



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
MEETING NO. 06- 17-NH  
JUNE 8, 2006**

**CALL TO ORDER:**

Chairman Tex G. Hall called the meeting to order at 11:00 a.m. There was a moment of silence to remember all who need prayers.

**ROLL CALL:** Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Frank Whitecalfe, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Nathan Hale. A quorum was established with all seven members present.

**01. APPROVAL OF AGENDA:**

Councilman Wells moved for approval of the agenda as amended. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried unanimously.

**02. DONATIONS AND GRANTS EMERGENCY REQUEST PROCEDURES:**

Councilman Wells moved for approval to schedule a Special Council Meeting June, 2006 with one agenda item: A Resolution entitled, "Policies and Process for use of the grants and donations line items for the balance of FY-2006." Councilman Wolf seconded the motion.

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

**03. FUNERAL GRANT: MICHAEL LINCOLN SR.**

Councilman Wells moved for approval of a \$250 funeral grant to Michael Lincoln, Sr. Councilman Whitecalfe seconded the motion.

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

**FUNERAL GRANTS: YVONNE WHITE WELLS -ALVINA WELLS- FUNERAL GRANTS:**

Councilman Wells amended his motion to include the names of Yvonne White Wells, and Alvina Wells each for a \$250 funeral grant. Councilman Whitecalfe concurred with the amendment.

VOTE: 7 Ayes. Motion carried.

**04. MEDICAL BILL: VINCENT MORAN**

The North Segment Representative, Councilman Wolf and the Chairman's Assistant Rosie Johnson will work with Vincent Moran's appeal regarding, "A denial letter from Indian Health Services' CHS, refusing to pay his medical bill due to lack of residency requirement."



**05. DALE LITTLE SOLDIER:**

Tribal member did an update at the Natural Resources on June 6, 2006. His name will be removed from the agenda.

**06. MYRON B. JOHNSON POST 271:**

This matter was deferred until the Crow Tribe returns a telephone call to Chairman Hall's staff to see if the Crow Tribe will subsidize costs, as they invited the Post to participate in their activities.

**07. INDIAN HEALTH SERVICES PRIORITY LIST:**

Councilman Wells moved for approval that Item #28, "Four Bears SW RWA Expansion" which Fort Berthold Rural Water received a Debt Service under the McKenzie Agreement during FY-06." Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**08. INDIAN HEALTH PRIORITIES WATER WELLS:**

Councilman Whitecalfe moved for approval of the following priorities for FY-07 the Indian Health Service.

No. 1: Fort Berthold Solid Waste

No. 2: Fort Berthold Scattered Sites

No. 3: Mandaree East Rural Water System Expansion Phase III

No.4: Twin Buttes Booster Station Renovation / Tank (#2 in 2005)

Councilman Hale seconded the motion.

VOTE: 7 Ayes. Motion carried.

**09. CLOVER FOX - WELL EXCAVATION/PARSHALL AREA:**

Councilman Packineau moved for approval to direct the Indian Health Service to drill a well for Clover Fox residence. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**10. ARMY CORP OF ENGINEERS/ RETURN OF LAKESHORE UPDATE:**

- Tribe asked for a return of 36,000 acres above the 1854 foot elevation mark
- ACOE released a draft Effects Report on the potential transfer of 25,000 acres above the 1854 foot elevation that is primarily leased for grazing
- Remaining 11,000 acres the Corps said they would not transfer is currently used for wildlife management or recreation and cabin sites
- Tribe putting together a Task Force to develop an ordinance to give a 100 foot buffer zone for recreational purposes that would prohibit anyone from looking for, looting or excavating cultural artifacts and other items. It could also provide policing of the cabin site areas.



