

DISCLAIMER: The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.





**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 04-04-NH
DECEMBER 09, 2004**

CALL TO ORDER:

Vice-Chairman Marcus D. Wells, Jr. called the meeting to order at 10:21 a.m. with invocation by Wilbur Wilkinson.

ROLL CALL:

Members present: Vice-Chairman Marcus D. Wells, Jr. Councilman Daylon Spotted Bear, Councilman Frank White Calfe, Councilman Malcolm Wolf, Councilman Nathan Hale.

Members absent: Chairman Tex G. Hall and Councilman Mervin Packineau are attending Funeral of Sheree Carlson.

01. APPROVAL OF THE AGENDA:

Councilman White Calf moved for approval to accept the agenda as amended. Councilman Spotted Bear seconded the motion.

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

02. RESOLUTION NO. 04-35-NH, "AUTHORIZATION FOR THE NORTH SEGMENT COMMUNITY TO ENTER INTO RENTAL AND USE AGREEMENTS WITH THIRD PARTIES FOR USE OF THE NORTH SEGMENT COMMUNITY BUILDING."

Councilman Wolf moved for approval to accept the Resolution entitled, "Authorization for the North Segment Community to enter into rental and use agreements with third parties to subsidize the repayment to the Tribe for use of the North Segment Community Building." Councilman White Calf seconded the motion.

DISCUSSION: The total cost for paving the parking lot will cost \$25,000. For future reference should the North Segment need any legal counsel to represent them for any future negotiations they will be available to represent them. North Segment will have a community dinner for the elders for Christmas.

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

03. COUNCIL/COMMITTEE REPORTS:

A. NORTH SEGMENT:

AMERICORPS VISTA WORKER INTRODUCTION:

Councilman Wolf moved for approval to support the efforts of the Americorps Vista, and to coordinate with Marian Spotted Bear, Administrator for the CEDS Department. Councilman Spotted Bear seconded the motion.

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



B. WEST SEGMENT, MANDAREE C-STORE

Councilman Hale moved for approval to finance the installation of two gas pumps \$69,431.82, at the Mandaree-C Store with tribal funds allocated from the FY-05 Budget. Councilman White Calfe seconded the motion.

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

The Mandaree Community will be having a Christmas Dinner on December 20, 2005. Mandaree Warrior Ladies went to Sawyer, North Dakota and took second place. This week-end all day session, Dakota Oyate will be in Mandaree for an all day session.

**C. SOUTH EAST SEGMENT, FINANCIAL ASSISTANCE
CONGREGATIONAL/CATHOLIC CHURCH**

Councilman Spotted Bear moved for approval to award the Twin Buttes Congregational and the Catholic Churches each \$500 Christmas activities. Councilman Hale seconded the motion.

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

D. EAST SEGMENT:

Community meeting this evening Councilman White Calf will reserve the right to bring his requests in. The Treasurer has been working on balancing the budget. The White Shield Roads Department has repaired the road temporarily that was on a contract with Fort Berthold Development.

E. FOUR BEARS SEGMENT:

Northern Lights Gym entered into a contract for hosting New Town High School Girls & Boys teams

The Four Bears Community will be hosting a Christmas dinner on December 19, 2004. The TAT employees will have their dinner on December 21, 2004. The Tribal Elders will be having their Christmas dinner on the 22nd, and the checks will be distributed there.

Councilman Wells reported that on December 1, 2004, the Four Bears Community listened to issues regarding the location of the new C-Store presented by Donna Morgan, and Ed Hall. In addition a survey was taken by the elders in Four Bears segment, [30 members agreed,] 12 did not agree, 6 had no opinion] so 63% agreed. Four Bears Casino was going to build their C-Store at the exact location. There was only one objection from an elder, John Danks. So the community will proceed in building the store at the same location.

04. RESOLUTION NO. 04-36-NH, IRB TRIBAL RESEARCH CODE:

Councilman White Calfe moved for approval to create a task force who will structure an Institutional Review Board consisting of tribal employees, and one community member, for the purpose of developing a model tribal research code and make recommendations for membership of the Institutional Review Board, to screen and monitor research study requests made to the Three Affiliated Tribes.



Councilman Hale seconded the motion.

