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Three Affiliated Tribes
Tribal Business Council
Regular Meeting
February 11th & 12th, 1999

01. **CALL TO ORDER:**

Chairman Hall called the meeting to order at 11:55 a.m. and asked who are all present to say a silent prayer for all those who are ill and less fortunate.

02. **ROLL CALL:**

Members present: Councilman Fox, Councilman Spotted Bear, Councilman Gillette
Councilman Bird Bear, Councilman Hale, Councilman Wells, Chairman Hall.
A quorum was established with (7) members present. (0) absent.

03. **ANNOUNCEMENTS:**

- A. Casino Update
- B. TPA Task Force
- C. Trust Fund Issues

04. **APPROVAL OF AGENDA:**

Councilman Gillette made a motion to approve the agenda as amended. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

05. **RATIFICATION RES. # 98-001-PH:**

Councilman Wells made a motion to approve Res. # 99-001-PH, for the appointment of James P. Hale a qualified member from the Mandaree segment to serve the unexpired term of Tex G. Hall to represent the Mandaree segment until the election in the fall of 2000. Seconded by Councilman Bird Bear

VOTE: 4 Ayes, 2 Nays, 1 Abstentions, 0 Not Voting
Motion Carried

06. **RATIFICATION RES.#98-004-JPH/FOUR BEARS SEGMENT**

APPOINTMENTS:

Councilman _____, made a motion to approve Res. # 98-004-JPH which rescinds or replaces the former Administration 1994 to 1998 appointments for the Four Bears Segment. Seconded by Councilman _____.

VOTE: 6 Ayes, 0 Nays, 1 Abstentions, 3 Not Voting
Motion Carried.

07. **RATIFICATION RES. #98-005-JPH/ELDERLY ASSISTANCE PAYMENT:**

Councilman _____, made a motion to approve Res. # 98-005-JPH which authorizes an elderly assistance payment of \$ 500.00 to be made in December 1998 to each enrolled member who is 60 years of age before October 01, 1998. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

08. **RATIFICATION RES. # 98-006-JPH/ANTELOPE SOCIETY REQUEST:**

Councilman _____, made a motion to approve Res. # 98-06-JPH, which hereby supports the Cultural event and grants \$ 7,500 to the Antelope Society. Seconded by Councilman _____.

VOTE: 6 Ayes, 1 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

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09. **RATIFICATION RES. #98-008-JPH/CHIEF JUDGE, TERMINATION:**
Councilman _____, made a motion to approve Res. # 98-08-JPH, which hereby terminates Judge Vance Gillette from his employment as Chief Judge, and is hereby prohibited from entering the Tribal Court Chambers. Seconded by Councilman _____.

VOTE: 4 Ayes, 1 Nays, 2 Abstentions, 0 Not Voting
Motion Carried

10. **RATIFICATION RES. #98-009-JPH/APPOINTMENT OF CHIEF JUDGE:**
Councilman _____, made a motion to approve Res. # 98-09-JPH which hereby appoints Albert Jones as the New Chief Judge of the Fort Berthold District Court. Seconded by Councilman _____.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting
Motion Carried

11. **RATIFICATION RES. #98-010-JPH/POLITICAL APPOINTMENTS:**
Councilman _____, made a motion to approve Res. #98-10-JPH, which authorizes and directs the Tribal Chairman to appoint a new Sergeant at Arms and such other officers as were deemed necessary. Seconded by Councilman _____.

VOTE: 4 Ayes, 2 Nays, 1 Abstentions, 0 Not Voting
Motion Carried.