**11. BUREAU OF INDIAN AFFAIRS:**

- Ben Kiddo Acting Superintendent for 120 days
- Wills and Probates: Encoded with an END – funds not distributed land ownership didn't take place with a Time frame from 70's, 80's, and 90's. They were encoded erroneously in the Protract system with END. Money been sitting in IIM account and they are getting proper interest on accounts.
- Last summer the bureau was assigned to draft a probate code last year.
- Roger Bird Bear who has a Juries Doctorate applied for the Fiduciary Trust Position. Anadarko qualified him as a GS-09 – when he was originally qualified as a GS-14.
- Pat Staples encouraged members to sign authorizations without reading.
- Local Law Enforcement interpretations won't release documents -Aberdeen AAO
- BIA no longer rules the tribes - BIA is chaos
- TAMS Systems red flags OST asking to do an audit
- Potential liabilities No signed leases initial report 129 ½ tribal leases office leases individual called the IG in
- Plan needed to address encoded transactions
- Adjudicated adequate staff and adequate funding
- Bismarck, North Dakota -BIA Budget Meeting June 14, 2006: Councilman Hale will attend.
- Adopted 2.4 Mil. Resolution - Make sure that they get it and how much was our share -.Fort Berthold 2.4
- Several alternatives lowest costs records needs to be shipped down there.
- Resolution issue of unsigned leases
- One of the options would be to work with Ben to develop a plan to take steps to protect the documents there.
- Wilbur Wilkinson stated: victimize our Indian women that's wrong. Tribal Members working at the BIA people Many Deeds told ladies to clean out Tom Wells's office without using the process so they got Wilbur to represent them.

**12. BUREAU OF INDIAN AFFAIRS FORT BERTHOLD AGENCY ARCHIVAL PLAN:**

Councilman Wells moved for approval to request from the Regional Director and the Acting Superintendent an "Archival Plan for the Fort Berthold Agency Records" within 30-40 days for review by the Tribal Business Council. Councilman Wolf seconded the motion.

VOTE: 6 Ayes. Motion carried.

**13. WATER RIGHTS:**

State Legislature has a bill moving that was started with the Turtle Mountain Tribe it's important that we start studying and to find a good water expert in the BIA. Friends of Lake Sakakawea took a position and started citizens of the Lakeshore Lands with a misunderstanding Tribe hasn't retained its water rights.



**13. NEW TOWN HIGH SCHOOL EXPANSION:**

Councilman Hale moved for approval to direct the Treasurer and CFO to develop a financial plan to be included in the FY-07 funding cycle fund the expansion of the New Town High School and bring to the next council meeting. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**14. FINANCIAL ASSISTANCE-TORRI FREDERICKS:**

Councilman Hale moved for approval of a \$1,500 grant to Torri Fredericks for relocation costs to Phoenix, Arizona. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**15. RESOLUTION NO. 06-85-NH, APPROVAL OF \$30,000 APPROPRIATION FOR MATCHING GRANT FOR THE PROPOSED EXPANSION OF THE CASEY FAMILY PROGRAM BUILDING.**

Councilman Spotted Bear moved for approval of a Resolution entitled, "Approval of \$30,000 Appropriation for Matching Grant for the Proposed Expansion of the Casey Family Program Building. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**16. PRIORITIZE EXPANSION OF SOCIAL SERVICE BUILDING**

Councilman Hale moved for approval to direct the CEDS Department to prioritize their grant writing and to look for \$300,000 funding that will be used for expanding the Casey Programs Building. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**17. FY-05 AUDIT-GINGUS ASSOCIATES:**

Councilman Whitecalfe moved for approval to hire Gingus Associates to perform the FY-05 Audit, with the cost not to exceed \$75,000. Councilman Hale seconded the motion.

VOTE: 7 Ayes. Motion carried.

**18. TAT BUDGET: Informational**

**19. \$10,000 GENERAL FUND TO SMALL LOAN PROGRAM:**

Councilman Whitecalfe moved for approval to transfer \$10,000 from the General Fund to the Small Loan Program. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.



**20. TRIBAL BUDGET FORECAST 30-45 DAYS:**

Councilman Hale moved for approval to accept the four recommendations from the Chief Financial Officer to help alleviate the cash flow problems. Councilman Whitecalfe seconded the motion.

1. Limit expenditures in all programs that are over budget
2. Council pre-approve expenditures over \$1,000 in programs that are over-budget
3. Terminate consultant agreements in programs that are over-budget
4. Lay-off temporary employees in programs that are over-budget

VOTE: 7 Ayes. Motion carried.

**21. SALARY INCREASES FINANCE DEPARTMENT:**

The CFO requested a \$9 salary increase for Angie Nehring and an \$8 salary increase for Dorothy Packineau due to increase in duties and position change. This issue was deferred to June 16, 2006

**22. ACCOUNTING TRACKING SYSTEM:**

Informational

**23. INDIAN PROBATE LAW DRAFT:**

Informational – presented by Steve Kelly – Tribal Business Council will absorb until next Friday.

