



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 05-11-NH
MAY 19, 2005**

CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 11:00 a.m.

ROLL CALL: Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Jr., Councilman Malcolm Wolf, and Councilman Mervin Packineau. A quorum was established with seven members present.

CHAIRMAN'S REPORT:

- Return of the Lakeshore Discussion
Public Hearings Return of the Lake Shore May 24, 2005
May 25 Dickinson, North Dakota
May 26, Williston, North Dakota
Public Hearing just for the Tribe be held June 6-7, 2005
Negotiating with Corp Fort Berthold needs to be at the Tribal level, only for the members of the Three Affiliated Tribes.
1984 Minerals Restoration Act gives the lands to the Indians..
Develop a public relations strategy.
Public Opinion News Release: Corp of Engineers,
Mandaree Area: David Charging & Ted III will be taking a bus to Dickinson, North Dakota for members to attend the hearing. The White Shield area will also be taking a bus. The Tribal Administration will form a Corp Committee to coordinate transportation and food. The committee members will be Diane Tomlin for (Twin Buttes) Four Bears (John Danks) Mervin Packineau (Monica Dixon, Karen Stevens) New Town (Fred Baker) Paul Danks was nominated to be on the Corp committee.
Discussion on P.L. 98-602 (HR, 6221) October 30, 1984 title II Fort Berthold Reservation Mineral Restoration. Comments to support that- have one message with a lot of voices.

- **TWIN BUTTES SCHOOL:**

NOTE: Councilman Wolf entered the meeting at 11:25 a.m.

01. RODNEY HOWLING WOLF REQUEST FOR 100% DEBT FORGIVENESS:

Councilman Wells moved for approval to direct the Small Loan Director to work out an agreement with Rodney Howling Wolf, to waive the interest, and restructure his loans of \$19,668.00 with collateral submitted. Councilman Packineau seconded the motion.

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

02. SPRING 2005 STATUS EDUCATIONAL LOANS:

Councilman Whitecalfe moved for approval of educational loans for the spring 2005, Tana Dixon (\$1395.00), 2) Sharon Fredericks (\$2,000), 3) Charles Hunter, Sr. (\$2,000), 4) Ramona Woods (\$592.00), 5) Vivian Hurkes (\$1720.93), 6) Lisa Stephens, (\$2,000), 7) Mark Little Owl, (\$2,000), 8) Tiffany Rave (\$2,000), 9) Twila Aulaumea (\$2,000), 10) Elizabeth Demaray (\$2,000), 11) Alyce Spotted Bear (\$2,000). Councilman Wells seconded the motion.

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

03. SMALL LOAN PROGRAM, RICHARD/KATHY WHITE TAIL:

Councilman Wells moved for approval to direct the Small Loan Director to work with Richard/Kathy White Tail with assistance from Lori Pemberton settle their debts in order to qualify for a new home. Councilman Whitecalfe seconded the motion.

Councilman Wells amended his motion to include, "refinancing Kathy's loan to allow an individual loan not to exceed \$3500 and to refinance Richard White Tail's loan to allow an individual loan not to exceed \$3500, subject to proper documentation." Councilman Whitecalfe concurred with the amendment.

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

04. SMALL LOAN, HARLAN DEANE:

Councilman Packineau moved for approval of a \$3500 loan to Harlan Deane for educational purposes involving his son. Councilman Wolf seconded the motion.

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

05. ANITA HALL EDUCATIONAL FINANCIAL REQUEST:

Councilman Wells moved for approval to support Anita Hall's educational request. Motion failed due to lack of a second.

06. CHERYL DANKS/ANITA HALL FINANCIAL REQUEST:

Councilman Wells moved for approval to direct the Small Loan Program Director to research Cheryl Danks \$2,000 grant request and that it be processed with documentation provided; and to check on Anita Hall's financial request with Higher Education Director, Martha Hunter for eligibility purposes. Councilman Packineau seconded the motion.

