



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
CONTINUATION MEETING NO. 05-18-NH
AUGUST 22, 2005**

CALL TO ORDER:

The meeting from August 11, 2005 was reconvened at 1:35 p.m. by Vice-Chairman Wells.

ROLL CALL:

Members present: Councilman Marcus D. Wells, Jr; Councilman Frank Whitecalfe, Councilman Daylon Spotted Bear, Councilman Malcolm Wolf, Councilman Mervin Packineau. At the onset of the meeting, Chairman Hall was in conference, but at 4:30 p.m. was present and presided over the meeting.

01. TILLIE WILKINSON SMALL LOAN

Councilman Whitecalfe moved for approval of a \$10,000 Business Loan to Tillie Wilkinson, subject to the requirements of the Independence Program. Councilman Hale seconded the motion.

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

02. REVAMP INDEPENDENCE PROGRAM BOARD:

Councilman Hale moved for approval to authorize Councilman Whitecalfe to revamp the signatory authority Board of the Independence Board. Councilman Packineau seconded the motion.

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

03. LEONARD HALE-SMALL LOAN:

Councilman Whitecalfe moved for approval of a \$1800 loan to Leonard Hale and to work out the details with Treasurer Frank Whitecalfe and the Small Loan Program. Councilman Hale seconded the motion.

DISCUSSION: The Hale family will also work with the Fort Berthold Housing Authority to see if they can use their MEPA for drain fill repairs.

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

04. \$25,000 TRANSFER FROM GENERAL FUND TO INDEPENDENCE PROGRAM:

Councilman Packineau moved for approval to transfer \$25,000 from the General Fund to the Independence Program. Councilman Whitecalfe seconded the motion.

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

05. ELOISE McANDREWS BUSINESS LOAN

Councilman Packineau moved for approval of an additional loan to Eloise McAndrews of \$5,600, and to change her first months payment to a grace period. Councilman Wells seconded the motion.



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

06. ALYSA ALBERTS FINANCIAL REQUEST:

Councilman Wolf moved for approval of a \$500 grant for Alysa Alberts to help subsidize her school costs to attend the prestigious Fountain Valley School of Colorado. Councilman Whitecalfe seconded the motion.

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

07. REBA FOOTE

Councilman Packineau moved for approval of a grant of \$500 for Reba Foote, depending on submittal of documentation to the Treasurer's Department. Councilman Whitecalfe seconded the motion.

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

08. MERANDA SANDERSON FINANCIAL REQUEST:

Councilman Whitecalfe moved for approval to grant \$500 to Meranda Sanderson to help subsidize her education costs to attend Dakota Practical Nursing Collage in Williston, North Dakota. Councilman Packineau seconded the motion.

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

09. BERNADINE AND MONTE FREDERICKS:

It was the consensus of the Tribal Business Council to approve an additional \$250 for travel expenses to Bernadine Fredericks and Monte Fredericks to return back to school after their father's funeral.

10. RESOLUTION NO. 05-121-05; FORT BERTHOLD HOUSING AUTHORITY (NAHASDA) FOR THE TAT GUARANTEED LOAN PURSUANT TO TITLE VI OF THE NAHASDA ACT OF 1996 AND AUTHORIZING THE CHAIRPERSON OF FBHA TO EXECUTE ALL LOAN DOCUMENTS OF BEHALF OF FBHA.

Councilman Packineau moved for a Resolution entitled, "Fort Berthold Housing Authority (NAHASDA) for the TAT Guaranteed Loan Pursuant To Title VI of NAHASDA Act of 1996 and Authorizing the Chairperson of FBHA to execute all Loan Documents on Behalf of FBHA. Councilman Wolf seconded the motion.

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

11. CONSULTANT AGREEMENT, JOHN MELK:

Councilman Spotted Bear moved for approval of a \$5,000 retainer fee to John Melk, and have the Legal Department draw up the legal documents to be submitted to the Tribal Business Council. Councilman Hale seconded the motion.



DISCUSSION: Retainer fee could be paid in two increments of \$2,500: 1) to give an initial payment of \$2500; and after he gives a report then pay him the additional \$2,500. He has a bonding capability of \$200 Million. He also has 8 (a) contracting ability.

Councilman Spotted Bear amended his motion to pay \$2500 to consult and upon completion of report to pay John Melk the additional \$2500. Councilman Hale concurred with the amendment.

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

12. JOLENE GILLIES MEDICAL REQUEST:

Councilman Packineau moved for approval of a medical grant \$3,000 to Jolene Gillies for her son's special needs. Councilman Hale seconded the motion.

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

13. OPERATING AGREEMENT OF MANDAREE ENTERPRISES, LLC.

Councilman Spotted Bear moved for approval of the Operating Agreement of Mandaree Enterprises, LLC, as approved by the Executive Committee Resolution 05-04-NH. Councilman Whitecalfe seconded the motion.

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

14. DELVIN FOOTE EXTENSION LEASE AGREEMENT:

Councilman Packineau moved for approval of a BIA lease agreement extension for Delvin Foote. Councilman Hale seconded the motion.

