

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer the funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes of the Tribes; and
- WHEREAS,** Via Resolution No. 77-122, the Tribal Business Council formally approved the Declaration of Policies and Plan of Operation for Tribal Wake and Burial Fund ("Wake Fund Plan"), which document was most recently amended via Resolution #83-231-S; and
- WHEREAS,** The incumbent Tribal Business Council has been requested to clarify the intent of certain language currently set forth in Section IV A of the Wake Fund Plan relating to the eligibility of deceased persons for benefits under the Plan in the specific context of stillbirth; and
- WHEREAS,** The second sentence in Section IV A of the Wake Fund Plan currently provides, in relevant part, that
- “(i)n the event of **stillbirth** ..., the deceased **person** shall be eligible for a grant from these funds provided that he or she would otherwise be eligible for enrollment as a member of the Three Affiliated Tribes” (emphasis supplied)
- ; and
- WHEREAS,** The Tribal Business Council has determined that the intent inherent in the language set forth above is that the term “stillbirth” is to be qualified by the term “person” in the sense that, at some point in time during the course of pregnancy, the fetus becomes legally regarded as a “person” with a separate existence of its own; and

WHEREAS, Since the enactment of the Wake Fund Plan, the respective offices administering the Plan have implemented this intent as a matter of practice and administrative policy; however, it is the considered judgment of the Tribal Business Council that, in the interest of clarity and conclusiveness, Section IV A of the Wake Fund Plan should be amended at this time, so as it clearly and formally express the legislative intent in the body of the Wake Fund Plan itself;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby amends the second sentence of Section IV A of the Declaration of Policies and Plan of Operation for Tribal Wake and Burial Fund (as amended by Resolution #83-231-S) to read as follows:

“In the event of stillbirth occurring no sooner than the twentieth (20th) week of gestation or of other death prior to enrollment, the deceased person shall be eligible for a grant from these funds provided that he or she would otherwise be eligible for enrollment as a member of the Three Affiliated Tribes.”

BE IT FURTHER RESOLVED, That the amendment approved herein shall become effective immediately and shall be applied prospectively only.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, _____ were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of _____ members, _____ members opposed, _____ members abstained, _____ not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this _____ day of _____, 1999.

Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

**DECLARATION OF POLICIES AND PLAN OF OPERATION
TRIBAL WAKE AND BURIAL FUND
(1999)**

I. DEFINITIONS:

Wherever the following terms are used herein, they will have the meanings indicated:

- (A) "TRIBE" means the Three Affiliated Tribes of the Fort Berthold Reservation.
- (B) "TRIBAL BUSINESS COUNCIL" means the governing body of the Tribe consisting of seven members of the Tribe elected in accordance with Article IV of the Tribe's Constitution approved April 24, 1937, and subsequent amendments thereto.
- (C) "COMMITTEE" means the committee appointed in accordance with a resolution by the Tribal Business Council.
- (D) "DECLARATION" means this declaration of policies and plan of operation.
- (E) "JUDGMENT FUNDS" means funds derived from Judgment awards of Docket 350-F and Docket 350-G.

II. PURPOSE: To establish a fund to assist in defraying wake and burial expenses for enrolled members of the Three Affiliated Tribes and for those deceased non-enrolled persons who would otherwise be eligible for enrollment at the time of their death. The Bureau of Indian Affairs shall not consider these funds as

available resources when determining eligibility or extent of eligibility under the Bureau burial assistance program.

III. OPERATING PROCEDURES: Upon the approval of the plan for distribution of judgment funds in Docket 350-F, \$200,000 shall be set aside and identified as the "wake and burial fund."

- (A) These funds shall be invested at the highest rate of interest on an annual basis.
- (B) Only the interest funds shall be used as a grant for wake or burial expenses. The estimated number of deaths and the total amount of interest funds available from both Docket 350-F and Docket 350-G shall determine the amount of the individual grant. These funds shall be placed in a special account maintained by the Three Affiliated Tribes and shall be disbursed only upon the presentation of a voucher properly executed.
- (C) To begin this program, \$13,000 of interest earned under the category identified as "Reservation Programs 7%" Docket 350-F shall be programmed.

