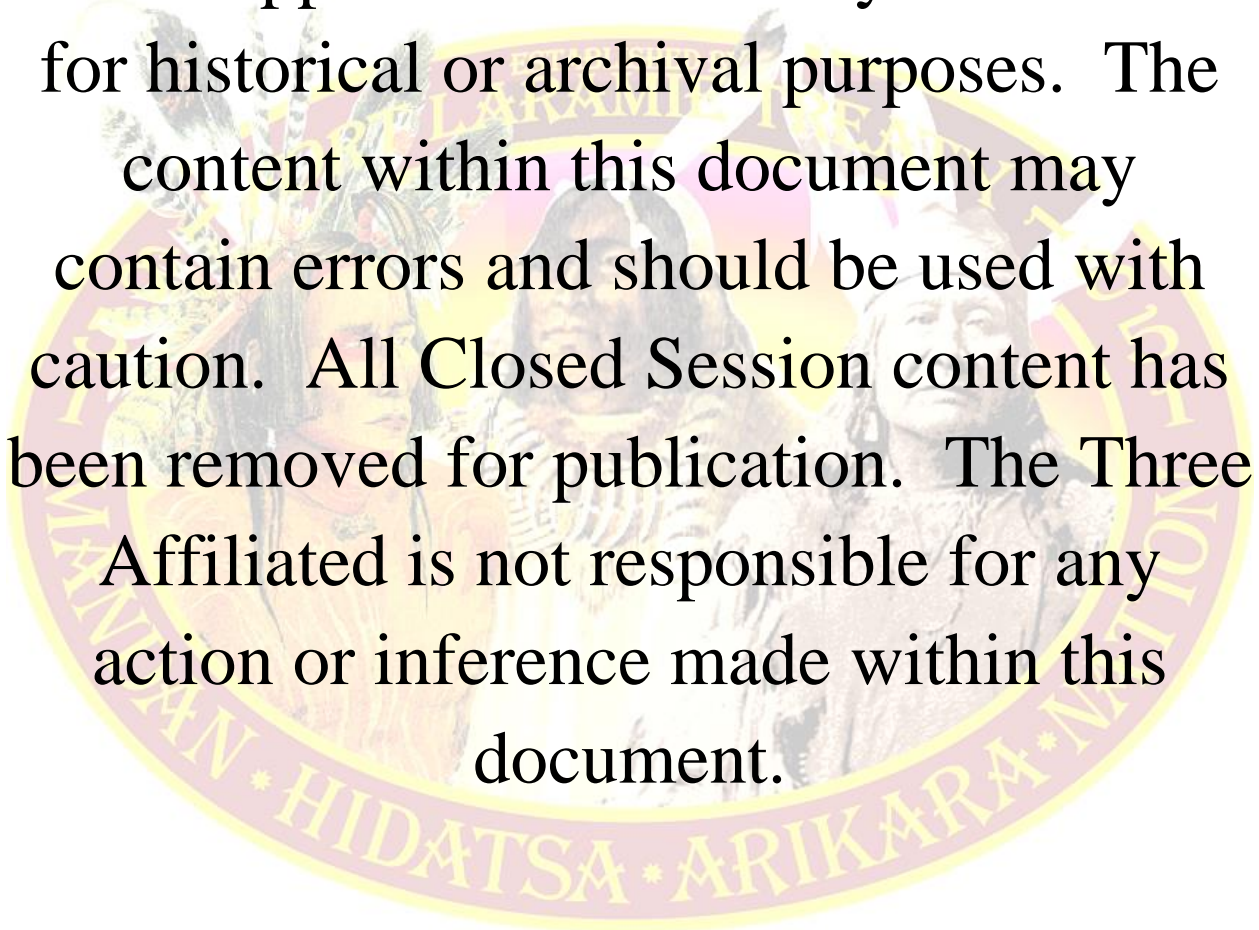


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Dayton
Legal Review

3/11/99

**TRIBAL BUSINESS COUNCIL MINUTES
REGULAR MEETING
DECEMBER 10, 1998**

Chairman Hall reconvenes the Organizational Meeting of November 6, 1998. The meeting is called to order at 3:55 p.m. A sign-in sheet is utilized for the people attending the meeting.

ROLL CALL: Roll Call was taken by Executive Secretary James "Pete" Hale. Tribal Business Council members by roll call: Marcus Wells, Jr., Four Bears; Thomas Bird Bear, North Segment; Tex G. Hall, Chairman; and Pete Hale, Mandaree.

