

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. 05-01-NH
JANUARY 18, 2005**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:30 a.m.

ROLL CALL:

Members present: Chairman Tex G. Hall, Councilman Frank White Calf, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Nathan Hale. Councilman Daylon Spotted Bear. Councilman Marcus D. Wells, Jr. (arrived at 5:00 p.m. family member is ill)

CHAIRMAN'S REPORT:

01. TWIN BUTTES CASINO AND LODGE:

Councilman White Calf moved for approval to authorize the Executive Committee to work with the management team in selecting an A&E Contractor for the Twin Buttes Casino. Councilman Packineau seconded the motion.

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

02. RESOLUTION NO. 05-01-NH, UTTC BOARD OF DIRECTORS APPOINTMENT:

Councilman Packineau moved for approval to appoint Councilman Mervin Packineau as the member of the United Tribes Technical College, Board of Directors, with Councilman Frank White Calf as the alternate. Councilman Hale seconded the motion.

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

03. RESOLUTION NO. 05-02-NH, 2005 , REQUEST TO ENTER INTO P.L. 93-638 ISDEA CONTRACT APPRAISAL OF TRIBAL LANDS WITH THE BIA:

Councilman Packineau moved for approval to authorize the Natural Resources Director to begin the process to contract with the Bureau of Indian Affairs, "for the Tribe to do its own independent appraisals for 2005 fiscal year." Councilman Hale seconded the motion.

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

04. 15 MONTH STRETEGIC PLAN FOR THREE AFFILIATED TRIBES:

The Committee focused on Finance, Personnel, Management, and Communication. The goals set were for five quarterly results that includes programs as such: Management, [Richard Mayer] Finance, [Frank Henry] MIS, [Brandon Hand] and Personnel, [Barlow Wells]. These are primary mechanisms for the operation of the Tribal Administration. The committees will do an updated status report to the Tribal Business Council at their next meeting.

05. LEGISLATIVE UPDATE:

Indian Gaming-M6HA nation is opposed to SB 2025.
Appropriations/Tourism and Cultural Awareness
Economic Development-Water Rights



06. **TAT DAY CARE CONSOLIDATION:**

The Administration will work on a TAT Daycare Consolidation draft and present to the Tribal Business Council at the next meeting.

07. **WORKFORCE DEVELOPMENT PROJECT:**

Councilman White Calf moved for approval to authorize Leo Cummings to submit a proposal to the North Dakota Work Force Council for establishment of technology that will provide essential equipment and software for a learning center that will coordinate with Job Services, 477 Program, Detention Center staff and others. Councilman Packineau seconded the motion.

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

08. **FORT BERTHOLD AMERICORP PROGRAM:**

Councilman Packineau moved for approval to authorize the 477 Program to submit a competitive proposal, by means of a consultant Hugh Baker, payment not to exceed \$1500, submitted to Americorps, to help support increased services at local segments to make use of labor force to help coordinate services with community organizations already in place. Councilman Hale seconded the motion.

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

09. **ENVIRONMENTAL PROGRAM UPDATE:**

Solid Waste Management Program
Lead Awareness Grant Management
Water, Air Pollution
Storage tanks
Environmental

10. **CHAIRMAN'S PRIORITIES/GOALS FOR 2005:**

Health Care Facility
Refinery Environmental Impact Statement
Return of the Lakeshore
Fort Berthold Mineral Restoration Act
Increasing home owner and getting other revenue after grant expires
Complete construction of new schools in Mandaree and Twin Buttes

11. **RESOLUTION NO. 05-03-NH, TWIN BUTTES SCHOOL:**

Councilman Hale moved for approval of an amended Resolution entitled, "Commitment of the Tribes to seek funding necessary for the tribes to match the \$4,000,000 for the construction of the "new" Twin Buttes Elementary School." Councilman Packineau seconded the motion.

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



12. **RESOLUTION NO. 05-04-NH, APPROVAL OF APPROPRIATION OF \$30,000 HIGHER EDUCATION STUDENT GRANTS:**

Councilman Packineau moved for approval to transfer \$30,000 to the Educational Loan Department for higher education students. Councilman Wolf seconded the motion.

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

13. **RESOLUTION NO. 05-05-NH, AUTHORIZATION FOR THE THREE AFFILIATED TRIBES PARTICIPATION IN NATION WIDE ELDERS NEEDS ASSESSMENTS:**

Councilman Hale moved for approval of a Resolution entitled, "Authorization for the Three Affiliated Tribes Participation in Nation Wide Elders Needs Assessments. Councilman Wolf seconded the motion.

