



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
CONTINUATION MEETING  
JANUARY 24, 2005**

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**RECONVENE THE MEETING AND INVOCATION:**

Vice-Chairman Marcus Wells, Jr. called the meeting to order at 11:00 a.m. Chairman Hall entered the meeting at 11:02 a.m. Georgia Fox gave the invocation.

**ROLL CALL:**

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank White Calf, Councilman Marcus Wells, Jr., Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Nathan Hale. A quorum was established with all members present.

**CHAIRMAN REPORT:**

- "Proposed amendments to Senate Bill No. 2041, "Hunting on Indian Trust Land."

**01. PROGRAM MANAGER REPORT:**

- Close-out Program Reports
- BIA Master Contract
- Bidding process staff revising scope of work
- Tourism over-spent \$200,000 Jackson Associates
- TBC needs official ANA documents stating the official status report on grant
- Cannot use federal codes that seem to fit under the project
- Interpretative Center A&E Contractor money in escrow account

**02. FOUR BEARS CASINO AND LODGE, GAMING ENTERPRISE BOARD:**

Councilman Wells moved for approval of a \$37,715 budget for the Gaming Enterprise Board. Councilman White Calf seconded the motion.

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

**03. CONTRACT AGREEMENTS, SPENCER WILKINSON, JR./PATRICK PACKINEAU**

Councilman Wells moved for approval of the Contract Agreements of Spencer Wilkinson, Jr., and Patrick Packineau. Councilman White Calf seconded the motion.

DISCUSSION: Councilman Wells commented, "originally that the bonuses weren't part of the employment agreement." A tribal member was recruited from a Casino in Minnesota and, because the previous salary he was getting was substantially more than the Tribe was offering him, to make up the difference in salary, the bonus came into place. This method has since been provided to the lower echelon. He proposed the bonuses be eliminated and replaced with cost of living increases for the Casino Administrative staff.



Councilman Hale commented that he needed more information on how the bonuses would affect the budget; and strategy meetings should be required before big decisions as such are made. Councilman Wells withdrew his motion and Councilman White Calf concurred. The General Manager was directed to get comparative salary rates of other Casino Managers in the area for the council to review at the Regular Business Council Meeting on February 10, 2005.

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

**04. FY- 2003 TAT AUDIT FEES/RIBAIL & STAUFFER:**

Councilman Wells moved for approval to pay FY-2003 audit fees of \$104,500 to Ribail and Stauffer, Associates, excluding the additional fees of \$47,900, and bring back a confirmative report on the extra work claimed by Ribail. Councilman White Calf seconded the motion.

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

**05. RESOLUTION NO. 05-10-NH, TRIBAL PARITY ACT:**

Councilman Hale moved for approval to request that Representative Earl Pomeroy amend the "Tribal Parity Act," legislation to include, the "Three Affiliated Tribes." Councilman Wells seconded the motion.

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

**06. NATIONAL PUBLIC HEALTH PERFORMANCE STANDARDS ASSESSMENT FORT BERTHOLD RESERVATION MHA NATION:**

Madonna Azure gave a presentation to the Tribal Business Council regarding the National Public Health Performance Standards Assessments.

**07. RESOLUTION NO. 05-11-NH, ENROLLMENT:**

Councilman Hale moved for approval to accept 49 applicants to the membership of the Three Affiliated Tribes. Councilman Wells seconded the motion.

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

**08. RESOLUTION NO. 05-12-NH, RELINQUISHMENT OF TYSON WHITE**

Councilman Hale moved for approval of the relinquishment of Tyson White. Councilman Wells seconded the motion.

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



**09. RESOLUTION NO. 05-13-NH, RELINQUISHMENT OF TYRONE WHITE JR. VALLENE M. BELL:**

Councilman Hale moved for approval of the relinquishment of Tyrone White, Jr. Councilman Wells seconded the motion.

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

**10. RESOLUTION NO. 05-14-NH, RELINQUISHMENT OF JOANNE ROASTING STICK:**

Councilman White Calf moved for approval of the relinquishment of Joanne Roasting Stick. Councilman Hale seconded the motion.