* Note for the record: Tribal Business Council members absent are Austin Gillette, White Shield; Mark Fox, Parshall/Lucky Mound; Daylon Spotted Bear, Twin Buttes.

REMARKS BY CHAIRMAN HALL: Chairman Hall reiterates to the Tribal Business Council members and the public that they are reconvening the meeting of November 6, 1998, which was never adjourned. After Pete Hale was appointed to the position of West Segment Representative, three Councilmen walked out of the meeting. Four (4) members were left and we continued to conduct business, just as we will do today.

The Constitution clearly states that the new Council *must* elect new officers. The second order of business the Council did, after the three Councilmen walked of the meeting, was to select Tom Bird Bear as Treasurer, Marcus Wells, Jr. as Vice-Chairman and Pete Hale as Executive Secretary.

Today, as our Constitution clearly states, the Tribal Business Council is required to conduct business on the second Thursday of each month. It is disappointing not to see the other Councilmen here. It was the judge's decision to give us a temporary order to conduct business, recognize the appointment of Pete Hale, and the new officers, so our tribe could move forward.

On November 20, 1998, Eloise Ogden of the Minot Daily News asked Councilmen Austin Gillette what he would do, and he stated he would stand by the judge's decision. But, today it did not happen. Nevertheless, the four (4) Executive officers are here today and we will conduct business under that order.

AUDIT UPDATE: We have been doing a general review of the finances, have brought two auditors in to conduct the audit, and a report will be forthcoming shortly. We are trying to find out if the money was spent according to resolutions, according to JTAC, and according to tribal law. I stated when I ran for office that I would have a report for you, the people, within 90 days. We have been in office a little over 30 days.

OPENING PRAYER. Chairman Hall asks Judy Young Bear to call upon an

elder to say the opening prayer. Judy calls upon Mary High Elk, her clan sister, to say a prayer in Hidatsa.

ANNOUNCEMENTS: Community Updates from each Councilmen.

APPROVAL OF MINUTES: Approval of minutes from November 6, 1998 meeting. Motion to approve by Pete Hale, second by Tom Bird Bear. Discussion. Vote: Unanimous. Motion Carried.

ITEM 4.

FOUR BEARS SEGMENT RESOLUTION: Election held on November 30, 1998 for available Board positions. The successful candidates and their positions are:

Arthur T. Mandan - Gaming Enterprise Board
V. Judy Brugh - Fort Berthold Housing Authority
Harry Sitting Bear - TERO Commission
Clyde Baker - Fort Berthold Community College
Matt Foolish Bear - Fort Berthold Development Corporation
Charles Blake, Jr. - KMHA Board
Roy Bird Bear - Gaming Commission

Motion to approve by Marcus Wells, Jr., second by Pete Hale. Discussion: none. Vote: Unanimous. Motion Carried.

ITEM 5.

CHIEF JUDGE RESOLUTION: addressed at Executive Meeting.

ITEM 6.

SENIOR CITIZENS CHRISTMAS DISBURSEMENT RESOLUTION: Motion for approval by Tom Bird Bear, second by Pete Hale. Discussion: Casino funds and Docket funds will be used to give a Christmas bonus to approximately 520 tribal senior citizens. Vote: Unanimous. Motion Carried.

ITEM 7.

ANTELOPE SOCIETY GRANT RESOLUTION: Martha Baker presented a financial request for the Antelope Society's Mid-Winter Pow-Wow and Tail Feather Ceremony to be held December 31 and January 1. Motion to approve by Tom Bird Bear with an amendment to change the amount from \$4,000 to \$7,000. Second by Marcus Wells, Jr. Discussion: Antelope Society has brought a full funding request with budget and resolution. Vote: Unanimous. Motion Carried.

ITEM 8.

AGENDA ADDITIONS AND APPROVAL OF AGENDA: Mandaree Electronics Corporation, Transition Team, and JFK Construction. Motion to approve by Pete Hale, second by Marcus Wells, Jr. Discussion: none. Vote: Unanimous. Motion Carried.

ITEM 9.

- A. INDIAN WATER RIGHTS RESOLUTION**
- B. FOUR BEARS CASINO AND LODGE LIQUOR LICENSE RENEWAL**
- C. FORT BERTHOLD DEVELOPMENT CORPORATION RESOLUTION**

A. (Packet handed out). Tribal Attorney Christopher Kip Quale informed the Tribal Business Council on the Indian Water Rights meeting held December 7, 1998 at United Tribes Technical College with other tribes from North Dakota. Three Affiliated Tribes opposes the bill as it is contrary to our interests. North Dakota State Water Commission is meeting today and David Spryncynatyk is recommending not to submit the bill to the Legislature.