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

05. **FINANCIAL REQUEST – BRUCE HALL:**

Councilman Hale moved for approval of a financial request of a \$500 grant to James Bruce Hall to subsidize his travel to New York City, NY to participate as a contestant on, "Who wants to be a millionaire?" Councilman Wolf seconded the motion.

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

06. **RESOLUTION NO. 04-37-NH, DISBURSEMENT TO ELDERS:**

Councilman Spotted Bear moved for approval of the disbursement of \$500 living costs for all tribal elders 60 years +. Councilman Hale seconded the motion.

For The Record: Casino Revenue and General Funds will be used to make the elderly payment.

07. **RESOLUTION NO. 04-38-NH, ELDERS ORGANIZATION ON AGING SERVICE GRANT CONTRACT:**

Councilman White Calf moved for approval of a Resolution entitled, "MHA Elders Organization," requesting authority to enter into a contract with the State Aging Service Division in the amount of \$28,180.00, with a tribal match of \$4,937.00; for the purposes of providing health maintenance services and outreach services to eligible enrolled members for the period of January 1, 2005 thru December 31, 2005. Councilman Wolf seconded the motion.

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

08. **JERRY NAGEL REIMBURSEMENT APPEAL:**

Jerry Nagel submitted a letter with the costs owed to him when he left employment. The management staff will negotiate with Jerry and bring back a recommendation.

09. **TAT AUDITORS PROPOSED BUDGET:**

Chairman Hall requested that this item be deferred until he arrives at the meeting.

10. **MIDWINTER POW WOW FINANCIAL REQUEST:**

Councilman Wolf moved for approval by a standing resolution in place \$5,000 for the Antelope Society/New Year activities. Councilman Spotted Bear seconded the motion.

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

11. **EXECUTIVE COMMITTEE:**

Auditors Proposal for payment

12. **HEALTH, HUMAN, EDUCATION COMMITTEE:**

Reduction of staffing Twin Buttes Head start
Report on Social Services Department Transfer



Jerry Nagel complaint
Transferring of staff from Audrey Davy Building until an inspection is handled by a professional sanitation company.

13. **INDIAN HEALTH SERVICE REPORT – SUD:**

Failure to Resolve Issues with Indian Health Service – SUD

This agenda item was deferred until there is a full quorum available.

14. **FORT BERTHOLD RURAL WATER:**

Councilman White Calfe moved to accept the recommendation of the Environmental Manager to transfer Bonnie Blake to Fort Berthold Rural Water, with the Four Bears Councilman to shift funds from the Four Bears segment funds to pay for the additional \$2.00 so her salary will remain at the same rate. Councilman Wells seconded the motion.

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

15. **ENVIRONMENTAL PROGRAM:**

Councilman White Calfe moved for a 60-day temporary appointment for Deb Hosie to the Environmental Program, at \$11.00 per hour until advertised and filled.

Councilman Hale seconded the motion.

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

For the Record: Chairman Tex Hall and Councilman Mervin Packineau arrived at the meeting at 1:30 p.m.

16. **OIL REFINERY GEO TRANS, INC. – PROFESSIONAL SERVICES**

AGREEMENT:

Councilman Packineau moved for approval to accept the Professional Services Agreement between the Tribe and GEO Trans, Inc. Councilman Spotted Bear seconded the motion.

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

17. **MEMORANDUM OF AGREEMENT U.S. DEPARTMENT OF INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY AND THREE AFFILIATED TRIBES, OIL REFINERY PROJECT:**

Councilman Packineau moved for approval of the Memorandum of Agreement between the U.S. Department of Interior, Environmental Protection Agency, and Three Affiliated Tribes for the Oil Refinery Project. Councilman Wolf seconded the motion.

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

18. **BACKGROUND CHECK-COPS FAST PROGRAM:**

Councilman Wells moved for approval to transfer the responsibility of doing background from the Bureau of Indian Affairs to the Tribal Human Resources for applicants applying for employment with the Tribe. Councilman White Calf seconded the motion.

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



19. **RESOLUTION NO. 04-39-NH, ADOPTION OF MHA NATION PUBLIC 101-630
BACKGROUND INVESTIGATIONS POLICY AND PROCEDURES:**

Councilman Packineau moved for approval of a Resolution entitled, "Adoption of MHA Nation, Public 101-630, Background investigations Policy and Procedures." Councilman White Calf seconded the motion.

