



**THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
CONTINUATION MEETING NO. 06-09-NH
March 20, 2006**

RECONVENE MEETING:

Vice-Chairman Wells called the meeting to order at 1:30 p.m. Chairman Tex G. Hall entered the meeting at 1:45 p.m. and presided over the meeting.

ROLL CALL:

Members present: Chairman Tex G. Hall (arrived at 1:45 p.m.) Councilman Marcus D, Wells, Jr. Councilman Malcolm Wolf, and Councilman Nathan Hale. *Members Absent:* Councilman Daylon Spotted Bear. *Others present:* BOR Representatives, Harley Lone Bear, Brandon Hand, Donna Howling Wolf, Jessica Grinnell, Nina Crows Breast, Hugh Baker, Forest Mandan, Steve Kelly, Richard E. Mayer, Paul Danks, Delphine Baker, Debbie Thompson, Glenda Embry, Dyan Thundercloud, James Foote, Marvel Heart, Theodora Starr, Arlie Knight, Doyle Bell, Larry and Evelyn Fox, Richard Hall, Britnee Fox, Marie Baker, and Jean Baker.

01. APPROVAL OF THE AGENDA:

Councilman Whitecalfe moved for the agenda as amended. Councilman Hale seconded the motion.

DISCUSSION: Add-ons: Forest Mandan and Larry/Evelyn Fox

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

02. ACCIDENT INVOLVING TRIBAL ROAD GRADER AND FOREST MANDAN:

Councilman Hale moved for approval to direct the Property & Supply Officer, Clover Fox and Legal Counsel, Steve Kelly to work with Forest Mandan and the Insurance Company to negotiate a settlement. Councilman Wells seconded the motion.

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

03. BOR RED RIVER VALLEY WATER SUPPLY PROJECT ENVIRONMENTAL IMPACT STATEMENT:

- Executive Summary Environmental Statement closes on March 30, 2006
- Evaluate alternatives to meet the long term supplemental water needs of the Red River Valley in North Dakota and Minnesota. Includes the 13 eastern counties of North Dakota, plus the Minnesota communities of Breckenridge, Moorhead, and East Grand Forks,
- Tribes concern is the drought on the Reservation as opposed to Red River Valley –if the Tribes supports by Resolution, tribe would be passing over own projects \$250,000 would maximum amount bad drought needed to go more would be an annual operative plan agreement
- This would lower the lake about 4 1/2 inches – efficient level sufficient water to come
- Water Rights end up with 54,000 stakeholders
- No Action Alternative is the future without the Project Seven Action Alternatives are to meet the shortage of supplemental water supply - Recycle alternative not as good
- North Dakota In-Basin Adverse Effects Red River Basin Alternative Beneficial effects
- Testimony in public meetings would compact the fisheries in the Lake of the Woods
- Taking water out of different locations - Treat water prior to sending in the Hudson Basin
- Ethanol Plants Richardton, North Dakota Underwood, North Dakota



- NAWS May 2, 2006 Meeting at the Four Bears Casino and Lodge

04. LARRY/JOLEEN FOX FINANCIAL ASSISTANCE:

Councilman Wells moved for approval of a Small Loan of \$4,200 to Larry and Jolene Fox to help subsidize costs to move a trailer home from Grand Forks, ND to New Town, ND, subject to the loan policies and at the discretion of the Small Loan Director. Councilman Hale seconded the motion.

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

05. MHA PROBATE CODE:

Councilman Wells moved for approval to direct the Legal Department to do an informative report on a draft MHA Probate Code to the Tribal Business Council. Councilman Whitecalfe seconded the motion.

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

06. RESOLUTION NO. 06-44-NH, TWIN BUTTES SCHOOL, AUTHORIZATION FOR CHAIRMAN AND TREASURER TO NEGOTIATE AND EXECUTE UP TO \$8,500,000 REVOLVING LINE OF CREDIT:

Councilman Whitecalfe moved for approval of a Resolution entitled, "Twin Buttes School Authorization for Chairman and Treasurer to negotiate and execute up to \$8,500 revolving line of credit." Councilman Packineau seconded the motion.

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

07. CHIEF FINANCIAL OFFICER REPORT:

Councilman Wells moved for approval of the Financial Report as presented by Acting Chief Financial Officers Report. Councilman Whitecalfe seconded the motion.

DISCUSSION: SEGMENT VEHICLES - INDIRECT COST POOL BUDGET - 9 MILLION UN-OBLIGATED AND DO SOME LAYING OFF.

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

08. FEDERAL CONTRACTS REPORT:

Councilman Whitecalfe moved for approval to have the Federal Contract staff verify what dollars are allowable within the consolidated contract of the Bureau of Indian Affairs - to cover federal program short falls in FY 2005 carryover funds in accordance with 93-638 Contracts. Councilman Wells seconded the motion.

