



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
CONTINUATION MEETING No. 05-10-NH
APRIL 28, 2005**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 10:00 a.m. There was a moment of silence for the families of Gilma Conko and James Young.

ROLL CALL:

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Jr., Councilman Malcolm Wolf, Councilman Mervin Packineau and Councilman Nathan Hale.

01. TREASURERS REPORT:

- Reorganization Chart for Finance
- Requisition Forms before Purchase Orders
- Travel arrangements will be prearranged for one year
- Health Insurance company will be researched
- CFO Interview with Randy Red Calfe
- \$5Mil Line of Credit to pay accounts payable

• **COPS FAST PROGRAM:**

Councilman Wells moved for approval to transfer \$30,000 from the Contingency fund to the Fast Cops fund and directed the Cops Fast Program to lease their own tanks, locks and gauges. Councilman White Calfe seconded the motion.

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

- The Chief Financial Officer Kim Connole resigned and his last day will be May 1, 2005. Brandon Hand will act as CFO and Kim Connole will continue as a consultant. Angie Nehring is on maternity leave until June, 2005.
- 60% of the budget has been spent, need new game plan:
- GASB 34 Reporting will be a requirement so the Council can make decisions with the format entered into the system.
- Finance cannot produce a purchase order without the budget. Systems will have sustainability. Department versus employee accounting
- Software Accufund, MIPE [cost ware \$300 to \$400,000 Great Plains and Accufund. Glitches both programs provide summary financial statements. The Federal Contracts need to be registered in the system when the Council makes a decision.
- All resolutions pertaining to money will have language , "SUBJECT TO THE AVAILABILITY OF FUNDS"

03. APPOINTMENT OF ACTING COMPTROLLER:

Councilman Whitecalfe moved for approval to appoint Brandon Hand as the Acting Chief Financial Officer. Councilman Hale seconded the motion.



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

04. CONSULTANT AGREEMENT – KIM CONNOLE:

Councilman moved for approval of a consultant agreement executed between the Tribal Finance Office and Kim Connole for \$10,000. Councilman seconded the motion.

FOR THE RECORD: The Chairman does not agree with paying Kim Connole \$10,000 consultant fees.

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

05. ELMER FREDERICKS, EXECUTIVE SESSION:

06. HIP PROGRAM MODIFICATION WAIVER:

Councilman Hale moved for approval to authorize an appeal for a modification waiver of HIP Regulations is sent to Washington, D.C. and to transfer Elmer Fredericks name to the FY-05 budget. Councilman Whitecalfe seconded the motion.

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

07. RESOLUTION NO. 05-77-NH, CONTRACT HIP, BUREAU OF INDIAN AFFAIRS.

Councilman Hale for approval of the Resolution entitled, "Contract HIP – Bureau of Indian Affairs." Councilman Packineau seconded the motion.

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

08. RESOLUTION NO. 05-78-NH, TRIBAL HOUSING DOWN PAYMENT ASSISTANCE:

Councilman Whitecalfe moved for approval of the "Tribal Housing Down Payment Assistance Program Policies and Procedures." Councilman Wells seconded the motion.

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

09. DREAM CATCHER PROGRAM-ADMINISTRATIVE ASSISTANT

Councilman Wells moved for approval to temporary hire Ethel Baker Villaraga as the Administrative Assistant for the Dream Catcher Program. Councilman Packineau seconded the motion.

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

10. JFK RAINGUTTERS:

This item Authorization to include New Town and Twin Buttes Segments in JFK Construction Contract," was tabled until more information is available.

11. APPROVAL OF CONTRACT DENNIS DEUTSCH TRIBAL HOUSING DIVISION:



Councilman Packineau moved for approval to modify the Consultant Agreement between Dennis Deutsch and Tribal Housing in the amount of \$4500 per month; March 1, 2005 and ending March 1, 2006. Councilman Whitecalfe seconded the motion.

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

12. **HIP PROGRAM ADDENDUM DENNIS DEUTSCH CONTRACT.**

Councilman Whitecalfe moved for approval of an addendum to Dennis Deutsch's Tribal Housing Contract to include the HIP Program for an additional \$1000 per month, for a total of \$5400 per month. Councilman Packineau seconded the motion.

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

13. **AUTHORIZE TEMPORARY HIRE OF QUALITY CONTROL /MAINTENANCE OFFICER:**

Councilman Packineau moved for approval to hire David White Bear under the Quality Control Maintenance Officer position @ \$16.00 per hour. Councilman Whitecalfe seconded the motion.

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

14. **FLADLAND UNIT RENTAL BETWEEN THD/MARTHA HUNTER::**

Councilman Whitecalfe moved for approval to lease the "Fladeland Unit" to Martha Hunter. Councilman Hale seconded the motion.

DISCUSSION: Vonnie Alberts was originally awarded the unit but never came in to do the paperwork, so she will be notified that the unit was awarded to another tribal member.

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

15. **MARY ELK AWARDED A HIP HOME:**

Mary Elk's name was placed on the HIP List for a (\$72,000 modular home.) and Esley Thornton, Sr. was placed on the Tribal Elders List for the North Segment area.

16. **SHAD ARMJO FINANCIAL REQUEST:**

Councilman Wolf moved for approval to grant \$500 to subsidize Shad Armajo expenses to travel to Washington, D.C. to represent the New Town High School. Councilman Packineau seconded the motion.

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

17. **SAMANTHA BURR FINANCIAL REQUEST:**

Councilman Spotted Bear moved for approval of a \$1,000 donation to compete in an Australian Sports Trip. Councilman Whitecalfe seconded the motion.