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

20. **MILITARY HOME DESIGNATED FOR COPS FAST PROGRAM:**

Councilman Wolf moved for approval to set aside two of the military homes in the New Town area for tribal law enforcement, with the rental payment to come from the North Segment. Councilman Hale seconded the motion.

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

21. **DESIGNATED HOUSING FOR COPS FAST OFFICERS:**

Councilman Mervin Packineau moved for approval to permit Councilman Frank White Calf to work with Connie Wilkinson in devising a financial plan between the Tribe and Bureau of Indian Affairs/Tribal Law Enforcement personnel to rent military home to increase the Bureau's housing capacity; and lastly to execute a binding contract that when a unit is vacated after the officer resigns, there will be absolutely no remaining tenants." Councilman Hale seconded the motion.

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

22. **DESIGNATED SITE FOR EMERGENCY AIR AMBULANCE:**

Councilman White Calf moved for approval authorize the appropriate staff to work on a proposed site, [West of Museum where there is sufficient lighting as the designated site] to work with Law Enforcement in designating an area for an emergency Air Ambulance and to bring back a plan, with a legal description, set aside for medical purposes. Councilman Packineau seconded the motion.

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

23. **ROAD MARKINGS SPEED ZONES**

Councilman Hale moved for authority to authorize Doyle Bell to set up signs for Community of White Shield and all the rest of the communities where appropriate, that the directive be prioritized and finished within 15 days. Councilman White Calf seconded the motion.

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

24. **HIGHWAY 23- NEW TOWN AND FOUR BEARS BRIDGE:**

The Tribal Business Council directed Chief of Police, Frank Felix to take appropriate action and to contact Dept. of Transportation Mr. Peterson from Williston, North Dakota requesting how the Tribe can raise the speed limit up to a realistic speed on Highway 23 between New Town and the Four Bears Casino and Lodge.



Apparently, Mr. Peterson said that it was done by a concentrated effort of a number of agencies, and named the Tribal Business Council as one of those deciding officials to lower the speed limit to 40 mph. Councilman Hale commented that this effort was based on volume of the traffic and safety. They could do an engineering study to say it is proper to raise the speed limit.

25. **PARSHALL LOTS FOR SALE, APPRAISAL:**

Councilman Hale moved for approval to authorize Councilman Packineau to seek out an appraiser to expedite his request in getting an appraisal on the lots that may be available in the Parshall Community @ \$57,000 [for 30-40 lots] and to bring it back to the Tribal Business Council for action. Councilman Packineau seconded the motion.

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

26. **GERALD "TEXX" FOX, JUSTICE CENTER, JUVENILE DETENTION ISSUES:**

The Justice Center has not come up with a handbook Juveniles cannot detain in a seating area with on-site supervision for more than six hours. Tribal Court has not been doing proper follow up on cases that involve juveniles. All Tribal Programs need to come up with a plan to address the delinquent juvenile problems and come up with some alternatives. This issue was referred to the Judicial Committee meeting on December 15, 2004; with all adequate staff in attendance.

27. **HOWARD WILKINSON RETIREMENT:**

Councilman Hale moved for approval for the Tribe to honor Howard Wilkinson on December 20, 2004, who after 23 years of service in Law Enforcement, is retiring. Councilman White Calf seconded the motion.

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

28. **TBC CONSTITUTION AND BY-LAW UPDATE:**

Chairman Hall updated the Tribal Business Council on the Constitution Revision. One significant item they passed by unanimous votes was the expansion of additional representation for each community based on population [750 per rep.] This means that the North Segment will have 3 representatives. Councilman Hale commented that the Tribal Government will be divided into two branches with the cost to off-set itself. It will be designed similar to the State/National Legislative sessions. The new Constitution will also increase the Legal Department efficiency.