IV. APPLICATION PROCEDURES:

- (A) Eligibility: All enrolled members upon death shall be eligible for a grant from these funds to help defray wake or burial expenses. In the event of stillbirth occurring no sooner than the twentieth (20th) week of gestation or of other death prior to enrollment, the deceased person shall be eligible for a grant from these funds provided that he or she would otherwise be

eligible for enrollment as a member of the Three Affiliated Tribes.

(B) The application for a grant may be submitted by next of kin within 180 days after the date of death of the eligible person.

1. Documentary proof: A copy of the certified death certificate or statement from attending physician.

2. Next of kin: Next of kin means father, mother, brother, sister, husband, wife, daughter, son, aunt, uncle or legal guardian who has custody of the body of the deceased (marriage must be verified).

(C) Method of Payment: Payment for wake expenses shall be made directly to next of kin. Payment for burial expenses shall be made directly to the funeral home involved if the next of kin so directs.

V. RECORDS AND REPORTS:

(A) All records and receipts shall be placed and retained in a file maintained on the deceased. Documents that shall be maintained are: copy of application, documentary proof of death, voucher for payment and other related documents.

(B) There shall be published to the public annually a financial report listing all expenditures and receipts.

VI. DECLARATION OF RESPONSIBILITY FOR PROGRAM OPERATION: This program shall be operated in accordance with the above-stated plan of operation by the Credit Committee of the Three Affiliated Tribes. It shall be the Committee's responsibility to budget funds, disburse funds and to publish a financial statement annually. The Committee shall have the authority to designate members of the Committee or other members of the Tribal Business Council or employees of the Tribe who shall be authorized to approve wake and burial grants and sign vouchers. No funds shall be expended that have not been included in the annual budget. The annual budget must be approved by the Tribal Business Council by resolution.

TRIBAL BUSINESS COUNCIL MEETING NO. 12

SPECIAL MEETING

DATE: AUGUST 6, 1999 TIME: 2:40 PM

01. Call Meeting to Order and Opening Prayer

The Special meeting of August 6, 1999 was called to order by Chairman Tex Hall, at 2:40 PM in the Tribal Council Chambers. A moment of silent prayer was held.

02. Roll Call

Members present for roll call were Chairman Tex Hall, Vice-Chairman Mark Fox, Treasurer Marcus Wells, Councilman Austin Gillette, Councilman Thomas Bird Bear, and Councilman Pete Hale.

Member absent for roll call was Secretary Daylon Spotted Bear.

Recording Secretary Marlien Gillette

03. Announcements

Tribal Business Council members reviewed and shared their itineraries and scheduled meetings.

Upcoming meetings include:

- August 6, 1999: Gaming Compact Public Hearings at 4 Bears Community Center
- August 9, 1999: Segment's comments due at Chairman Hall's office regarding the proposed changes to the Indian Health Care Improvement Act under reauthorization legislation.
- August 10, 1999: Aberdeen Area Tribal Chairmen's meeting with Indian Health Service Officials and Tribal Representatives to formulate comments to the National 437 Steering Committee regarding the Indian Health Care Improvement Act.
- August 12-15, 1999: Little Shell Celebration
- August 12, 1999: Water Treatment Plant Grand Opening at Four Bears Community Center at 10:00 AM.
- August 12, 1999: Special Tribal Business Council Meeting at Tribal Chambers
- August 16, 1999: Trust Accounting Management Systems for Trust Funds Mgmt.
- August 18, 1999: Open Health Care Forum at New Town Civic Center
- August 19, 1999: Regular Tribal Business Council Meeting at Tribal Chambers
- August 20, 1999: Open Forum regarding American Indian Farmers & Ranchers
- August 24, 1999: BLM Land Exchange Meeting at Dickinson
- August 31, 1999: Health Care Meeting at Rapid City, SD
- June 17, 1999: CERT Meeting with ITMA, Milwaukee, WI.

June 19, 1999: Native American Bank Meeting
 June 21, 1999: JTAC/TBC Working Session, 4 Bears A-Frame
 June 22, 1999: Twin Buttes Manufacturing Meeting at Twin Buttes
 June 24, 1999: Little Missouri Grasslands Meeting
 June 23, 1999: Testify before Senate Select Committee on BIA Trust Funds.
 June 30, 1999: Testify before Senate Select Committee on Gaming Regulations.

Tribal Business Council Committee Meeting Schedules:

Natural Resources Committee: Tuesdays at 10:00 AM
 Chairman Austin Gillette
 Member Daylon Spotted Bear
 Member Marcus Wells, Jr.