**24. SURVEILLANCE EQUIPMENT PURCHASE- ADRIAN FOOTE JR. REQUEST:**

Councilman Whitecalfe moved for approval to give a directive to the Gaming Commission to negotiate a bid to purchase surveillance equipment from Adrian Foote, Jr. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**25. YELLOWFACE SINGERS:**

Councilman Wells moved for approval of \$2700 and a tribal flag to the Yellow Face Singers to attend an International Choir Festival in Missoula, Montana on July 11-16, 2006. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

DISCUSSION: The Yellow Face Singers were requested to draft a financial plan and present it at the next meeting. They are requesting additional money for air fare to travel to Germany.



**26. ELLEN WILSON FINANCIAL REQUEST:**

Councilman Wells moved for approval of an Educational Loan \$1,931.27 to Ellen Wilson, subject to the Educational Loan program. Councilman Whitecalfe seconded the motion.

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

**27. MYRON JOHNSON POST 271:**

Councilman Packineau moved for approval of \$2000 to the Myron Johnson Post 271 to represent the MHA Nation at the Crow Native Days. Councilman Wells seconded the motion.

DISCUSSION: The Crow Tribe will give the Post \$1200 and have tee-pees available for them.

VOTE: 6 Ayes. Motion carried.

**28. CEO REPORT: SEVERENCE PAY POLICY:**

Karen Stevens, Acting CEO distributed a draft Severance Pay Policy for review. This issue will be addressed on June 16, 2006.

**29. RESOLUTION NO. 06-86-NH, LONG RANGE TRANSPORTATION PLAN AND ROAD INVENTORY UPDATE: CEO REPORT: Steve Dorval**

Councilman Hale moved for approval of a Resolution, entitled, "Long Range Transportation Plan and Road Inventory Update." Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**30. CEO REPORT: EXECUTION OF MEMORANDUM OF UNDERSTANDING:**

Councilman Hale moved for approval to direct Johnny Garcia and Doyle Bell to assist Steve Dorval in executing a Memorandum of Understanding between DOT and County Commissioners to meet the deadline of June 15, 2006. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**• CEO REPORT: EMPLOYEE APPRECIATION DAY – JULY 12, 2006:**

• Make it mandatory for all staff to participate in activities. The committee will meet on Wednesday and may have a better ideas

**• CEO REPORT: DIRECTORS MEETING:**

• Purchase Order Process. Signature Committee, Delphine Baker is scheduling that. Integrity Committee, Expenditures Committees



• **CEO REPORT: VACATION TIME SCHEDULES:**

- Scheduling of vacation time and mandatory to maintain offices- Bonnie Red Fox and the CEO Office will work on scheduling vacations.
- Social Service Department- CEO commended staff for good team work

**31. CEO REPORT: VERIZEN WIRELESS:**

Councilman Wells moved for approval to have the (11) Tribal Cops Fast Officers join the Tribal Verizon Wireless Plan. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**32. CEO REPORT: HUMAN RESOURCES ADMINISTRATIVE ASSISTANT: CEO REPORT:**

Councilman Wells moved for approval of a lay-off for Paula Danks, and to execute a consultant agreement with her to continue to act as the Adjudicator until a Human Resource staff person is trained. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**33. CEO REPORT: SEVERANCE PAY- PAULA DANKS -RECOMMENDATION FOR YEARS OF SERVICE:**

Councilman Wells moved for approval to pay Paula Danks \$8,500 severance pay for 17 years of service with the tribe. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**34. ADMINISTRATION BUILDING ELECTRICAL COSTS: CEO REPORT**

Councilman Wells moved for approval to pay Main Electric to finish the under ground electrical wiring to nine poles around the Administration Parking lot for a total of \$14,920 .Councilman Whitecalfe seconded the motion.

DISCUSSION: The department needs to write a five year maintenance plan, and develop a formula to calculate payment per square footage. A replacement of five pumps are needed went bad before the contract expired.

VOTE: 7 Ayes. Motion carried.

**35. HA THOMPSON AND SONS MAINTENANCE AGREEMENT: CEO REPORT:**

Councilman Hale moved for approval of Marvin Danks request to have HA Thompson maintenance agreement of \$69, 960 administered through Tribal Maintenance department and budget, subject to the Procurement Policy. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.



