



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING NO. 05-17-NH
August 15, 2005**

CALL TO ORDER:

Vice-Chairman Marcus D. Wells called the meeting to order at 10:30 a.m. with invocation by Adrian Foote, Sr.

ROLL CALL:

Present: Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Councilman Mervin Packineau, and Councilman Nathan Hale. There was an established quorum with five members present. Chairman Hall arrived at 11:30 a.m. Councilman Malcolm Wolf arrived at 11:45 a.m. All members were then in attendance of the meeting.

01. APPROVAL OF THE AGENDA:

Councilman Packineau moved for approval of the agenda as amended.
Councilman Hale seconded the motion.

Amendments/Add-ons include:

New Business Ramona Two Shields 8A

Small Loans: 6D-1 Damon Williams, 6D-2 Karen Lynch, 6D-3 Joe Chase

Education Loans: 6C 2.Terri Johnson, Bernadine & Monte Fredericks, (1) Ree Hosie

Financial Request: 5C Andrew Reed

7A-1 Twin Buttes Custom Homes

Discussion: Vice-Chairman Wells Jr.: Chairman Hall & Malcolm Wolf will include their add-ons when they arrive.

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

02. FRED GUNN JR. REQUEST/ CLOSED SESSION



03. MARY ALICE ROSS ELDERLY GARAGE FINANCIAL REQUEST:

Councilman Whitecalfe moved for approval only the request for labor costs of \$1300 that is consistent with other elder garage costs. No second, motion dies.

DISCUSSION: Mary Alice said that she has to use part of the money to pay her son for labor costs.

Councilman Packineau moved for approval to pay Mary Alice Wells an additional \$1332.67 to complete the construction of her garage. Councilman Hale seconded the motion.

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

04. ELDER ORGANIZATION CONCERNS REGARDING THE TRIBAL BUDGET:

Several elders expressed their concern regarding the budget deficit, and gave recommendations on how the council could economically manage the budget.

05. CONSTITUTION REVISION COMMITTEE UPDATE:

Fredericks Law Firm and Associates gave a power point presentation on the first draft of the revised Constitution of the Tribe.

06. BUSINESS LICENSES:

Councilman Hale moved for approval of six business licenses. Councilman Whitecalfe seconded the motion. (Need names)

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

07. LEWIS AND CLARK SIGNATURE: August 17-20, 2005

- Put this on the agenda as the dates may conflict next year

08. CULTURAL INTERPRETATIVE CENTER:

Councilman Whitecalfe moved for approval of Capital City Construction at a base bid of \$6,500.000 and to authorize the staff, GHC Architects, and legal staff to begin negotiations for a contract to include the nine alternatives as presented and bring back for final approval by the Tribal Business Council. Councilman Hale seconded the motion.

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

09. INDIAN HEALTH SERVICES: [Power Point Karole Parker]



10. RESOLUTION NO. 05-117-NH, TWIN BUTTES SCHOOL:

Councilman Hale moved for approval for Project No. 06A05, and to authorize the negotiated TERO fees for Project No 06A05 at one percent (1%) of the construction cost, up to a total cost of \$7,888,000 for the Twin Buttes replacement school, in exchange for Fort Berthold Development Corporation as the design/Build Contractor. Councilman Whitecalfe seconded the motion.

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

11. STATUS REPORT ON FORT BERTHOLD AGENCY- BILL BENJAMIN:

Executive Session

12. APPROVAL OF MINUTES:

Councilman Wells moved for approval of the eight sets minutes of the meetings of Tribal Business Council, subject to any corrections after reviewed by the Tribal Business Council. Councilman Packineau seconded the motion.

Dates of Meetings are: April 21,-28, 2005/ May 19-20, 2005/June 3, 6, 9, 2005/July 15, 2005

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

13. FINANCIAL REQUESTS/TRANSPORTATION COSTS:

Councilman Whitecalfe moved for approval of educational out of state transportation costs of \$250 for Bernadine Fredericks, \$250 for Monte Fredericks, and \$250 for Terri Johnson. Councilman Wells seconded the motion.

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

14. SHARON WHITE BEAR EDUCATIONAL LOAN:

Councilman Whitecalfe moved for approval of an Educational Loan to Sharon White Bear in the amount of \$1,500, subject to the requirements of the Small Loan Educational Program. Councilman Wells seconded the motion.

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

15. ANDREW REED EDUCATIONAL LOAN:

Councilman moved for approval of an educational loan of \$2,500 for Andrew Reed, subject to the requirements of the Small Loan Educational program. Councilman Wells seconded the motion.

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

16. DAMON WILLIAMS SMALL LOAN:

Councilman Wells moved for approval of a \$3,500 Small Loan to Damon Williams, subject to the requirements of the program. Councilman Packineau seconded the motion.



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

17. JOE CHASE SMALL LOAN REQUEST:

Councilman Wells moved for approval to refinance Joe Chase's existing loan of \$1500, and approve an additional \$500 loan. Councilman Hale seconded the motion.

