NORTHERN COURT OF APPEALS:**

Councilman Wells moved for approval of a Resolution entitled, "Northern Plains Court of dues of \$2,000." Councilman Packineau seconded the motion.

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

**19. RESOLUTION NO. 04-142-RP, FBCC FINANCIAL REQUEST:**

Councilman Gillette moved for approval of a Resolution entitled, "\$550,000 letter of credit to the Fort Berthold Community College." Councilman Packineau seconded the motion.

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

**20. GARAGE REPLACEMENTS:**

Councilman Gillette moved for approval to replace garages of Martina Ross and Lloyd Everett due to storm damages. Councilman Wells seconded the motion.

Councilman Gillette amended his motion to include, "Rita Hawk" in the motion. Councilman Wells concurred with the amendment.

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

*Albuquerque Ed and Diana Poitra will do a report and give to Treasurer so they can do it. Austin said that we went by age and we all got five 2 years ago. Buddy Beston they have to own their own homes. He said that he didn't want it so we had to move it off his property. We left it laying there and now the lumber is ruined, May Coffey is one put it in October 1, 2004.*

**21. NATURAL RESOURCES DEPARTMENT-DUANE SMITH**

Councilman Gillette moved for approval to honor the action taken by the Health & Human Resources to afford Duane Smith to retain his position by attending treatment for alcohol and drugs; and approval of sick leave hours donated to him by Renita Mandan while he is in treatment. Councilman Wells seconded the motion.

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

Councilman Gillette moved for approval to direct the Chairman of the Health & Human Resources Committee and the Natural Resource Director inform tribal Court the



circumstances of Duane Smith in his employment situation; and why he wasn't informed properly due to an administrative error, in the meantime his father Conrad Smith, who lives in California, became very ill so he went to be with him. Councilman Phelan seconded the motion

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

**22. PROTECTION ORDER APPEAL:**

Councilman Gillette moved for approval to refer the Rabbithead case to the Judicial Committee and to request a copy of the transcription of the court case for members to review. Councilman Phelan seconded the motion.

Councilman Gillette amended the motion to include language: "September 15, 2004 at 1:00 p.m." Councilman Phelan concurred with the amendment.

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

**23. IRIS JACKSON FBHA HIP PROGRAM:**

Councilman Packineau moved for approval of a recommendation to the Fort Berthold Housing Authority Board of Commissioners to lay-off Iris Jackson as HIP Coordinator as she requested. Councilman Phelan seconded the motion.

*DISCUSSION: The Federal Program Manager will request an extensive report of the HIP Program from the Bureau of Indian Affairs and the Fort Berthold Housing Authority beginning 2000.*

VOTE: 3 Ayes, 1 Nay, 1 Abstention, 0 Not voting. Motion carried

**24. WIPING OF THE TEARS CEREMONY: October 11, 2004**

Councilman Wells moved for approval of a budget of \$5,700 from the FY-05 Budget to fund the "Wiping the Tears Ceremony," and to include Councilman Malcolm Wolf and Councilman Randy Phelan in the planning stages. Councilman Packineau seconded the motion.

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

**25. FOUR BEARS C-STORE AND MANDAREE C-STORE CDBG SPLIT:**

*[Reference Resolution No. 02-073-MWJR]*

Councilman Wells moved for approval to split the FY-04 Community Development Block Grant funding rotation between Mandaree and the Four Bears Segments C-store @ \$450,000 each; and for the Four Bears Segment to split with Twin Buttes for FY-05 rotation on the remaining portion of \$450,000; and Mandaree to work with grant writing staff to replace the additional \$450,000 line of credit for the Mandaree C-Store. Councilman Packineau seconded the motion.

*DISCUSSION:*

*Chairman Hall pointed out that the total funding for the CDGB application is \$900,000 per year. Councilman Phelan recommended disciplinary action against the grant writing staff because of the administrative error that caused Mandaree to lose their CDGB grant last year.*



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

26. **LINE OF CREDIT FOR FOUR BEARS C-STORE:**

Councilman Wells moved for approval of a line of credit for the Four Bears C-Store to be secured with the CDGB FY-05 budget. Councilman Packineau seconded the motion.

*DISCUSSION: The line of credit breakdown is FY-04 \$225,000; and FY-05 @\$305,000 for a total of \$530,000.*

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

27. **GWEN MATTHEWS/MYRNA WHITE TAIL FINANCIAL REQUESTS:**

Councilman Packineau moved for approval of a \$200.00 grant to subsidize Gwen Matthews' moving expenses; and to subsidize Myrna White Tail with \$100.00 grant who is handicapped and needs help to move into a different mobile home; the funds to be taken from the grants and donations line item. Councilman Phelan seconded the motion.

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

28. **KEITH AND BILLIE WHITE OWL:**

Councilman Packineau moved for approval to authorize the TBCH to move Keith and Billie White Owl's trailer from Bismarck, North Dakota to Mandaree. Councilman Phelan seconded

29. **ADJOURNMENT:**

Councilman Packineau moved for approval to adjourn the meeting at 8:21 p.m. Councilman Wells seconded the motion.

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

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**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort 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.

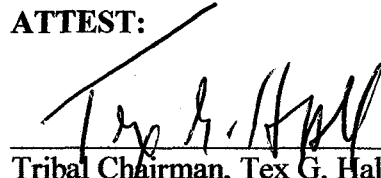
Chairman [ X ] voting. [ ] not voting.

Dated this 24<sup>TH</sup> 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

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