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

**11. RESOLUTION NO. 05-15-NH, RELINQUISHMENT OF VALLENE M. BELL:**

Councilman White Calf moved for approval of the relinquishment of Vallene M. Bell. Councilman Hale seconded the motion.

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

**12. RESOLUTION NO. 05-16-NH, RELINQUISHMENT OF MARTY D. LONE BEAR.**

Councilman White Calf moved for approval of the relinquishment of Marty D. Lone Bear. Councilman Hale seconded the motion.

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

**13. AGING SERVICES DIRECTOR [ACTING]**

Councilman Wolf moved for approval to hire Doris Smith as Acting Administrator for the Aging Services Program, until advertised and filled, with the rate of pay subject to the ranking of the Human Resources Administrator. Councilman White Calf seconded the motion.

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

**14. AGING SERVICES' COOK RESIGNATION:**

Councilman Wolf moved for approval to accept the resignation of Monica Lyson as the cook for Aging Services located in the Northern Lights. Councilman Wells seconded the motion.

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



**15. AGING SERVICES VEHICLE:**

Councilman Packineau moved for approval to authorize the TAT Aging Services to purchase a vehicle not to exceed \$13,000, to be paid from the Aging Service budget. Councilman Wolf seconded the motion.

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

**16. KOTY BRUGH FINANCIAL REQUEST:**

Councilman White Calf moved for approval of a financial request from Koty Brugh of \$1,000. Councilman Packineau seconded the motion.

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

**17. MONTANA ELITE TOURNAMENT:**

Councilman Wolf moved for approval to support Elite Tournament to be held at the Northern Lights. Councilman Packineau seconded the motion.

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

**18. PENSION FOR FORMER LIVING TRIBAL COUNCIL MEMBERS AND CHAIRMAN.**

Danile Henry pointed out there was a petition with 320 signatures opposing the pension plan, but has not been addressed as yet. The Pension Plan Committee will need to submit a clearer resolution indicative of funding source.

**19. PURCHASES OF KDU MACHINE AND OSMOSIS MACHINE.**

Councilman Wells moved for approval of the purchase of \$46,000 Osmosis machine for \$15,000 for a dialysis machine to come out of the Contingency Fund. Councilman Wolf seconded the motion.

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

**20. ELAINE BOLMAN SMALL LOAN REQUEST:**

Councilman Wells moved for approval of an educational loan of \$6,000 for Elaine Bolman, and for her to execute a wage deduction immediately to repay the loan. Councilman White Calf seconded the motion.

Councilman Wells amended his motion to read, "\$3,100 personal small loan, and a \$2,900 @ 4% repayment educational loan that will be sent directly to the vendor in accordance with the Policies. Councilman White Calf concurred with the motion.

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



**21. JENNIFER WHITE BEAR EDUCATION:**

Councilman White Calf moved for approval to pay an education bill of \$2,050.00 for Jennifer White Bear, to be processed through the Education Line Item, [\$100,000] and subject to the requirements of the Educational Loan Program. Councilman Wells seconded the motion.

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

**22. PENSION PLAN TRIBAL CHAIRMAN/TRIBAL COUNCIL: Option #3**

Councilman Hale moved for approval to direct the appropriate staff to reach other possible alternatives for the "Pension Plan of Prior Chairmen and Council," to bring back to the Council for review. Councilman White Calf seconded the motion.

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

**23. INDIAN HEALTH SERVICE BILL S. 1146 TO CONSTRUCT A RURAL HEALTH CARE FACILITY ON FORT BERTHOLD.**

The Service Unit Director submitted a written report, but was unavailable for the presentation.

**24. APPROVAL OF MINUTES, NOVEMBER 24, 2004**

Councilman Wells moved for approval of the November 24, 2004 minutes of the Tribal Business Council. Councilman Hale seconded the motion.

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

**25. APPROVAL OF MINUTES, DECEMBER 09, 2004**

Councilman Hale moved for approval of the December 09, 2004 Minutes of the Tribal Business Council. Councilman White Calf seconded the motion.