DISCUSSION: The Directors will be included in the decision to use federal dollars before tribal dollars.

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



09. CHIEF FINANCIAL OFFICER POSITION:

Councilman Whitecalfe moved for approval for Brandon Hand to continue as Acting Chief Financial Officer position and be compensated at \$34.00 until the Treasurer brings a final recommendation to the Tribal Business Council regarding the filling the CFO position and with the rate of pay subject to the rating and ranking of the Human Resources Administrator. Councilman Wells seconded the motion.

DISCUSSION: Councilman Whitecalfe stated CPA Stauffer and Associates will be meeting with him to come up with a financial plan and negotiated price.

Also, the position description of the Chief Financial Officer will have to be changed as it requires a CPA. Stauffer would provide the support the committee would need guidance on. Currently the Acting Comptroller salary range is \$32.00 to \$38.46.

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

10. CONTRACT SPECIALIST TRAINEE POSITION:

Councilman Wells moved for approval to transfer Lisa Young Bear from the MIS to a Contract Specialist Trainee, subject to the rating and ranking of the Human Resources Administrator. Councilman Whitecalfe seconded the motion.

DISCUSSION: If the rating system is not working- the CEO should correct it.

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

11. RESOLUTION NO. 06-45-NH, "REQUEST FOR ISEP FUNDS FOR THE HIGH SCHOOL STUDENTS FROM THE TWIN BUTTES COMMUNITY AND A WAIVER ON THE MORATORIUM ON ADDING SCHOOL GRANT LEVELS."

Councilman Hale moved for approval of a Resolution entitled, "Request for ISEP Funds for the High School Students from the Twin Buttes Community and a Waiver on the Moratorium on Adding School Grant Levels." Councilman Wolf seconded the motion.

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

12. "TEX G. HALL" HEALTH CARE FACILITY:

Councilman Hale moved for approval that after the Project is constructed, it will provide emergency services to non-natives. Councilman Packineau seconded the motion.

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

13. TRANSFER OF MARY COFFEY:

Councilman Wells moved for approval to transfer Mary Coffey to the Environmental Program at a lower rate of pay and if she doesn't accept the position, the CEO is authorized to lay her off. Councilman Packineau seconded the motion.

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



14. **PBX UPGRADE LEASE:**

Councilman Wells moved for approval to accept three proposals to upgrade the PBX Center. Councilman Hale seconded the motion.

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

15. **CEO RECEPTIONIST:**

Councilman Wells moved for approval to permanently hire Belle Dean Chase as the Receptionist for the CEO Department at \$12.00 per hour. Councilman Whitecalfe seconded the motion.

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

16. **INJURY PREVENTION COORDINATOR:**

Councilman Wells moved for approval to hire Marvel Heart as the Injury Prevention Coordinator at the rate of pay not to exceed the former Injury Prevention Coordinator's rate of pay. Councilman Wolf seconded the motion.

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

17. **RESOLUTION NO. 06-46-NH, APPOINTMENT OF MHA COMMUNICATIONS BOARD OF DIRECTORS:**

Councilman Packineau moved for approval of the appointment of Alvina Wells to the Board of the MHA Communications Board of Directors. Councilman Whitecalfe seconded the motion.

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

18. **RESOLUTION NO. 06-47- NH, AUTHORIZATION FOR THREE AFFILIATED TRIBES TO OBTAIN A \$100,000 60 DAY NOTE FROM THE NATIVE AMERICAN BANK IN FAVOR OF DELVIN FOOTE AND TO RELEND THESE MONIES TO DELVIN FOOTE ON A 45 DAY NOTE IN ORDER TO EFFECTUATE RESOLUTION 06-38-NH.":**

Councilman Wells moved for approval to amend Resolution No. 06-38 with a Resolution entitled, "Authorization for Three Affiliated Tribes to obtain a \$100,000 60 day Note from the Native American Bank in favor of Delvin Foote and to relend these monies to him on a 45 day Note in order to effectuate Resolution 06-38-NH." Councilman Packineau seconded the motion.

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

19. **JOHN FREDERICKS, SR. ADD TO CURRENT LIST OF INDIAN HEALTH SERVICE WATER PRIORITY LIST CONTRACT NEIL AUSTIN:**

Councilman Wells moved for approval to add John Fredericks name to the current list of water priority with Indian Health Services. Councilman Packineau seconded the motion.

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



20. **RESOLUTION NO. 06-48-NH, DAKOTA-3 JOINT VENTURE TO OPERATE DRAGSWOLF WELL NO. #1:**

Councilman Wells moved for approval of an amended Resolution entitled, "Agreement in principle to a joint venture to operate the Dragswolf #1 with Dakota 3 Alliance. Councilman Wolf seconded the motion.