Councilman Hale amended his motion to include, "that a report is presented to the Tribal Business Council upon completion of study." Councilman Wolf concurred with the amendment.

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

14. **RESOLUTION NO. 05-06-NH, INTER-GOVERNMENTAL PERSONNEL ACT, JAMES FOOTE:**

Councilman Packineau moved for approval to request the Indian Health Service temporary assign James D. Foote to the Three Affiliated Tribes as the Project Manager, as defined in the Inter Governmental Personnel Act, for the purpose of facilitating the Health Care Facility authorized by P.L. 108-437. Councilman White Calf seconded the motion.

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

15. **HA THOMPSON MAINTENANCE:**

Councilman Packineau moved for approval of a financial request of \$2,500 to HA Thompson to conduct a study on the ventilation system located in the Social Service, "Audrey Hall Davy Building." Councilman Hale seconded the motion.

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

16. **LEASE/ PURCHASE OF SNOW REMOVER AND TRACTOR MOWER MAINTENANCE DEPARTMENT:**

Councilman Hale moved for approval to accept RDO Bid and to modify the contingency fund to include the costs. Councilman Packineau seconded the motion.

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

17. **CONSULTANT AGREEMENT, TOM YELLOW WOLF:**

Councilman Hale moved for approval of a consultant agreement between Tom Yellow Wolf and the TAT Contracts/Grants Department to develop policies and procedures and



with his consultant agreement of \$3,080.00 to be paid in two payments. Councilman Packineau seconded the motion.

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

18. **PROGRAMMATIC AGREEMENT COTEAU:**

Councilman White Calf moved for approval of the Programmatic Agreement between the Tribe and Coteau properties. Councilman Hale seconded the motion.

Councilman White Calf amended his motion to include the language, "and a letter drafted from Legal Department in response to Standing Rock's claims." Councilman Hale concurred with the amendment.

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

19. **RESOLUTION NO. 05-07-NH, THREE AFFILIATED TRIBES, FY-05 GENERAL FUND BUDGET APPROVAL:**

Councilman White Calf moved for approval of a Resolution entitled, "Approval of TAT FY-05 General Fund Budget and Process for Public Input." Councilman Hale seconded the motion.

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

20. **RESOLUTION NO. 05-08-NH, TAT REORGANIZATION OF INDEPENDENCE PROGRAM:**

Councilman Packineau moved for approval to accept the reorganization of the Independence Program as presented by the Treasurer. Councilman Spotted Bear seconded the motion.

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

21. **FORT BERTHOLD RURAL WATER OPERATORS:**

Councilman Hale moved for approval to increase the Fort Berthold Rural Water Operators as listed below, retroactive from January 1, 2005. Councilman Packineau seconded the motion.

1)	Thomas Black Hawk	13.58	\$18.00
2)	Carroll Black Hawk	13.58	18.00
3)	Herman Monogram	15.00	18.00
4)	James Baker	11.70	18.00
5)	Gordon Blake	11.70	18.00
6)	Edmund White Bear, Jr.	11.70	18.00

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



22. **RESOLUTION NO. 05-09-NH, TRAVEL, PER DIEM PROCEDURES FOR TRIBAL BUSINESS COUNCIL:**

Councilman Hale moved for approval to amend the Travel, Per Diem Procedures for Tribal Business Council members and tribal employees from 100% to 80% pre-travel funds. Councilman Packineau seconded the motion.

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

23. **TRIBAL BUSINESS COUNCIL SEGMENT APPOINTEES:**

The Treasurer presented a proposal to increase the Segment Program pay rate from \$56.00 to \$75.00. This action was deferred until comments are received from the tribal public.

24. **AUSTIN GILLETTE, LOBBYIST FOR TRIBAL ISSUES WITH NORTH DAKOTA LEGISLATURE:**

Councilman Packineau moved for approval to hire Austin Gillette as a lobbyist and to execute a consultant agreement at \$350 a day to lobby for the Tribe's issues. Councilman White Calf seconded the motion.

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

25. **APPROVAL OF FY 2005-2008 DHHS ADMINISTRATION ON AGING TITLE VI NUTRITION AND CARE GIVING GRANT.**

Councilman Wells moved for approval of a Resolution entitled, "Approval of FY2005-2008 DHHA Administration on Aging Title VI Nutrition and Care giving Grant." Councilman White Calf seconded the motion.

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

NOTE: This Resolution was already approved on December 09, 2004.

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

26. **BLACK ROCK RESOURCES, LLC:**

Councilman Spotted Bear moved for approval to move forward with drafting an Indian Minerals Development Act Agreement for the Black Rock Proposal, with the intention to do block 1-4; and within that process of 5-9 Blocks, Black Rock will consult with the allottees and provide the financing as part of the proposal. Councilman White Calf seconded the motion.