**36. CLEAN -UP TRIBAL WASTE TO LAND FILL: CEO REPORT:**

Councilman Wells moved for approval to authorize Marvin Danks negotiate with any one of the Tribes entities to remove waste products from the Roping Arena, and to mitigate it. Councilman Packineau seconded the motion.

DISCUSSION: Marvin reported that he was in negotiations with the Fort Berthold Development Corporation to remove waste and bury it at approximately \$1800.

VOTE: 7 Ayes. Motion carried.

**37. RESOLUTION NO. 06-87-NH; FORT BERTHOLD HOUSING AUTHORITY: CEO REPORT:**

Councilman Wells moved for approval to amend the FY-06 Budget for Fort Berthold Housing and to adopt a Resolution entitled, "FBHA Security Agreement to Achieve Loan from BNC National Bank via a US-HUD-NAHASDA Title VI, Loan Guarantee for Renovation and New Construction Project."

Councilman Hale seconded the motion.

For the record: The Tribe is committing \$100,000 for housing costs to the Fort Berthold Housing Authority for tribal members.

VOTE: 7 Ayes. Motion carried.

**38. RESOLUTION NO. 06-88-NH; ESTABLISHMENT OF A TRIBAL HISTORIC PRESERVATION OFFICE AND APPOINTMENT OF A TRIBAL HISTORIC PRESERVATION OFFICER, CEO REPORT:**

Councilman Hale moved for approval of a Resolution entitled, "Establishment of a Tribal Historic Preservation Office and Appointment of a Tribal Historic Preservation Officer."

Councilman Wolf seconded the motion.

VOTE: 5 Ayes. Motion carried.

**39. PERSONNEL MATTER: SHASTA MANDAN**

Councilman Hale moved for approval of a salary increase to \$25 for Shasta Mandan RN, from the Clinical Budget and the Third Party Billing. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**40. PERSONNEL MATTER: WHITE SHIELD CLINICAL NURSE:**

Councilman Hale moved for approval to hire Rosie Davis as the Clinical Nurse for the White Shield Clinic at a negotiable rate with benefits. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.





**41. PERSONNEL MATTER: UTILITIES PROGRAM: TRIBAL WATER HAULER:**

Councilman Hale moved for approval to re-hire Hollis Blake as a Water Hauler for the Utilities Program at \$15 per hour. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**42. TRIBAL UTILITIES:**

Executive Session. The Chief Executive Officer and Lester Crows Heart will investigate the car accident that involved one of his staff. A report will be made at the next council meeting.

**43. PERSONNEL MATTER: ROADS DEPARTMENT/DAN HUNTS ALONG:**

Councilman Hale moved for approval of a 60 day appointment of Dan Hunts Along at \$16.00 per hour at the Mandaree Roads Department. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**44. APPOINTMENT OF CHAIRMAN'S STAFF:**

Councilman Hale moved for approval to hire Karen Stevens as the CEO @ \$25.00 per hour; Rosie Johnson as Chief of Staff, @\$18.00 and Belle Chase as the Chairman Administrative Assistant @ \$17.00 per hour. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**45. RESOLUTION NO. 06-89-NH; ENROLLMENT OF DEREK DALE HOWARD:**

Councilman Whitecalfe moved for approval to enroll Derek Dale Howard with the membership of the Three Affiliated Tribes. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes. Motion carried.

**46. JFK RAINGUTTERS CONSTRUCTION CHANGE ORDER:**

Councilman Spotted Bear moved for approval of the change order for the JFK Rain Gutters Construction, and for the record, this contract was executed prior to election of Councilman Whitecalfe. Councilman Hale seconded the motion.

VOTE: 6 Ayes, 1 Abstention. Motion carried.

**47. AMENDMENT OF DOWN PAYMENT ASSISTANCE PROGRAM POLICY:**

Councilman Whitecalfe moved to amend the policies and procedures "Down Payment Assistance Program.



**Amendments:**

**Deleted:** Property must be within the exterior boundaries of the Fort Berthold Indian Reservation.

**Added:** When purchasing property outside the TDHE service area, the applicants must be qualified for and approved for Section 184 Loan Guarantee program.

**Change** ten years to **five years** as their primary residence. The assistance will not have to repay if they utilize residence as primary:

DISCUSSION: *The funding for \$200,000 to fund the "Down Payment Assistance Program," matter was deferred until funds are received.*

VOTE: 7 Ayes. Motion carried.