Health & Human Resource Committee: 1st Thursday at 10:00 AM
(Employment)
 Chairman Marcus Wells, Jr.
 Member James Pete Hale
 Member Thomas Bird Bear

Executive Committee: Mondays as needed at 10:00 AM
(Gaming/Credit)
 Chairman Tex Hall
 Vice Chairman Mark Fox
 Treasurer Marcus Wells
 Secretary Daylon Spotted Bear

Education Committee: 3rd Thursday at 1:00 PM
 Chairman Thomas Bird Bear
 Member Marcus Wells, Jr.
 Member James Pete Hale

Judicial Committee: Fridays at 1:00 PM
 Chairman Mark Fox
 Member Daylon Spotted Bear
 Member Austin Gillette

04. Approval of Agenda

Motion by Tom Bird Bear to approve the agenda after changes in order of business, deletions, and additions.

Second by Mark Fox

Vote: 6 in favor

Motion Carried.

05. Community First Investment Presentation: Betty Kolling, Greg Salmen, and Ann Locan

Representatives from Community First Bank of Dickinson presented to the Tribal Business Council various investment options. Based on the Tribe's needs, the banking institution facilitates in the development of an investment plan determining how much will be invested in stocks and/or bonds at a certain percentage rate over a certain period of time, and how much the Tribe will receive on the investment, and how much the Tribe will expended over a period of time in accordance with an expenditure plan, and how much will be reinvested. Community First Bank representatives offered to provide actual portfolios, with names removed, and other investor's records to further assist in future decision-making processes. A sliding fee scheduled will also be provided.

The Tribal Business Council discussed the Trust Fund Reform Act of 1994 that limits the investment of funds in foreign stocks and the Prudent Investors Act that does not necessarily offer a solid guarantee. The Council discussed the need to review other investment proposals from other institutions that offer packages such as community development packages in communities. The Council will continue to research investment options and re-addressed the investment issues at a future meeting.

06. Consideration and Approval for Amended Gaming Compact.

Public Hearings were held throughout the State with State groups and North Dakota Tribes regarding renegotiations of the Gaming Compact. The public hearing with the Three Affiliated Tribes was held today, August 6, 1999 at the 4 Bears Community Center at 10:00 AM. The Tribal Business Council will defer the passage of a Gaming Compact Resolution until a final meeting is scheduled with the Governor so he may respond to all comments made at the public hearings.

07. General Manager Position – 4 Bears Casino & Lodge

The Tribal Business Council discussed the need to further develop a performance schedule for the position of the General Manager position at the 4 Bears Casino in an effort to assure that profits are efficiently maintained.

Motion by Tom Bird Bear to direct Fred Baker, Programs Manager and Florence Brady, Personnel Director, to develop a performance schedule where \$65,000 of the General Manager's salary will be based on performance and the other half will be based on a sliding scale in relation to profits. The salary range for the General Manager of the Casino is from \$100,000 to \$130,000 per year.

Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

07. TAT Web Site – Mitch Cook

Mitch Cook and Delvin Rabbithead presented to the Tribal Business Council a proposal to develop a Tribal Web Site that would divert public internet traffic and deal only with internal information relating the Three Affiliated Tribes. The system will also offer the option to sell space to tribal entities. Grant money is available to supplement the cost of the system.

Motion by Austin Gillette to approve the proposed Three Affiliated Tribes Web Site for six months at a rate of \$464.72 payable to Matrixcubed.net and NIC-Network Solutions.
Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

08. Commodity Warehouse New Site Request

Joe Henry, Commodity Program Director, presented a resolution to the Tribal Business Council for a new proposed site for the Food Distribution Warehouse.

Motion by Tom Bird Bear to pass the resolution authorizing the new proposed site on Lots 1,2, & 3, which is a rearrangement of Block 2, and titled Highland Village Subdivision to be the new proposed Food Distribution Warehouse site.

Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

Resolution No. 99-150-DSB

Joe Henry presented to the Council a resolution for funding through USDA Rural Development for a guaranteed facility loan and/or grant in the amount of \$500,000.

Motion by Marcus Wells to pass the resolution to approve the application to the USDA Rural Development for a guaranteed community facility loan and/or grant for the Food Distribution Warehouse.

Second by Pete Hale.