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

PETE FREDERICKS LAND TRANSFER:

Deferred

CLARK FOX:

Deferred

07. RESOLUTION NO. 05-79-NH, NELSON BEAR LAND TRADE APPRAISAL

Councilman Whitecalfe moved for approval of the land exchange Allot. No. 771A, an undivided ½ interest within NW1/2Sec.36, T149N, R93W Fifth Principal Meridian containing 320 areas which his interest is 160 acres, valued at \$34,249.00

Tribal Land; Allot. No. T997A-A, N1/2SE1/4, S1/2NE1/4, Sec. 28, T150N, and R94W Fifth Principal containing 160.00 acres valued at \$27,600.00.

The Tribe will pay the difference of \$6,649.00, subject to the availability of funds. Councilman Hale seconded the motion.

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

08. MERVIN PACKINEAU FARM/PASTURE LEASE:

Councilman Whitecalfe moved for approval of a Farm/Pasture Lease Application for Mervin Packineau; Allot. No. TF006, described as cropland W/E25SW4; Section 26, twp. 151, Rge. 90 W. Fifth Principal Meridian, Meridian North Dakota, 55.0 hay cutting acres for the cash rent of \$7.00 per acre for a total amount per year of \$385. Councilman Hale seconded the motion.

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

MERVIN PACKINEAU FARM/PASTURE LEASE:

Councilman Whitecalfe moved for approval of a Farm/Pasture Lease Application for a period of five years beginning January 1, 2005 to December 31, 2009 to Mervin Packineau; Allot. No. T3135, described as NW1/4 SW1/4; Section 10, twp. 149, Rge. 90 W. Fifth Principal Meridian, Meridian North Dakota, 32.73 cultivating acres for the cash rent of \$3.50 per acre for a total amount per year of \$114.55. Councilman Hale seconded the motion.

VOTE: 5 Ayes, 0 Nays, 1 Abstentions, 0 Not voting. Motion carried.

METHAMPHETAMINE RESOLUTION:

The Tribal Business Council will receive training and education on methamphetamine drug use in the near future and then the agenda item will be discussed.

09. APPROVAL OF MINUTES; MARCH 10, 2005:

Councilman Hale moved for approval of the Minutes of March, 2005. Councilman Spotted Bear seconded the motion.

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

10. APPROVAL OF MINUTES; MARCH 14, 2005:

Councilman moved for approval of the Minutes of March, 2005. Councilman seconded the motion.

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

11. APPROVAL OF MINUTES; MARCH 21, 2005:

Councilman Hale moved for approval of the Minutes of March, 2005. Councilman Spotted Bear seconded the motion.

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

12. KIDNEY DIALYSIS UNIT BUILDING:

Councilman Wells moved for approval to accept the bid of \$33,951.69 to renovate the KDU building that was previously occupied by the administration of the Four Bears Casino and Lodge; with a cost share of 50/50. Councilman Hale seconded the motion.

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

ENROLLMENT: Resolution for Tribal Identification Cards.

This agenda item was deferred until the Enrollment Officer is available for comments.

13. TAT ETHICS CODE:

Councilman Hale moved for approval to accept the Ethics Code after amendments are written, also, have three adjudicators review the document and make their comments, and to bring back for final action at the Regular Meeting scheduled in June, 2005. Councilman Wells seconded the motion.

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

14. CONSTITUTION AND REVISION COMMITTEE BUDGET:

Councilman Hale moved for approval of a budget amendment of \$35,000 for the Constitution and Revision Committee which will include public meetings in each of the Segments. Councilman Packineau seconded the motion.

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

15. TRIBAL HOUSING, ACQUISITION AND DISTRIBUTION OF TRIBAL FEE

LANDS: *Acquisition, sale and encumbrance of Tribal fee lands for public purposes*

Councilman Wells moved for approval to send the draft Ordinance "Acquisition, Sale and Encumbrance of Tribal Fee Lands for public purposes," to the Legal Department for a legal opinion prior to acceptance. Councilman Hale seconded the motion.