Discussion: Chairman Hall states there are 40 thousand acres of "excess property", as it is called by the State. We need to move on the return of lake shore to the Tribe. Marcus Wells, Jr. makes a motion to adopt the Resolution opposing the State Water Draft Bill, second by Pete Hale. Discussion: none. Vote: Unanimous. Motion Carried.

B. Renewal of Liquor License for Four Bears Casino and Lodge. The licensee will be the Fort Berthold Development Corporation. The term of the license is from January 1, 1999 to December 31, 1999 and we need this license to secure the state license which is also up for renewal. The state fee is \$100.

Discussion: No other entity other than the Fort Berthold Development Corporation as the licensee? Other options available include having the Casino being incorporated. Legal Department will be meeting with the Attorney General's office to discuss other options. Motion by Marcus Wells, Jr. to approve, second by Pete Hale. Discussion: none. Vote: Unanimous. Motion Carried.

C. Fort Berthold Development Corporation Business License. The \$50 fee has been paid. Request by Councilman Tom Bird Bear to defer.

*** Request by Chairman to add to the agenda four city lots in New Town; request by Marcus Wells, Jr. to add Lyda Foote and Arlie Knight to the agenda under Item 20 d and e, respectively. Motion by Marcus Wells, Jr. to approve, second by Pete Hale. Discussion: none. Vote: Unanimous. Motion Carried.**

D. Four city lots in the city of New Town are available on bids. Bids need to be submitted by December 14, 1998. The lots were owned by tribal members. Attorney Christopher Kip Quale suggests that the Tribe submit bids in excess of \$10 of taxes due. Constitution would prevent re-sale of lots. Motion approved by Marcus Wells, Jr., second by Pete Hale. Discussion: Natural Resources Department would need to develop a policy for the management of the lots if the Tribe is the successful bidder. Motion is amended by Marcus Wells, Jr., second by Pete Hale. Discussion: Mr. Quale confirms that the Tribe is to submit a bid in excess of \$10 of taxes due. Vote: Unanimous. Motion Carried.

ITEM 10.

- A. PARSHALL PEOPLE'S COMMITTEE
- B. WHITE SHIELD COMMUNITY GROUP

A. Doris Packineau/Parshall People's Committee (handout). This group was formed due to lack of representation by Councilman Mark Fox. The group assists with emergency medical requests, education requests, senior citizen requests, etc. They would like to have recognition of the Parshall Peoples Committee under the by-laws of the Northeast Segment to start doing things with the youth, educational groups, etc. This would allow them to come to the Tribe to request funds.

* Phyllis Cross commended Doris for the job she is doing. She is doing excellent public relations within the community.

* Glenda Embry commented on the Community Board and membership voting. According to a resolution currently in place, non-Indians and non-members are allowed to vote.

There has been no membership drive, but at present they have about 60 members.

It is deferred and Doris is asked to meet with Attorney Kip Quale.

B. Dennis Yellow Bird/White Shield Community (handout). This group was formed due to no representation from the White Shield councilman. He is requesting recognition of the White Shield group. They have about 30 active members. It is deferred and Chairman Hall asks Dennis to meet with Attorney Kip Quale to get a legal opinion and present it at the next meeting.

ITEM 11.

NEW APPOINTMENTS - deferred.

ITEM 12.

TWIN BUTTES MANUFACTURING

Terrance Fredericks and Gary Otterstad would like to pursue economic development on Fort Berthold with a modular housing manufacturing plant in Twin Buttes. It would employ 45-75 people at \$10.50 per hour. This plant would provide cheaper housing to Native Americans with quality materials, including Senior Citizen Housing.

Status report by Terrance Fredericks: \$187,000 was used for surveying of land, 40 acres of tribal land, environmental assessment and archaeological assessment, and the feasibility study. Twin Buttes Manufacturing needs to have support of the Council in the amount of \$4.2 million. This includes a \$300,000 inventory.

Discussion: Terrance Fredericks indicated that Councilman Daylon Spotted Bear said he supported the project, but they have found out he does not fully support it. Twin Buttes has a lack of Councilman representation. They need to move forward. he reads a letter of support from Terrance Red Fox, Executive Director of Fort Berthold Housing Authority stating the need for 1,031 units on Fort Berthold.