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

**26. APPROVAL OF MINUTES, NOVEMBER 05, 2005:**

Councilman Wells moved for approval of the November 05, 2004 minutes of the Tribal Business Council, subject to the changes of the time of the meeting. Councilman Hale seconded the motion.

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

**27. RESOLUTION NO. 05-17-NH, DONNA HOWLING WOLF FINANCIAL REQUEST:**

Councilman Hale moved for approval of a personal loan of \$15,000.00, with a payback agreement of \$1100 per month, with collateral being 80 acres of fee patent land. Councilman White Calf seconded the motion.



DISCUSSION: The land base is worth approximately \$120 per acre. The Tribal Budget will be amended to include the amount of the loan.

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

**28. NORTHERN LIGHTS PROJECT, BILL WELLS:**

Councilman Wolf moved for approval to lay-off Bill Wells from the Northern Lights Project effective December 31, 2004. Councilman White Calf seconded the motion.

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

**29. FOUR BEARS CONVENIENCE STORE:**

Councilman Wells moved for approval to hire Bill Wells as the Project Manager for the new Four Bears Project, employment being full-time temporary at \$21.60 per hour. Councilman Hale seconded the motion.

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

**30. REIMBURSEMENT OF VERIZON COSTS BILL WELLS:**

Councilman Hale moved for approval to reimburse 50% of Bill Wells' cell phone bill for CY-2004, which was used for business purposes when he worked for the Northern Lights Project. Councilman Wolf seconded the motion.

VOTE: 6 Ayes, 0 Nays, 1 Abstention, 0 not voting. Motion carried.

**31. FOUR BEARS LAGOON/BRANKO/RISING SUN ARBITRATION-LEGAL DEPARTMENT:**

Councilman Wells moved for approval to deposit \$100,000 in an escrow account for the Four Bears Lagoon pending the outcome of the arbitration between Rising Sun and Baranko. Councilman Hale seconded the motion.

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

**32. PRAIRIE TRUCK EQUIPMENT:**

Councilman Hale moved for approval to purchase one 1400050/SGH 096C Sander truck for \$3951.00, \$500 for freight charges and \$525.00 for assembly and installation, and paid from the General Fund. Councilman Wells seconded the motion.

DISCUSSION: This equipment will be used for all segments.

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



**33. BUREAU OF RECLAMATION APPEAL FOR REIMBURSEMENT:**

Councilman Hale moved for approval to authorize the Executive Committee to act in the Bureau of Reclamation's appeal for the reimbursement of past water projects, and to bring back a full update to the Council. Councilman Wolf seconded the motion.

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

**34. RESOLUTION NO. 05-18-NH, SERGEANT AT ARMS:**

Councilman Wells moved for approval to hire Titus White Body at \$15.00 per hour as the Sergeant At Arms for the Tribal Business Council; and change Jeff Baker's Job title to Security Shift Supervisor with a salary increase to \$13.00 per hour. Councilman Whitecalfe seconded the motion.

The CEO recommended having only one Security Officer on duty during the daytime to safeguard staff and the offices.

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

**35. FORT BERTHOLD COMMUNICATION ENTERPRISES-KMHA FM 91.3**

Councilman Wells moved for approval to pay emergency costs of \$12,600 for the KMHA 91.3 radio station to be paid out of the Tribal contingency fund. Councilman Hale seconded the motion.

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

**36. MANDAREE C-STORE FINANCIAL REQUEST:**

Councilman Hale moved for approval of the financial request of the Mandaree C-Store for \$40,000 to come out of the Contingency Fund, [one-half Grant, one-half Loan] Councilman White Calf seconded the motion.

Councilman Hale amended his motion; to be a 50% grant appropriation and a 50% loan portion to come from the Independence Program. Councilman White Calf concurred with the amendment.

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

**37. RESOLUTION NO. 05-19-NH, NORTH EAST BOARD APPOINTMENTS**

Councilman Hale moved for approval of the Board appointments for the NE Segment, Patrick Packineau as a Board Member of the FBCC; and for Peter Coffey, Jr., as a Board representative for the Fort Berthold Development Corporation. Councilman Packineau seconded the motion.