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

16. TRIBAL HOUSING, APPROVAL TO AMEND LANDS ACQUISITION, DELORIS SAND LOT PURCHASE:

Councilman Wells moved for approval to amend the purchase of the lot from Deloris Sand to a negotiated price of \$8,000. Councilman Whitecalfe seconded the motion.

DISCUSSION: The original price offered to Mrs. Sand was \$6,000, but they negotiated for \$8,000.

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

17. TRIBAL HOUSING, PHASE II, WALKING SHIELD:

Councilman Whitecalfe moved for approval of the transfer of Agreement of six (6) units, with the Grand Forks Air Base and the Tribe. Councilman Packineau seconded the motion.

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

18. TRIBAL HOUSING, JFK RAINGUTTERS CONSTRUCTION:

Councilman Wells moved for approval to include New Town and the Twin Buttes area in the JFK Construction Contract and to authorize an addendum to the JFK Construction to include costs of \$113,500 which is equivalent to the original contracts @ approximately \$9,927 average per house. Councilman Spotted Bear seconded the motion.

DISCUSSION: Chairman Hall questioned if the negotiated bid with the Frank Whitecalfe Construction Company was in conformity with the new "Ethics Code." Councilman Hale said for the record, discussion regarding the Ethics Code was held for approximately 3 hours regarding conflict of interest. He said that if the JFK Rain gutters was awarded in the original contract then it doesn't fit under the Ethics Code under F (1) A.

VOTE: 5 Ayes, 1 Nay, 1 Abstention, 0 Not voting. Motion carried.

19. NORTHERN ROADS PACKAGE:

Councilman Whitecalfe informed the Council that Contracting Officer; Ramona Two Shield stated the Paving Curb and Gutter Project were awarded to the Fort Berthold Development. Originally, the curb and gutter project was bided out along with the lighting system but it came in \$80,000 overbid. She is in the process of separating the projects.

20. JEANETTE COFFEY REQUEST FOR HOMEOWNERSHIP LOAN:

Councilman Wells moved for approval of a Homeownership Loan of \$8148.39 to Jeanette Coffey, subject to a repayment plan as calculated by the Small Loan Program, with the title of the house used as collateral. Councilman Packineau seconded the motion.

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

21. BRANDON CLARK PRE-LAW SUMMER INSTITUTE:

Councilman Wells moved for approval of a grant/loan \$6,965.60 to Brandon Clarke who will be attending law school; and approval of a lay-off effective May 27, 2005.

Councilman Packineau seconded the motion.

DISCUSSION: The majority of the funds will be a grant taken from the "*docket line item for higher level of learning for Doctors and Lawyers,*" with the remaining balance to be a small loan.

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

22. JACKIE MORSETTE FINANCIAL REQUEST:

Tribal member was about to have her home repossessed because of default. She came to the Tribe and asked for help and was denied any assistance by Austin Gillette who was Treasurer at the time, she then went to the CEO for assistance who helped her obtain the needed \$12,000; with the understanding that she sell her land to the Tribe. She is requesting that the \$12,000 be turned into a loan, and allowed to execute a wage assignment of \$150 every pay period to settle this debt in lieu of her selling her land to the tribe.

Councilman Wolf moved for approval to authorize a pay roll deduction of \$150 be taken out of her pay check every pay period, until the loan of \$12,000 is paid in full and her land used as collateral. Councilman Packineau seconded the motion.

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

23. JUDY AND BOB BRUGH LAND EXCHANGE:

Councilman Wells moved for approval to request the Bureau of Indian Affairs to do an AUM inspection on Range Unit 22 for the required compliance and to include other range units that are not in compliance; and provide the documents to the Tribal Business Council. Councilman Hale seconded the motion.

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

24. ROSE DAVIS: Deferred

25. DELVIN FOOTE: Deferred

26. MOTOR FUEL TAX ISSUES:

Councilman Hale moved for approval to send a request to the Governors Office that an official come down and discuss with the Tribal Business Council, "tax issue administrative regulations in lieu of a law suit." Councilman Whitecalfe seconded the motion.

DISCUSSION: Vance Gillette will draft the letter.