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

21. **PERSONNEL ACTIONS:**
Executive Session

22. **ROCKETTS 10TH GRADE**

Councilman Packineau moved for approval to grant the 10th Grade Rocketts \$1,053.00 to participate in the Poplar Youth Tournament on March 23-26, 2006. Councilman Hale seconded the motion.

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

23. **FINANCIAL ASSISTANCE OF \$1100 AIHEC CONFERENCE: FBCC:**

Councilman Packineau moved for approval to grant \$1,100, (22 FBCC students @ \$50 each) to participate in the American Indian Higher Education Consortium held at Lawrence Kansas. Councilman Hale seconded the motion.

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

24. **APPROVAL OF MINUTES:**

Councilman Packineau moved for approval of the February 2, 3, 10 and 13, 2006 Minutes of Tribal Business Council, subject to review and/or changes. Councilman Hale seconded the motion.

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

25. **SOCIAL SERVICE DEPARTMENT:**

- EQUA Annual training Bismarck, ND. Training Institute celebrating 10th anniversary Thursday Night Seven Seas first BIA Training Albuquerque, New Mexico.
- An ongoing issues it's not an allowable cost for Social Service Department to pay for residential care as it's against Regulations. Director thought it could be paid for as it was not considered lock-up. Currently, the department is paying for two kids that are not an allowable cost for federal dollars-could find another funding source right now.

26. **TAX COMMISSIONERS**

Councilman Whitecalfe moved for approval to have the Tax Commissioner Marcus D. Wells, Sr., coordinate the return of State taxes for fuel purchased on the reservation for all departments and programs that buy fuel for their vehicles. Councilman Packineau seconded the motion.

DISCUSSION: The Tribal Business Council discussed the possibility of purchasing gasoline in bulk and sell it at the West Dakota Gas Station that is currently owned by FBDC,



who owes the tribe \$160,000, so Treasurer -Councilman Whitecalfe will discuss the possibilities with FBDC and bring back a proposal on April 13, 2006. The Chief Executive Officer was directed to notify the Tax Commissioner to send out a memorandum to all programs that they need to submit their gas receipts to the Tax Commissioner.

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

27. REPLACE VEHICLES FOR SOCIAL SERVICES

Councilman Hale moved for approval to allow the Social Services Department to replace two of their vehicles using existing cars as a trade-in. Councilman Whitecalfe seconded the motion.

DISCUSSION: The Social Services Director stated that SS budget does not show any funds in the Casey Program line item, even though reimbursements have been wired to Dickinson every quarter since 2003, and should total to \$800,000. The Social Service Department cannot access it and needs to pay for the \$10,000 contract with the Computer Store which ends this month.

Councilman Hale amended his motion to include, "upon availability of funds." Councilman Whitecalfe concurred with the amendment.

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

28. THIRD PARTY BILLING:

All Third Party Billing reimbursements will subsidize the shortfalls of KDU and the Social Services Department.

29. NAVAJO HOPI TRIBES: MARCH 30, 2006 4E Reimbursement

Councilman Whitecalfe moved for approval to authorize travel Renee Mayer, other staff, and legal department to attend a conference at the Navajo/Hopi sites. Councilman Hale seconded the motion.

DISCUSSION: Renee Mayer was asked to sit on a panel regarding the 4E Reimbursement Workshop, funded by Navajo and Hopi Tribes and they will pay for the travel and per diem. Councilman Hale seconded the motion.

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

30. JOM AND SOCIAL SERVICES

Informational- Resolutions drafted by Legal-- Major cuts in GA

31. TRIBAL ROADS DEPARTMENT:

Councilman Whitecalfe moved for approval to grant an additional \$75,000 to Tribal Roads/General Fund and \$50,000 /Direct funds 638 Program to the Tribal Road Department to cover costs to the end of the FY06, to be taken from the Contingency Fund. Councilman Hale seconded the motion.

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

32. UNDIA:

Councilman Whitecalfe moved for approval to give \$5,000 to the UNDIA Time-out Pow-wow. Councilman Hale seconded the motion.



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

33. **RESOLUTION NO. 06-50- NH, "ORDER OF BUSINESS AND PROCEDURES GOVERNING TRIBAL BUSINESS COUNCIL MEETINGS ACCORDING TO ARTICLE III OF THE BY-LAWS OF CONSTITUTION OF THE THREE AFFILIATED TRIBES:**

Councilman Hale moved for approval of a Resolution entitled, "Order of Business and Procedures Governing Tribal Business Council Meetings According to Article III of the By-laws of Constitution of the Three Affiliated Tribes. Councilman Packineau seconded the motion.

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

34. **ADJOURNMENT:**

Councilman Hale moved for approval to adjourn the meeting at 8: 33 p.m. Councilman Whitecalfe seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstention, 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 SPECIAL Meeting thereof duly called, noticed, convened and held on the 24 day of APRIL, 2006; 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 Voting. Not voting.

Dated this 4 day of April, 2006.

ATTEST:

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

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