29. **JUVENILE DETENTION CENTER HANDBOOK:**

Discussion on the Juvenile Detention Center's handbook item will be deferred. Scott Eagle, Mike Young Bird and Paul DeFrancis who is a consultant, will be working on the handbook. Evidently the previous administrator had just copied a handbook which didn't pertain to the policies and procedures needed to administrator a Juvenile Detention Center. The appropriate staff obtained a 6 to 8 week extension for acceptance of Juveniles due to this problem. In the interim, they will be following the Juvenile Justice Prevention Act for detainment of Juveniles. The administration will be having everybody certified and trained at the same time of the facility opening in approximately in late January or early February, 2005.



30. **DECEMBER 20, 2004, ALLOTTEE ASSOCIATION**

- Constitution Revision Update 9:00 - Allottee Association Update
- Health Care Facility
- Parity Act GAO Study -Senator Conrad introduce in the 109th Session, the Parity Act on behalf of the Three Affiliated Tribes to go to \$411 Million appropriation. If that passes and the Tribes get the full appropriation from the WAPA, it will get either 9 or 10 Million, and will be almost 30 Million in annual revenue for interest from \$411 as opposed to \$149.2.

31. **FOUR BEARS BRIDGE ACCIDENT:**

The Office of Safety Hazard Association (OSHA) is conducting an on-going investigation of the accident at the 4 Bears Bridge on November, 2004. The former Project Safety Manager/Superintendent, Kam Green was transferred with Pat McDermott, replacing him. John Young, who is an OSHA Investigator, said some employees were terminated or transferred elsewhere. The appropriate tribal staff needs to keep track of who are the top management at Fru-Con., as the Tribe is proceeding forward with the on-going investigation.

The Department of Transportation and Kadamias & Lee, who are Engineers for the Four Bears Bridge is conducting their investigation concurrent with OSHA. The State Officials were very cooperative and gave high marks to the Departments who helped with the emergency, i.e., Law Enforcement, Fire Department, and Health Care and the Governor is aware of the emergency response that was very immediate and proficient.

The Tribe wants to make sure that the questions were answered before there is closure to this tragic accident. Prior to dismantling the Ree-Bar at Pier No. 9, adequate pictures were taken and interviews were done by Kadamias to help in the investigation.

Finally, OSHA communicated they were going to have a report ready in two weeks with a copy to the Tribe. Karole Parker commented that what needed to happen is integration with other agencies in order to respond adequately to emergencies. Chairman Hall agreed with her and suggested names and programs needed to be available for a contingency plan.

32. **NATURAL DISASTER RESOLUTION NO. 03-141-RP AMENDMENT:**

Councilman Hale moved for approval to authorize Home Land Security Officer, Clifton Whitman to draft criteria and requirements to coincide with services Resolution No.03-141-RP, and take it to the Natural Resources Committee to review and recommend to the full council. Councilman Packineau seconded the motion.

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

33. **RESOLUTION NO. 04-40-NH, RANGE UNIT RESOLUTION**

Councilman Packineau moved for approval by Resolution, members of the Task Force Committee. Councilman Hale seconded the motion.

DISCUSSION: The Names of Task Force are Chairman Tex G. Hall, [TBC] Casey Fredericks, [operator] Todd Hall, [operators]



Gene Morsette, [land owner] Ted Lone Fight III, [At-large] Clarisa Mandan, [At-large] Richard LaFromboise, [OST] Perry Baker, [BIA] Edward S. Danks Jr., [operator] Ken Danks, Mary Fredericks, [Technical] Paul Danks, [Technical] The Resolution states that the Task Force will recommend the 1999 rate \$4.31 remain the same for the 2005 grazing year, to allow the Task Force to work towards obtaining a new appraisal and bring back to the Council with a proposal that allows the Council to make a recommendation to the BIA concerning the grazing rates for 2006, 2007, 2008 and 2009.

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

34. LEWIS AND CLARK WALKING TRAILS:

Councilman Wells moved for approval to direct Scott Eagle and appropriate staff to meet with the Council Reps of the six communities and come up with recommendations for additional funds to subsidize the \$226,000 that's available for fiscal year 2005 Lewis and Clark Walking Trail Projects. Councilman Packineau seconded the motion.

DISCUSSION: The paving of the Mandaree Hill is included with this Contract.

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

35. 401K PROPOSALS:

Councilman Wells moved for approval to formulate a committee of six consisting of a representative from the Human Resource, Finance, CEO, Federal Programs, Legal Department, and the Treasurer to review 401K proposals and bring a recommendation to the Tribal Business Council. Councilman White Calf seconded the motion.