Discussion: The Council discussed the McLean Electric situation in which the company was supposed to have committed \$300,000 in grant funds to the Tribe for the Food Distribution Warehouse. Pat Wilkinson and Al Nygard will be assigned to work with Joe Henry to draft a letter to McLean Electric for Chairman Hall's signature regarding the status of the \$300,000 grant.

Vote: 6 in favor.

Motion Carried.

Resolution No. 99-151-DSB (A)

09. Legal Department**a. Award of Contracts for Luther Grinnell and Elmer Fredericks Roads Construction Projects.**

Kip Quale, Tribal Legal Department, presented to the Tribal Business Council the three bids received in response to the request for bids on the Luther Grinnell road on BIA Route #13 and the Elmer Fredericks road on BIA Route #15.

Motion by Pete Hale to accept the low bids submitted by Black Feather Construction for construction of the Luther Grinnell road on BIA Route # 13 in the amount of \$40,500.00 and for the construction of the Elmer Fredericks road on BIA Route #15 in the amount of \$5,500.00.

Second by Tom Bird Bear.

Discussion: Mr. Luther Grinnell stated that he needs three cattle guards and neighbor wants to build a stock dam near the road. The Council informed Mr. Grinnell that he will have to work this issue out with a contractor and Mr. Grinnell should also discuss the issue with Ted Danks regarding applicability of FEMA funds to meet his and his neighbors needs. The Council will also request a financial report from Ted Danks regarding the balance of FEMA funds. Councilman Austin Gillette suggested that FEMA funds be allocated for the completion of the Matt Mason and Paul Driver roads since these roads had no been adequately funded in the past.

Vote: 4 in favor, 1 abstained, 1 absent.

Motion Carried.

b. Amendment to Declaration of Policies and Plan of Operation for Tribal Wake and Burial Fund.

Motion by Mark Fox to pass a resolution to amend the second sentence in Section IV A of the Wake Fund Plan that establishes stillbirth to be declared at the 20th week of gestation to be eligible for Wake Funds provided that he or she would otherwise be eligible for enrollment as a member of the Three Affiliated Tribes.

Second by Marcus Wells.

Discussion: Councilman Mark Fox stated the Council granted \$500.00 to those stillborn less than 20 weeks for serious medical loss of life or limb.

Vote: 6 in favor.

Motion Carried.

Resolution 99-159-DSB

c. Request for Approval of Agreement for Engineering Services

Motion by Mark Fox to approve the Agreement for Engineering Services between the Three Affiliated Tribes and Kadrmas, Lee & Jackson, PC, Consulting Engineers and Surveyors.

Second by Pete Hale.

Vote: 5 in favor, 1 absent.

Motion Carried.

d. Bob Young Bird – Retain as Inspector

Motion by Mark Fox to temporarily retain Bob Young Bird as Inspector for the Fire Station Projects at a rate of \$500.00 per week plus mileage, subject to final review.

Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

10. Ed Fox – Financial Request

Motion by Tom Bird Bear to pass a resolution to approve a loan to Ed Fox in the amount of \$2,000 at 8.75% to be repaid through a wage deduction of \$75.00 per pay period and to be secured with the title of his vehicle.

Second by Pete Hale.

Vote: 2 in favor, 3 opposed, 1 abstained.

Motion Failed.

Motion by Pete Hale to pass a resolution to approve a loan to Ed Fox in the amount of \$1,000 at 8.75% to be repaid through a wage deduction of \$75.00 per pay period and to be secured with the title of his vehicle.

Second by Mark Fox.

Vote: 6 in favor.

Motion Carried.

Resolution No. 99-154-DSB

11. Adjournment

Motion by Pete Hale to adjourn the Special Tribal Business Council meeting at 6:30 PM, August 6, 1999.

Second by Tom Bird Bear.

Vote: 6 in favor.

Motion Carried.

CERTIFICATION OF MINUTES

I, the undersigned, as Executive Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members, of whom five (5) members constitute a quorum. _____ Members were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 1999 whereupon the foregoing minutes were presented for approval by the Three Affiliated Tribes Recording Secretary.

Said minutes were duly approved by the affirmative vote of _____ members, and have not been amended in any way, except as noted by council when approved.

Dated this _____ day of _____, 1999.

Daylon Spotted Bear, Executive Secretary
Tribal Business Council, Three Affiliated Tribes

ATTEST:

Tex Hall, Chairman
Tribal Business Council, Three Affiliated Tribes