DISCUSSION: A letter will be sent to the BIA regarding the extension.

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

15. WAGE SCALE DAVIS BACON:

Councilman Hale moved for approval of the Three Affiliated Tribes Minimum Wage Scale, and the Federal Wage Scale, subject to the Legal Department producing two Resolutions; 1) Tribal Resolution, 2) Federal Resolution attached to the scales. Councilman Packineau seconded the motion.

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

16. LAND PURCHASE RICHARD/JAMIE HALL:

Councilman Spotted Bear moved for approval of a \$7,000 Small Loan to Richard Hall and a \$7,000 Small Loan to Jamie Hall, subject to the requirements of the Small Loan Program. Councilman Packineau seconded the motion.



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

17. ROBERT BIRD BEAR GRIEVANCE:

This action was taken care of in an earlier meeting, and the documents will be transferred to the Human Resources Administrator.

18. RESOLUTION NO. 05-123-NH, APPROVAL OF MEMBERSHIP TO THE NORTHERN PLAINS INTERTRIBAL COURT OF APPEALS:

Councilman Packineau moved for approval of a Resolution entitled, "Approval of membership to the Northern Plains Intertribal Court of Appeals." Councilman Spotted Bear

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

19. CLAUDE RENEE FOX FINANCIAL REQUEST:

Councilman Packineau moved for approval of financial request of \$400, subject to documentation of the repair bill or Doctor's statement. Councilman Hale seconded the motion.

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

20. PROMISSORY NOTE FIGURE FOUR RANCH:

Council Hale moved for approval of a \$75,000 promissory note for the Figure Four Ranch. Councilman Spotted Bear seconded the motion.

DISCUSSION: Paul Danks will bring in a plan to merge the Figure Four into the Natural Resources Department.

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

21. EMPLOYMENT OF DEPUTY SUPERINTENDENT-TRUST MANAGEMENT TRANSACTIONS:

Jim James presented the names of applicants who applied for the Trust Officer position at the Fort Berthold Agency.

[Chairman Hall entered the meeting at 4:30 p.m.]

Listen to the tapes of February 17, 2005 Trust Officers

22. TRUST OFFICERS POSITIONS:

Councilman Hale moved for approval to have Legal draft a Resolution, which authorizes the \$152,000 set aside for Three Affiliated Tribes be utilized for ~~temporary~~ positions to help in the trust transactions at the agency level. Councilman Packineau seconded the motion.



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

Councilman Whitecalfe moved for approval to recommend Austin Gillette for the Office of Trust Management position at the Fort Berthold Agency. Councilman Wolf seconded the motion.

This trust officer would work with the tribe's agencies specific plan and Mr. James agreed that the tribe would be involved in the Tribal-BIA Agency Specific Plan. Mr. James will call his Human Resources Office and have them give an offer to Austin Gillette. Jim Casson will be here Thursday and Chairman Hall requested that the Resolution be ready for him. Mr. James will give the templates to Paul Dank, including the Rosebud Tribe's plan.

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

23. PERKINS ENROLLMENT APPEAL:

Councilman Hale moved for approval to direct the Legal Department to develop an Enrollment Ordinance, (reference in the Ordinance to include the Secretary) and bring back for final adoption designating the Judicial Committee as the appeal board for any enrollment challenges to the Tribal Business Council for final review. Councilman Whitecalfe seconded the motion.

DISCUSSION: The Legal Department will contact Ms. Perkins of the TBC action.

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

24. RESOLUTION NO. 05-124-NH, FOUR BEARS CASINO AND LODGE:

Councilman Wells moved for approval of the Financing Proposal for Expansion to arrange a loan in the amount of \$2,350,000 @ an interest of 7.00% until October 1, 2006.

Councilman Hale seconded the motion.

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

25. WIND TURBINE PROJECT:

Councilman Wells moved for approval of the additional funds for the construction costs of \$42,750, with the revenue to go back to the Tribe. Councilman Whitecalfe seconded the motion.

DISCUSSION: The Project needs to be completed by September 30, 2005 and he will need the money before then. The Four Bears Casino Board went on record to deny his request, as it would take 17 years to pay back the funds.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not voting. Motion carried.



26. MOTOR FUEL TAX CONSULTANT AGREEMENT:

Councilman Packineau moved for approval to extent the consultant agreement for six months at the current rate, between Vance Gillette and the Three Affiliated Tribes regarding the Motor Fuel Tax Consultant Agreement. Councilman Hale seconded the motion.

DISCUSSION: Vance Gillette will continue to work with Jennifer Fyten as a contact person from the Legal Department. Supreme Court date is set for October 3, 2005 for finalizing the Potawatami suit. Vance will look at the other areas including the State taxes finalizing the tax codes.

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

27. U.S. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT PROGRAM:

Executive Session

28. COPS FAST PROGRAM:

Councilman Wells addressed his difficulty in getting police officers for the Four Bears Area. Frank Felix is doing the background checks and it seems like the applicants can't pass their background checks. The Human Resources Department has been given the authority to conduct the checks.

29. RICHARD MAYER PROCEDURAL ISSUE:

Executive Session—

For the Record: Richard Mayer presented his complaint on his own behalf.