Straw vote taken: CHAIRMAN HALL: support. He would like to see an advisory board in place, farm out work to other communities, a business plan for review, and a financial plan. COUNCILMAN PETE HALE: support. he likes the idea of farming out jobs to other communities. COUNCILMAN TOM BIRD BEAR: support continues. COUNCILMAN MARCUS WELLS, JR.: support. He states employment and jobs are definitely needed and need to have Twin Buttes councilman representation.

Request by Council to defer until January 14, 1999, which is the next scheduled Regular Meeting of the Tribal Business Council.

ITEM 13.

CLOSED SESSION.

ITEM 14.

DALE LITTLE SOLDIER/PROPOSED LAKE SAKAKAWEA CASINO DEVELOPMENT RESOLUTION. Councilman Pete Hale and Marcus Wells, Jr. ask for a deferment to review the material. Dale is asked to have the necessary items i.e. Mr. Disselhorst's legal opinion, summarization of the project, payment schedule, gaming board review, terms and conditions of loan, and to buy or lease equipment. He is also requested to notify Councilman Daylon Spotted Bear for the meeting on January 14, 1999.

ITEM 15.

HEADSTART BUDGET RESOLUTION. Ella James and Teresa Mossett submit a request for the Tribal Business Council to approve the 1999 Interim Contract for Headstart with a budget of \$968,840. Motion to approve by Marcus Wells, Jr., second by Pete Hale. Discussion: Request by Marcus Wells, Jr. to have Dennis Burr, Chief of Staff, send a letter of appreciation to C.A. Wolf Eyes as she has resigned as the Director of Headstart. Vote: Unanimous. Motion Carried.

ITEM 16.

FISH AND GAME RESOLUTION. Todd Hall presented a resolution for the formation of North Central Great Plains InterTribal Fish and Wildlife Commission with tribes from North Dakota, South Dakota and Nebraska. Goals of the Commission include: to address fish and wildlife program needs; support funding efforts through local, congressional, and private donations and grants; to promote education and training for biologists, managers, technicians, and conservation officers; to promote youth education with traditional values as related to conservation; to foster communication and cooperation with tribal, federal, and state wildlife agencies; to assist the tribes to meet and maintain minimum law enforcement standards; and to coordinate legal consultation addressing jurisdictional treaty issues related to fish and wildlife conservation. Marcus Wells, Jr. asks to see the organizational documents and asks for a deferment. Todd is asked to bring the documents to the next Special meeting.

ITEM 17.

HEALTHY START/HOLLY D. FOX (handouts). Holly D. Fox submits a request to reinstate the former Healthy Start staff of Holly D. Fox, Alvina Wells, Janel Canyon, and John Fevold through a resolution she has prepared. Dennis Burr, Chief of Staff, will find out what the reasons were for the decision for re-alignment, hiring of the current staff of 2 case managers, budget, and to contact Mr. Hearnsey of Aberdeen Area Office. Discussion: Marcus Wells, Jr. said to research the November or December 1994 Minutes on Felicia Felix. The Council deferred until a Special meeting or the Regular meeting on January 14, 1999.

ITEM 18.

WEST SEGMENT EQUIPMENT LEASE RESOLUTION. Councilman Pete Hale introduces a resolution for West Segment to lease a 1994 John Deere blade from RDO. Motion by Tom Bird Bear to approve, second by Pete Hale. Discussion: It is within the budget of the Roads Department. The payments are \$5,000 per month for 15 months. It is a lease/purchase agreement. Marcus Wells, Jr. stated that Virgil Eagle, Roads Department Director needs more than just a blade for his emergency plan. Chairman Hall states that Virgil Eagle should submit his documentation for the Special meeting.

**Need to amend certification on the presented resolution. Vote: Unanimous.
Motion Carried.**

ITEM 19.

**FINANCIAL REQUESTS: ST. ANTHONY'S CATHOLIC CHURCH AND
RAMONA FOOLISH BEAR.**

A. Financial request (letter) from Lindsey Fox, member of St. Anthony's Catholic Church, for their Christmas Dinner and party. Their Committee has raised \$715. She is asking the Tribal Business Council for matching funds of \$715 or to donate what they can. Discussion: Tribal Business Council can approve \$500 without a resolution; otherwise, the \$715 will need a resolution. Motion made by Councilman Pete Hale to approve \$500, second by Marcus Wells, Jr. Discussion: none. Vote: Unanimous. Motion Carried.

B. Financial request of \$3,000 by Ramona Foolish Bear (letter) for arrears she has accumulated. Ambrose Hosie, Credit Officer, needs to review her file and submit a status report for the next Special meeting. Ramona needs to work with Dennis Burr, Chief of Staff, to figure out the repayment terms and to also get a status sheet from Ambrose Hosie.