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

18. JAMES BAKER FINANCIAL REQUEST

Councilman Wells moved for approval to waive the requirements for first time applicants, and to approve a \$2,500 loan for James Baker, subject to the payback requirements of the program. Councilman Packineau seconded the motion.

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

19. REE HOSIE EDUCATIONAL REQUEST:

Councilman Wells moved for approval of an educational loan to Ree Hosie in the amount of \$4,700, subject to the requirements of the Small Loan Educational Program. Councilman Hale seconded the motion.

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

20. RAMONA TWO SHIELDS RESIGNATION AND SEVERANCE PAY:

Councilman Wells moved for approval to accept the resignation of Ramona Two Shield and approval of the requested severance pay of \$10,200. Councilman Wolf seconded the motion.

DISCUSSION: She based the severance pay by the salary she was receiving, X 5 pay periods.

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

21. SPECIAL TBC MEETING SCHEDULED:

Councilman moved for approval to schedule a Tribal Business Council Meeting on August 22, 2005 at 1:00 p.m. Councilman seconded the motion.

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

22. RETIREMENT PLAN SURVEY:

CEO presented the Retirement Plan to the Directors who asked for additional bids.

23. COST ANALYSIS OF TWO OPTIONS:

a. Lay-off



- b. Travel, supply, etc. cut offs.
- c. Stagger work hours temporary employees
- d. Postpone, travel, training for month of September

24. TRIBAL BUDGET DEFICIT:

Councilman Wells moved for approval to direct Brandon Hand and appropriate staff to look at the listed programs that are over budgeted and bring back recommendations on how they are going to deal with the deficits. Councilman Hale seconded the motion.

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

Councilman Wells moved for approval to set aside the week of September 19-22, 2005, at the International Inn for training on the new software program for Finance, Contract, Property, and other appropriate staff. Councilman Whitecalfe seconded the motion.

DISCUSSION: CEO and Federal Programs Manager, Treasurers staff will attend as it is not a payroll week, and Finance will encourage programs to get their purchase orders in the week prior.

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

25. PURCHASE ORDERS:

The purchase order process was explained to the Tribal Business Council. It was noted by the CEO that employees are complaining that many times during the 10-2:00 p.m. timeframe staff are unavailable in Property and Finance.

**26. ACCOUNTING IRREGULARITIES WITHIN FINANCE DEPARTMENT:
EXECUTIVE SESSION**

Councilman Hale moved for approval to direct the Auditor, Ken Stauffer to make a detailed report to the Tribal Business Council on accounting irregularities. Councilman Wells seconded the motion.

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

27. FINANCE DEPARTMENT REORGANIZATION:

Councilman Hale moved for approval to accept the Acting Chief Financial Officers recommendations, after a review and justified by a desk evaluation of each position in the Finance Department and upgrade if necessary; then accept the Chief Financial Officer's recommendation to reorganize the Finance Department. Councilman Whitecalfe seconded the motion.



DISCUSSION: The evaluation instrument should be generic and not specific to one job. Any irregularities of employees who work in the Finance Department will face disciplinary action.

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

**28. PERSONNEL ACTIONS:
EXECUTIVE SESSION**

29. EASEMENT TO BUILD A ROAD SHELL CREEK:

Councilman Hale moved for approval of a home site lease for Clint and Leigh Wolf in the Shell Creek area. Councilman Packineau seconded the motion.

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

30. RESOLUTION NO. 05-119-NH, KAREN LYNCH- QUICK TURN AROUND LOAN:

Councilman Hale moved for approval of a "quick turn around loan of \$ 11,000 to Karen Lynch that will be paid back within 45 days." Councilman Packineau seconded the motion.

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

31. PURCHASE OF AN MODEL EARTH LODGE FROM ARLIE KNIGHT:

Councilman Wells moved for approval to purchase a model of an Earth Lodge from Arlie Knight for \$1,000. Councilman Hale seconded the motion.

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

32. RESOLUTION NO. 05-120-NH, GRANT APPLICATION BY THE FBCC:

Councilman Wells moved for approval of a Resolution entitled, National Council of the Lewis and Clark Bicentennial Tribal Involvement Grant – August 1, 2005 Grant Application by the FBCC. Councilman Hale seconded the motion.

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

33. RESOLUTION NO. 05-121-NH, LAKE SAKAKAWEA CASINO:

Councilman Whitecalfe moved for approval of a Resolution entitled, "Lake Sakakawea Casino," subject to review by Tribal Legal Counsel, Steve Kelly. Councilman Spotted Bear seconded the motion.

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

34. RECESS MEETING:

The meeting was recessed until August 22, 2005 at 1:00 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, _____ were present at the **Regular** 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; **0** members opposed; **0** members abstained; **0** Members not voting.

Chairman Voting. Not voting.

Dated this _____day_____, 2005.

ATTEST:

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

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