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

27. MATERNAL CHILD HELP GRANT of \$140,000 (USDA): WIC PROGRAM:

Councilman Wells moved for approval to authorize Verlee Whitecalfe Saylor to continue working with the \$140,000 USDA Grant to construction a building for the WIC Program; and her request to be paid a \$12,000 grant writing fee she wrote into the USDA grant and to work with Natural Resources to designate a site. Councilman Hale seconded the motion.

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

28. RURAL AREA VETERINARY SERVICES CLINIC:

Councilman Wells moved for approval of the Rural Area Veterinary Service Clinics schedule and to coordinate lodging with the Four Bears Casino and Lodge. Councilman Packineau seconded the motion.

Councilman Wells amended his motion to include, "West Nile Vaccine to be coordinated with Homeland Security, Clifton Whitman." Councilman Packineau concurred with the amendment.

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

29. CULTURAL INTERPRETATIVE CENTER:

Councilman Wolf moved for approval to accept the Semantic Design from the GHC Design Group for the Cultural Interpretative Center. Councilman Wells seconded the motion.

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

30. USDA WATER APPLICATION FOR WHITE SHIELD AND FOUR BEARS:

Councilman Wells moved for approval of the USDA Water Application for White Shield and Four Bears, subject to the Executive Committee's review. Councilman Whitecalfe seconded the motion.

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

31. SOCIAL SERVICE EMERGENCY MEDICAL ASSISTANCE:

Councilman Wells moved for approval to direct the Social Services Department to abide by the General Assistance low income model/guidelines in granting Emergency Medical Assistance for enrolled members only. Councilman Hale seconded the motion.

DISCUSSION: Renee Mayer will send out a PSA regarding this issue.

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

32. ELDERLY ABUSE:

The Social Service Director has received a lot of complaints on "elderly abuse," She further recommended that the tribe coordinate and consider some type of policy on elder abuse, with a concentration on neglect and financial abuse. Chairman Hall recommended that the SSD request an Elder Abuse Policy from the Quinault Tribe from Washington.

The Chairman of that Tribe also sits on the National Council on Aging. The Bureau of Indian Affairs is required to help elders who have people abusing their finances.

33. BUREAU OF INDIAN AFFAIRS UPDATE:

Councilman Hale moved for approval to send a request to the Bureau of Indian Affairs local office requesting that they provide correspondence and communicate of all new regulations with all of the Contract Programs of the Tribe, and also provide the required Technical Assistance. Councilman Wells seconded the motion.

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

34. FOSTER CARE MONTH: MAY:

- Tribe is paying \$5,000 a month to place juveniles in off Reservation facilities.
- Juvenile Delinquency:

35. RESOLUTION NO. 05-80-NH, COPS FAST RESOURCE GRANTS PROGRAM:

Councilman Whitecalfe moved for approval of a resolution entitled, "Cops Fast Resources Grant Program." Councilman Hale seconded the motion.

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

36. LAKE SAKAKAWEA CASINO:

Councilman Spotted Bear moved for approval of \$13.6 Million to fund the Lake Sakakawea Casino. Councilman Packineau seconded the motion.

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

39. DALE LITTLE SOLDIER:

Councilman Wells moved for approval to give Dale Little Soldier a vote of confidence developing the Beaver Creek Casino and for sitting at the Tribal Business Meeting for 12 hours Councilman Whitecalfe seconded the motion.

NOTE: A Special Tribal Business Council Meeting is scheduled for June 6, 2005 with Lake Sakakawea Casino as the only agenda item.

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

40. ADJOURNMENT:

Councilman Hale moved for approval to adjourn the meeting at 10:25 p.m. Councilman Packineau seconded the motion.

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

CERTIFICATION

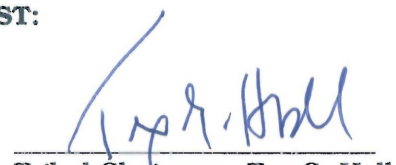
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 7 were present at the Regular Meeting thereof duly 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