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

18. **REMINGTON RESTAURANT:**



This item was referred to the Independence Program for assistance.

19. **NEGOTIATIONS OF A \$675,000 LOAN FOR MANDAREE SCHOOL:**

Councilman Hale moved for approval to authorize the Acting CFO, and Mandaree School officials to negotiate the terms for a \$675,000 loan with BNC for the Mandaree School; to be brought back to the Tribal Business Council for final review. Councilman Whitecalfe seconded the motion.

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

20. **RITA OLSEN FINANCIAL ASSISTANCE:**

Councilman Packineau moved for approval to refinance the remaining balance of Rita Olsen's current loan and to approve a small loan of \$2000. Councilman Hale seconded the motion.

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

21. **RANGE UNIT 97**

Councilman Wells moved for approval of a recommendation to reallocate Range Unit 97 to Arnie Guimont for the remainder of FY-05. Councilman Whitecalfe seconded the motion.

Manuel Chase relinquished his lease on Range Unit 97 because he did not meet the AUM requirement.

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

22. **GRAZING PERMIT ENFORCEMENT MOU:**

Councilman Wells moved for approval of the Memorandum of Understanding between the BIA, Fort Berthold Agency, and the Three Affiliated Tribes for Grazing Permit Enforcement. Councilman Spotted Bear seconded the motion.

For The Record: Councilman Wells thanked Councilman Spotted Bear and Councilman Whitecalfe for their votes and thanked Mary Fredericks-Baker for bringing it to the TBC, she was just doing her job, which turned into a "sub-leasing/anti-sub-leasing motion, and it was just an MOU that was already passed and just had to be forwarded to us, and we gave it a try."

VOTE: 3 Ayes, 4 Nays, 0 Abstentions, 0 Not voting. Motion failed.

23. **INDIAN CHILD WELFARE ACT: BABY EVAN**

- Social Service Director, Renee Mayer will work with Legal Counsel regarding the child welfare case of "Baby Evan."

24. **SOUTH SEGMENT CASINO:**

- Ratio Debt Service One 2.8 79 year amortization at 7 years
- Interest rate 2% fixed rate
- Beaver Creek Casino Net of \$5Mil per year

25. **KERMIT HEART SMALL LOAN:**



Councilman Whitecalfe moved for approval of a \$5,000 loan to Kermit Heart under special circumstances to purchase a \$15,000 pick-up from daughter (going overseas for three years) that will be used as collateral. Councilman Packineau seconded the motion.

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

26. **COPS FAST PROGRAM:**

Personnel Matter

27. **TASK FORCE JUDICIAL MATTERS:** Jan Morley May 18, 2005

28. **DOMESTIC VIOLENCE PROGRAM CODE** will be discussed during the Judicial Meeting on May 20, 2005.

29. **ANIMAL CONTROL:**

Councilman Packineau moved for approval to direct the Game and Fish Wardens to perform animal control in each of the segments. Councilman Whitecalfe seconded the motion.

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

30. **CITY OF NEW TOWN LAW ENFORCEMENT:**

No police officers in the City of New Town
Fort Berthold Law and Order and Cops Fast answer all calls
Need to set a meeting up with City Council

31. **FOUR BEARS SEGMENT LAY-OFF:**

Councilman Well's moved for approval to lay-off Angela Lone Bear due to restructuring of the Four Bears Segment staff. Councilman Spotted Bear seconded the motion.

DISCUSSION: Councilman Wells said his staff is reorganizing, but he would like minutes to back it up. The paperwork has been sent to Finance after Rich signed them.

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

32. **NORTH WESTERN JUVENILE DETENTION PAYMENTS:**

Councilman Whitecalfe moved for approval to pay \$5000 regarding processing of payments for Juvenile placements in North Dakota Youth Correctional and Dickinson, North Dakota that will be paid back by the parents of the Juveniles. Councilman Hale seconded the motion.

DISCUSSION: Chairman Hall pointed out that these costs are covered under the Justice Center budget. Mike Young Bird will return in six weeks from training and will be given a directive to obtain written notice from Aberdeen, South Dakota. The Schools will pay for the school cost portion and the Tribe will have to pay for placement costs.

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



33. METH TRAINING:

Councilman Packineau moved for approval to grant administrative leave to all Tribal Parshall employees to attend the training course on how to address "Methamphetamine Use and the dangers of it." Councilman Hale seconded the motion.

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

34. PERSONNEL MATTERS: EXECUTIVE SESSION

35. SECRETARY/ADMINISTRATIVE ASSISTANTS ADMINISTRATIVE LEAVE:

Councilman Hale moved for approval to grant administrative leave beginning at 12:00 April 29, 2005, to all of the Administrative Assistants and Secretaries (101) Councilman Whitecalfe seconded the motion.

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

36. RECESS MEETING:

Chairman Hall recessed the meeting 8:35 p.m. which will reconvene on May 4, 2005.

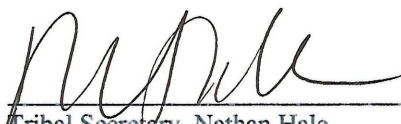
CERTIFICATION

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 Regular Meeting thereof duly called, noticed, convened and held on the 15th day of August, 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.

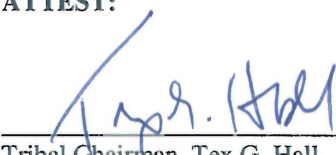
Chairman [] Voting. [] Not voting.

Dated this 15th day of August, 2005.

ATTEST:



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



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