30. RESOLUTION NO. 05-125-NH, ADOPTION OF POLICY AND PROCEDURE FOR LAND/REAL PROPERTY:

Councilman Wells moved for approval of a Resolution entitled, "Adoption of Policy and Procedure for Land/Real Property." Councilman Whitecalfe seconded the motion.

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

31. RESOLUTION NO. 05-126-NH, ADOPTION OF AN ORDINANCE PROVIDING STATUTORY AUTHORIZATION FOR THE ACQUISITION, SALE CONVEYANCE, TRANSFER, EXCHANGE AND ENCUMBRANCE OF TRIBAL LANDS.

Councilman Wells moved for approval of a Resolution entitled, "Adoption of an Ordinance providing statutory Authorization for the Acquisition, Sale, Conveyance, Transfer, Exchange and Encumbrance of Tribal Lands." Councilman Hale seconded the motion.

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



32. RESOLUTION NO. 05-127-NH; DREAM CATCHER PROGRAM:

Councilman Hale moved for approval to direct the Legal Department to draft a Resolution for the purchase of six lots by the Dream Catcher Program and; subject to the approval of the Secretary. Councilman Wells seconded the motion.

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

33. RESOLUTION NO. 05-128- NH, ETHICS CODE ORDINANCE:

Councilman Hale moved for approval of the amendments to the Ethics Ordinance. Councilman Wells seconded the motion.

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

34. PRESENTATION FOR DR. GRIM, INDIAN HEALTH SERVICES DIRECTOR:

Dr. Mayer addressed the Tribal Business Council and invited them and a guest to have dinner with Dr. Grim at the Four Bears Casino on Wednesday, August 23, 2005 at 6:30 p.m. Dr. Mayer will be doing a power point presentation of the medicines from MHA Nation and Lewis & Clark. Dr. Grim will be thanked and honored for coming to Fort Berthold. She said, "that this is a real unique opportunity as it is the 50th year history celebration of Indian Health Services providing services to Indian people throughout the United States. It's a real turning point in history for us to improve health care for our people. We want to send him off in a good way back to Wash and make sure that he supports us in our continued ventures in all of us wanting better health care for our people.

35. RESOLUTION NO. 05-129-NH, CASEY FAMILY:

Councilman Wells moved for approval of a Resolution for the A&E Expansion of the Social Services building. Councilman Whitecalfe seconded the motion.

DISCUSSION: Renee Mayer also presented Renewal Grants Intensive In-Home, and the Prevention Coordinator that needed to be signed by Chairman Hall.

The Social Services Department executed a consultant contract between the Three Affiliated Tribes and the Computer Store for \$9,900 for 25 weeks, come one day a week from 9:00 to 4:00 p.m., and the Medicine Moon Initiative Grant will pay for that. Renee worked it out with Lisa Young Bear, that after they provide services to Social Services, they will be able to help other programs with their computer problems.

The Social Service Director presented a \$30,000 Grant that she will submit to the National Casey Family Program on behalf to the Tribes Casey Program to draft up a master plan for the Architect on the addition they want to add to the Casey Building. That addition is expected to cost approximately \$300,000 and Casey Family needed a tribal resolution before they approve and turn over the \$30,000 approving that.



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

36. ISSUES REGARDING TRIBAL ELDERS:

The Social Service Director brought up many issues regarding tribal elders needs.

37. SOCIAL SERVICE DEPARTMENT RETREAT:

Councilman Wells moved for approval of the two day retreat for the Social Service Department staff scheduled for Bismarck, North Dakota in September, 2005. Councilman Spotted Bear seconded the motion.

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

38. ROADS DEPARTMENT:

Councilman Wells moved for approval to add Methodist and Clarks Creek Road to the inventory of the Roads Department. Councilman Hale seconded the motion.

DISCUSSION: The 2003 Curb and Gutter Project in White Shield area were first on the list, until Northern Lights was made a priority. Now, the project will be the next in line for the Roads Department for completion." The Control schedule was discussed in detail of the next projects.

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

39. ROADS DEPARTMENT:

Councilman Wells moved for approval to hire Johnny Garcia permanently for one year work agreement to work with the Roads Department at \$20.00 per hour; and to hire Ellen Wilson at \$10.00 per hour as his assistant, and paid out of Transportation Planning. Councilman Hale seconded the motion.

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

40. ROADS DEPARTMENT BUDGET:

Councilman Wells moved for approval to fund the Roads Department with \$75,000 (638) and \$50,000 (General fund). Councilman Spotted Bear seconded the motion.

Councilman Wells amended his motion to read; "fund the Roads Department by \$50, 000 from the General Fund," Councilman Spotted Bear concurred with the amendment.

DISCUSSION: Chairman Hall would like to see an analysis of the budget shortfalls.

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



41. ADJOURNMENT:

Councilman Hale moved for adjournment of the meeting at 10:22 p.m.
Councilman Wolf 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 12th day of **September**, 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman [X] Voting. [] Not voting.

Dated this 12th day of **September**, 2005.

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

ATTEST:

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