ITEM 20.

- A. MANDAREE ENTERPRISE CORPORATION (MEC);**
- B. JFK CONSTRUCTION;**
- C. TRANSITION TEAM;**
- D. LYDA FOOTE LAND SALE;**
- E. ARLIE KNIGHT;**
- F. 1999 DOCKET FUNDS**

A. Clarence O'Berry, Mandaree Enterprise Corporation CEO, (handouts) is requesting a transfer of money (\$1.1M) that has been authorized and appropriated by the Council and the Aberdeen office. MEC has been advanced \$185,000 for the start-up for Data Entry facility in White Shield. They have secured a Social Security contract and everything needs to be in place by January 4, 1999. Council requested that this be presented again at a Special meeting with the following stipulations:

- 1. Extending the Social Security contract for 30 days;**
- 2. View North Segment as a viable option for site development for this contract; and**
- 3. Budgeting possibilities of \$360,000 to cash flow.**

B. Frank White Calfe of JFK Construction is requesting second payment for putting in sludge ponds for MR&I. Inspection was done by Larry Wyman and Texx Lone Bear. October 1, 1998 was start-up date and October 30, 1998 was the date of completion. JFK bid on the project and was awarded the contract by MR&I for the dirt work. Texx Lone Bear stated that due to the Natural Resources Committee not holding meetings, Austin Gillette, Chairman of Natural Resources Committee was able to sign the contract. The total contract was \$38, 515. JFK received \$19,000 for the first payment. Due to the fact that the Tribal Business Council did not approve the contract and a resolution is not in place approving this contract, a business loan will have to be drawn up to pay the second installment. Frank White Calfe stated he is in agreement with this arrangement as he has creditors that need to be paid. Attorney Kip Quale (handouts) stated the contract between TAT and JFK needs to be ratified. Kip will draft a resolution and Ambrose Hosie will develop the loan documents. Motion to approve the loan with a 10% retainage by Marcus Wells, Jr.; second by Pete Hale. Discussion: How is this loan going to work? \$12,905 with no interest. Vote: Unanimous. Motion Carried.

C. Transition Team: completed.

D. Lyda Foote land sale to the Tribe (handout). She was quoted a desk appraisal of \$33,000, but the Bureau of Indian Affairs (BIA) implemented a new computer system and the price went down to \$28,000. An independent appraisal was done by Bradley Haugen who was recommended by BIA. The appraisal price is now \$40,000. She received \$28,020 and is now requesting \$11,980, which is the difference. The payment will require full council action. Chairman Hall suggests that Tribal Attorney Tom Disselhorst, Lyda, Realty Officer from BIA and Adeline Brunsell sit down and resolve this. Dennis Burr, Chief of Staff, will follow up on this. Council also needs copies of the legal documents.

E. Arlie Knight request for financial assistance for \$1,100 to purchase a new furnace. (Handout with estimate for cost). Dennis Burr, Chief of Staff, states the FEMA dollars are designated for water heaters and furnaces. Motion to approve request with reimbursement through FEMA dollars by Marcus Wells, Jr.; second by Tom Bird Bear. Discussion: Dennis Burr will coordinate. Vote: Unanimous. Motion Carried. (Marcus Wells, Jr. will do the resolution).

***Not on agenda: Germaine Fox financial request of \$1,500 presented by Marcus Wells, Jr. A status sheet needs to be obtained from Ambrose Hosie to present at the next Special meeting.**

***Motion to add Docket G Funds Resolution to agenda by Tom Bird Bear; second by Marcus Wells, Jr. Discussion: none. Vote: Unanimous. Motion Carried.**

F. Docket G Funds Resolution. Motion to approve by Tom Bird Bear; second by Marcus Wells, Jr. Discussion: Pete Hale needs to change certification to four Executive members. Vote: Unanimous. Motion Carried.

Meeting recessed at 11:17 p.m.

Affirmatively approved by the undersigned Executives of the Tribal Business Council at which a quorum is present.

Member, Tribal Business Council

Member, Tribal Business Council

Member, Tribal Business Council

Member, Tribal Business Council

CERTIFICATION OF MINUTES

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 (seven) members of whom 5 (five) constitute a quorum, and that 4 members, constituting a majority of the Tribal Business Council, whose signatures appear above, approved the minutes of the Regular Meeting held on December 10, 1998, as presented by the Recording Secretary.

Dated this _____ day of _____, 1999.

Secretary, Tribal Business Council

ATTEST:

Chairman, Three Affiliated Tribes