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

2003 AUDIT SERVICES:

- \$112,000 Over budgeted- [Accounting, Audit Prep., the auditors have to complete prior to the audit.]
- No change orders approved by the Tribal Business Council.
- CFO had to correct one-third of what the auditors did. Investments needed corrections.
- One Councilman requested a report from the Contract Officers November, 2002, and hasn't received it yet.
- Need additional training for Finance Staff with a need for accountants to work on the Tribal Budget.
- Past audit incurred added expenses, look forward to the next audit and get ready for the next one. Timing issue- need staff time, fulfill, a change order needs Council approval
- Steve Salvesson to do a memorandum for the file before leaving employment.



For the Record: Councilman Wells said, "Brady Martz was Steve Salveson's choice and they were paid to audit the enterprises. They said they knew it was in their letter but they weren't going to do it."

Councilman White Calf moved for approval to authorize the Treasurer to meet with the resigning CFO and appropriate Finance staff for two additional days and to pay Steve Salveson at the same hourly rate and set up a short term [5 days] to respond to the 2003 audit. Councilman Packineau seconded the motion.

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

36. TRIBAL HOUSING:

Councilman Spotted Bear moved for approval of the HIP Contract. Councilman Wolf seconded the motion.

VOTE: 3 Ayes, 3 Nays, 1 Abstentions, 0 Not voting. Motion failed.

RE-VOTE: 4 Ayes, 2 Nays, 1 Abstentions, 0 Not voting. Motion carried.

37. ERVIN HALVERSON TRIBAL HOUSING LOAN:

Florence Brady clarified that the Tribal Housing does not have funds for a home loan.

38. RESOLUTION NO. 04-41-NH, RENEWAL OF MAGISTRATE JUDGE CONTRACT:

Councilman Packineau moved for approval of a Resolution entitled, "Renewal of Magistrate Judge Mildred Berryhill." Councilman Spotted Bear seconded the motion.

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

39. RESOLUTION NO. 04-42-NH ROTATING JUDGES ASSOCIATE RENEWAL:

Councilman Wells moved for approval of the Resolution entitled, "Rotating Judges," Councilman Hale seconded the motion.

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

40. PRESENTATION OF PLAQUE TO CHAIRMAN HALL & TRIBAL HEALTH:

Karole Parker presented a plaque to Chairman Hall on behalf of Indian Health Service.

41. INDIAN HEALTH SERVICE THIRD PARTY ASSESSMENT PERFORMANCE BY SHARP INC:

Councilman Wells moved for approval to hire Julie Carr of Sharp Inc., as a consultant to conduct an assessment study on all collections third party insurance, medicaid, and Medicare billing, not to exceed \$5,000. Councilman Packineau seconded the motion.

DISCUSSION: This action is in lieu of acting on Resolution, "Failure to Resolve Issues, with the Indian Health Service since the issues of access to RPMS and HIPPA issues are concluded. The assessment is being done to ensure maximizing collections.



VOTE: 4 Ayes, [Wells] [Packineau] [Spotted Bear] [White Calf] 2 Nays, [Hall] [Wolf] 1 Abstentions, [Hale] 0 Not voting. Motion carried.

42. **TRIBAL HEALTH DEPARTMENT POSITION:**

Councilman Packineau moved for approval to authorize the Tribal Health Administrator to dissolve the administrative assistant position, reprogram funds for the upgraded Position of Health Coordinator, and for the Human Resources Administrator advertise the position with the required educational qualifications. Councilman White Calfe seconded the motion.

DISCUSSION: The back ground checks need to back an additional 5 years.

VOTE: 4 Ayes, 2 Nays, 1 Abstention, 0 Not voting. Motion carried.

43. **WIC DIRECTOR:**

Richard Mayer informed the Tribal Business Council he was not informed of the temporary appointment of Kathy Jespersen as the WIC Director.

Because of the miscommunication, Kathy Jespersen will remain as the Acting WIC Director and paid at a rate of \$19.00 per hour, and Maggie Young Bear will be the Acting Administrative Assistant at an hourly rate of \$16.00 per hour.