**48. RESOLUTION NO. 06-90-NH; RECONTRACTING OF THE HIP PROGRAM FOR FY-2006:**

Councilman Wells moved for approval of a Resolution entitled, "Re-contracting of the HIP Program for FY-2006. Councilman Hale seconded the motion.

VOTE: 7 Ayes. Motion carried.

**49. PERSONNEL MATTER: REQUEST FOR IN-HOUSE TRANSFER:**

Councilman Wells moved for approval of the in-house transfer Jackie Jackson to the HIP Coordinator position at \$17 per hour, effective May 22, 2006. Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes, 1 Nay. Motion carried.

**50. PERSONNEL MATTER ACCOUNTS TECHNICIAN:**

Councilman Wells moved for approval to hire Bonnie Blake as the Accounts Technician for the Tribal Housing Program at \$14 per hour, effective June 12, 2006. Councilman Packineau seconded the motion.

VOTE: 7 Ayes. Motion carried.

**51. RESOLUTION NO. 06-91-NH, -RESIDENTIAL SALES LOT 9 BLOCK 5- NORTHERN LIGHTS /GERALDINE WOUNDED FACE:**

Councilman Whitecalfe moved for approval of a Resolution entitled, "Residential Sales, Lot 9 Block 5, Northern Lights Sub-division – Geraldine Wounded Face." Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.



**52. PROMISSORY NOTE EXTENSION REQUEST TRIBAL HOUSING:**

Councilman Hale moved for approval to extend the "Promissory Note of Tribal Housing from September 8, 2006 to September 8, 2007. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**53. TBC CONTINUATION MEETING-JUNE 16, 2006:**

Councilman Wells moved for approval to amend *Motion one* to read, "to reconvene as a Continuation meeting to finish the agenda and to confirm the first item will be the Tribal District Court Judge position." Councilman Wolf seconded the motion.

VOTE: 7 Ayes. Motion carried.

**54. GAME AND FISH PROJECT COST AMENDMENT I - GRANT #U-2-NA:**

Councilman Spotted Bear moved for approval to compensate Game and Fish staff @one-half of budgeted salary immediately, and to compensate the other one-half budgeted salary June, 2007 which is completion of the grants objectives. Councilman Whitecalfe seconded the motion.

DISCUSSION: Todd Hall @ -20,000 Jaret Wirtz @- \$20,000 - Charles Wilkinson @-\$7,500; Harlan Dean @- \$7,500 - and Connie Price @ \$7,500. Tom Sage will work with the grant on the second phase and also will be compensated at \$3,250 in June 2007. The total budget \$62,500, and to cover Tom Sage salary will come from the *administrative costs* line item.

VOTE: 7 Ayes. Motion carried.

**55. JODY JOHNSON COMPLAINT -TIME FRAME OF ISSUING WARRANTS:**

Councilman Hale moved for approval to assign the Tribe's Legal Counsel to work with the Judicial Committee in terms of amending the Prosecutor reporting time frame to decide when a warrant on evidence provided will be issued; finally for Criminal Investigator, Jack Craig to give a complete report to the Tribal Business Council. Councilman Wells seconded the motion.

VOTE: 7 Ayes. Motion carried.

**56. PEGGY DESJARLAIT DAYCARE COMPLAINT:**

This item will be removed from the agenda. Social Services Department is asking for closure on this item as Ms. Desjarlait was not in compliance with the regulations of the daycare.

**57. RESOLUTION NO. 06-92-NH; SOUTH SEGMENT ESTABLISHMENT OF ELDER SERVICES AT THE LOCAL LEVEL:**

Councilman Spotted Bear moved for approval to permit the South Segment to establish Elders Services at the local level, with the Treasurer to work with the Chief Finance



Officer to determine a formula for distribution of funding, possibly by per headcount.  
 Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes. Motion carried.

**CERTIFICATION**

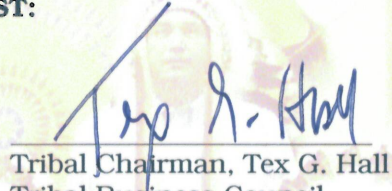
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 6 were present at the Regular Meeting thereof duly called, noticed, convened and held on the 18 day of July 2006; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 5 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman [  ] Voting. [  ] Not voting.

Dated this 18 day of July, 2006.

**ATTEST:**

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

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