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

**38. RESOLUTION NO. 05-20-NH, AUTHORIZATION TO ASSIST AND SUPPORT THE SETTLEMENT OF 28 MONEY DAMAGE CLAIMS AGAINST THE UNITED STATES DOA.**

Councilman moved for approval of a Resolution entitled, "Authorization to assist and support the Settlement of 28 Money Damage Claims against the United States DOA." Councilman seconded the motion.

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

**39. RESOLUTION NO. 05-21-NH, MABEL NICHOLS, 301-U1849 LANDSALE:**

Councilman Hale moved for approval of a land purchase, exclusive of minerals from Mabel Bear Nichols, 301-U1849 for a cash consideration of \$2,225.00, utilizing funds from the Docket 350-G Land Purchase Account; Allot. No. 952, an undivided 13/270 interest within the E1/2nw1/4 Section 27, T149N.R90W Fifth Principal Meridian, North Dakota containing 80.00 acres, more or less, of which her interest is 3.85 acres, more or less of an estimated value of \$1,877.00; and Allot. No. 1674, an undivided 1/10 interest within NW1/4 NE1/4 Section 35, T147N R90W fifth Principal Meridian, North Dakota containing 40.00 acres, more or less of which her interest is 4.00 acres, more or less of an actual value of \$348.00. Councilman Packineau seconded the motion.

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

**40. JOELLE BEARSTAIL LEASE "OLD BOYS AND GIRLS CLUB:**

Councilman Wells moved for approval of a one year [1] Real Property Lease between the Tribe and Joelle Bearstail for a private daycare. Councilman White Calf seconded the motion.

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

**41. HEADSTART PROGRAM:**

Councilman Spotted Bear moved for approval to direct Sara Young Bird to request that the Central Office, Head start Program come for an on-site consultation with the Tribe in wanting to close the Twin Buttes, and to coordinate with the Twin Buttes Representative and the Tribal Chairman. Councilman White Calf seconded the motion.

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

[Councilman Hale left the meeting at 9:30 a.m. because of illness]





**42. ANA/MHA INTERPRETATIVE CENTER:**

Councilman Packineau moved for approval that any money raised by Jackson Associates will be compensated back to the Tribe up to \$207,000, and that a letter is sent to Myron Jackson Associates advising them of this action. Councilman Wells seconded the motion.

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

Modification to the contract is that Myron Associates agrees to defer invoicing the Tribe until the \$207,000 over run is repaid. After a 12-month period, the Myron Jackson Associates will specify a determined target amount that will be raised by the campaign fund.

Councilman White Calf moved for approval that the \$207,000 over runs to be reimbursed by the proceeds rose by Myron Jackson Associates. Councilman Packineau seconded the motion.

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

Councilman Wells moved for approval to accept the CEO's recommendation to lay-off Dominic Sillitti and Joe Gillis, Jr. until the grant is in compliance and funds become available. Councilman Spotted Bear seconded the motion.

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

Councilman Packineau moved for approval of a three-month extension budget of \$26,082.00 to fund Scott Eagle's position with the ANA/Interpretative Center. Councilman Wolf seconded the motion.

DISCUSSION: Scott Eagle will be negotiating with the USDA for a \$9M loan to fund the construction of the Interpretative Center.

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

Councilman Wells moved for approval to keep funding in place to pay Scott Eagle while he is getting the grant in compliance so the funds can be released to rehire the two staff members that are laid off. Councilman Packineau seconded the motion.

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

**43. SCOTT EAGLE COMPENSATION/GERALD "TEXX" FOX JUSTICE CENTER:**

Councilman Packineau moved for approval to pay Scott Eagle \$12, 495.00 for the period of April through October, for working on the Gerald, "Texx" Fox Justice Center. Councilman Wolf seconded the motion.



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

**44. ADJOURNMENT:**

Councilman Wolf moved for adjournment of the meeting at 11:00 p.m.  
Councilman Packineau seconded the motion.

VOTE: 6 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 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 16<sup>th</sup> day of **February, 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 [ X ] Voting. [ ] Not voting.

Dated this 16<sup>TH</sup> day of **February, 2005**.

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

**ATTEST:**

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