VOTE: 4 Ayes, 2 Nays, 1 Abstention, 0 Not voting. Motion carried.

44. **RESOLUTION NO. 04-43- NH, IDGB APPLICATION GRANT:**

Councilman Wells moved for approval of a Resolution entitled, "IDGB Application Grant for Four Bears/Mandaree Area." Councilman Hale seconded the motion.

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

45. **RESOLUTION NO. 04-44-NH, SELECT SITE LOCATION FOR MANDAREE C-STORE:**

Councilman Hale moved for approval for a Resolution entitled, "ICDGB Application for a Multi-purpose Building in the West Segment." Councilman Wells seconded the motion.

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

46. **RESOLUTION NO. 04-45- NH, SELECT OTTO BREMER GRANT APPLICATION SOCIAL SERVICE WALKWAY**

Councilman Spotted Bear moved for approval of a Resolution entitled, "Application for Social Service Walkway." Councilman Wells seconded the motion.

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

47. **HEAD START-FATHERHOOD INVOLVEMENT INITIATIVE GRANT:**

Councilman Hale moved for approval of an application for Head Start Application for "Fatherhood Involvement Initiative Grant of \$4,000." Councilman Packineau seconded the motion.



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

48. **JERRY NAGEL SETTLEMENT:**

Councilman Wells moved for approval to pay Jerry Nagel \$4,746.06 [which is 7.50% social security of \$62,039.96] Councilman Packineau seconded the motion.

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

Councilman Wells moved for approval to pay Jerry Nagel the sum of \$2,557.71 [one-half of the total amounts requested \$5,115.71 for two reports disputed.] Councilman Hale seconded the motion.

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

49. **SOCIAL SERVICE DEPARTMENT**

Personnel Matters

50. **4 BEARS CASINO AND LODGE LEWIS & CLARK SIGNATURE EVENT:**

This event will be held on August 19-20, 2006, hopefully at the Little Shell Pow-wow grounds. \$109,700.00 Prize Money

Councilman Wells moved for approval of an "85 new Slot Machine Proposal ticket in/ticket out @ \$995,885.00." Councilman Hale seconded the motion.

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

51. **GAMING DEVISE AGREEMENT:**

Councilman Packineau moved for approval of a Gaming Devise Agreement between Four Bears Casino and Lodge and Aristocrat Technologies, Inc. Councilman Wells seconded the motion.

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

52. **FOUR BEARS CASINO AND LODGE CHRISTMAS PARTY:**

Councilman Wells moved for approval to allow the employees of the Four Bears Casino and Lodge to use all facilities of the Casino for two hours before closing for Christmas holidays, and to include two drinks per individual. Councilman Packineau seconded the motion.

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

53. **4 BEARS CASINO AND LODGE, SOVEREIGNTY CONTRACTS:**

The Legal Counsel will review contracts and make sure that sovereignty is covered in all contracts.



54. **RESOLUTION NO. 04-46-NH, FUEL TAX REFUND LEGISLATION:**
Councilman Wells moved for approval of a Resolution to support the proposed Fuel Tax Refund Legislation as presented by Vance Gillette and to designate Tiffany Johnson to work with Vance Gillette on lobbying issues. Councilman Packineau seconded the motion.

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

55. **RESOLUTION NO. 04-47-NH, ZONING ORDINANCE GOVERNING DEVELOPMENT OF THE PENINSULA AND OTHER TRIBAL LANDS:**
Ed Hale and Fred Baker presented a Resolution entitled, "Ordinance Governing Development of the Peninsula and Other Tribal Lands." Councilman Wells spoke his concerns regarding the request to pass this resolution Chairman Hall asked that all parties meet and resolve issue and bring back in the January Meeting.

56. **MEETING CLOSED:**
The meeting ended at 8:00 p.m. when Councilmen, Spotted Bear, Wolf and Wells left the meeting.

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 _____ were present at the _____ Meeting thereof duly called, noticed, convened and held on the _____ day of _____, 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of _____ members; _____ members opposed; _____ members abstained; _____ Members not voting.

Chairman [] Voting. [] Not voting.

Dated this _____ day of _____, 2005.

ATTEST:

Tribal Secretary, Nathan Hale
Tribal Business Council,
Three Affiliated Tribes

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