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

NOTE: Councilman Packineau left the meeting for another meeting.

26. **MATRIX CONSULTING AGREEMENTS:**

Councilman Spotted Bear moved for approval of three consultant agreement titled, 1) "Clean Air Act, Monitoring Program for \$25,000, with reporting requirements, 2) "Clean air Act, Air Pollutant Emissions Inventory, for a total of \$26,000, with reporting



requirements, and 3) "Clean Air Act, Winter Monitoring Study for \$10,000, with reporting requirements. Councilman Hale seconded the motion.

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

27. **TRIBAL HOUSING IMPROVEMENT PROGRAM, HIP COORDINATOR**

Personnel Matter

28. **IN-HOUSE TRANSFER/PROMOTION, TRIBAL HOUSING DIVISION:**

Personnel Matter

29. **SERVICE AGREEMENT MHA NATION AND CASEY FAMILY AGREEMENT:**

Councilman Hale moved for approval of the Service Agreement between the MHA Nation and the Casey Family Program. Councilman White Calf seconded the motion.

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

30. **TERMINATION AGREEMENT OF GROUND LEASE, TRANSFER OF ASSETS, AND PERSONAL PROPERTY BY AND BETWEEN MHA NATION AND CASEY FAMILY PROGRAMS.**

Councilman White Calf moved for approval of the Termination Agreement of Ground Lease, transfer of assets, and Personal Property by and between MHA Nation and Casey Family Programs. Councilman Hale seconded the motion.

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

31. **INITIAL ASSESSMENTS TECHNICIAN**

Councilman Wells moved for approval of the hire of Camille Driver as the Initial Assessment Technician at \$16.50 per hour. Councilman Spotted Bear seconded the motion.

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

32. **FOUR BEARS 2005 POW-WOW:**

Councilman Wells moved for approval of the request from Cory Fox for a donation of two buffalo for the Four Bears Pow-wow. Councilman Spotted Bear seconded the motion.

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

33. **TOURISM PROGRAM:**

This item was deferred until January 24, 2005

34. **DENNY WOLF REQUEST:**

Councilman White Calf moved for approval to purchase a Macaw Fan for \$1,000 from Denny Wolf. Councilman Hale seconded the motion.

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



**35. CARE COORDINATOR GERALD “TEXX” FOX JUSTICE CENTER:
GLORIA FASTDOG:**

The Salary schedule needs to be clarified. This agenda item will be handled on January 24, 2005.

36. FOUR BEARS CASINO AND LODGE QUARTERLY REPORT:

- Balance Sheet for two months ending November 30, 2004
- Handbook Update
- Slot Machine Proposal
- Audited Financial Statements Years ended September 30, 2004 and 2003
- Report on Compliance and Report to Management for Years ended September 30, 2004
- YTD Special Events Comparison Report
- 1st Quarter Goals and Objectives for fiscal year 2004-2005

- 37.** Councilman Wells moved for approval to draft a Resolution to establish a board in lieu of the liaison position be reviewed for action on February 10, 2005. Councilman Hale seconded the motion.

DISCUSSION: When the Casino was administered by a seven member board, the budget was set at 18 meetings a year, @ \$200 [12 Regular – 5 Special] the signatory authority should remain as the same: Felicia Jarski, Pat and Spencer Wilkinson, Jr. Chairman would not have a problem with them retaining that authority established. Richard Mayer, Spencer Wilkinson Jr., and Pat Packineau will concentrate on the development of a Code of Ethics and include with the draft Resolution on February 10, 2005.

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

**38. QUARTERLY GOALS AND OBJECTIVES FOUR BEARS CASINO AND
LODGE BONUS STRUCTURE:**

Councilman Wells moved for approval of the quarterly goals and incentives for the Four Bears Casino and Lodge General Manager and Chief Operating Officer. Councilman White Calf seconded the motion.

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

GENERAL MANAGER AND CHIEF OPERATING OFFICER CONTRACTS WILL BE REVIEWED AT THE TBC MEETING ON FEBRUARY 10, 2005.

39. RETREAT KMHA RADIO STATION:

Councilman Wells moved for approval to fund a Retreat for the KMHA Radio Station employees and Board of Directors. Councilman White Calf seconded the motion.

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

- 40.** *Recessed at 9:15 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 **Continuation Meeting** thereof duly called, noticed, convened and held on the 19th day of May , 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman [] Voting. [] Not voting.

Dated this 19TH day of May, 2005.

ATTEST:

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

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