12. **RATIFICATION RES. #98-11-JPH/APPOINTMENT OF TREASURER ASSIST:**
Councilman _____, made a motion to approve Res. #98-11-JPH which authorizes the Tribal Treasurer, according to 96-242-Dsb, to appoint an Assistant to the Treasurer to fulfill the interstitial administrative duties, both procedural and substantive. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

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13. **RATIFICATION RES. #98-12-JPH/KENNEDY AND COE,LLC:**

Councilman _____, made a motion to approve Res. #98-12-DSB which authorize the Tribal Treasurer to enter into and retain an agreement upon his considered assessment for accounting services according to mutual authorized payment schedules with Kennedy and Coe, LLC. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

14. **RATIFICATION RES. #98-13-JPH/TRANSITION TEAM:**

Councilman _____, made a motion to approve Res. #98-13-JPH which appoints a Transition Team to provide for a orderly transition to the new Administration. The Transition Team is composed of the following: Marilyn Hudson, Dale McGrady, Marcus Wells, Sr., Roger Bird Bear, Jerry Nagel, and Virgil Wilkinson, the appointment will be effective for (90) days beginning November 23, 1998. Seconded by Councilman _____.

VOTE: 4 Ayes, 1 Nays, 2 Abstentions, 0 Not Voting
Motion Carried

15. **RATIFICATION RES. #98-14-JPH/HEADSTART GRANT APPLICATION, FY99:**

Councilman _____, made a motion to approve Res. #98-14-JPH, which hereby assures compliance with the U.S. Department of Health and Human Services, Administration for Children and Families, Head Start Bureau-American Indian Programs Public Law 97-35 regulations as part of the Interim Continuation Application request for FY 1999. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

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16. RATIFICATION RES. 98-015-B-JPH/FOOD CONTRIBUTION:

Councilman _____, made a motion to approve Res. #98-15-B-JPH, which authorizes the request for payment in the amount of \$1,962.10 to the Mandaree West Segment. Seconded by Councilman _____.

VOTE: 6 Ayes, 0 Nays, 1 Abstentions, 0 Not Voting
Motion Carried.

17. RATIFICATION RES. # 98-16-JPH/ARLIE KNIGHT REQUEST:

Councilman _____, made a motion to approve Res. #98-16-JPH, which authorizes and directs that a loan be made to Arlie Knight in the amount of (\$1,100), the proceeds of which are to be used for the purchase and installation of a new furnace in his home. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

18. RATIFICATION RES. #98-17-JPH/DOCKET FUNDS WITHDRAWEL:

Councilman _____, made a motion to approve Res. #98-17-JPH, which hereby approves the withdrawal for earnings for the Docket Funds for FY-99 Tribal operations. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

19. RATIFICATION RES. #98-18-JPH/ALL NATIONS BASKETBALL:

Councilman _____, made a motion to approve Res. #99-18-JPH, which contributes a (\$1,000) to help with the expenses of the All Nationals Boy's Basketball Classic. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.
Motion Carried.

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20. **RATIFICATION RES. #98-19-JPH/SMALL LOANS TRANSFER:**

Councilman _____, made a motion to approve Res. #99-19-JPH, a transfer in the amount of \$7000 from the Three Affiliated Tribes to the Three Affiliated Tribes Small Loan Program bank account held at Lakeside State Bank to process all loans of eligible applicants. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

21. **RATIFICATION RES. #98-020-JPH/PURCHASE OF LAND, FIGURE 4 RANCH:**

Councilman _____, made a motion to approve a Res. #98-020-JPH, which approves the purchase of 15,020 acres, (more or less), of land from the FIGURE 4 RANCH. With the final sale price to be determined on or before the closing date. Seconded by Councilman _____.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting
Motion Carried

22. **RATIFICATION RES. #98-021-JPH/MERLE BRUCE REQUEST:**

Councilman _____, made a motion to approve Res.#98-021-JPH, a financial request from Merle Bruce, to help defray cost for a Memorial Tournament for her late son, Bunny Bruce on December 31, 1998. Seconded by Councilman _____.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting
Motion Carried

23. **RATIFICATION RES. # 99-001-JPH/PROCUREMENT OF GMC TRUCK:**

Councilman _____, made a motion to approve Res. # 99-001-JPH, which authorizes the procurement of a 1995 GMC .75 ton Truck from Leo Cummings in the amount of \$15,785. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

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24. **RATIFICATION RES. #99-002-JPH/BUSINESS LOANS/UNITED TRIBES:**
Councilman _____, made a motion to approve Res. #99-002-JPH, which provides the Three Affiliated Tribes and the other member Tribes of United Tribes all are seeking to expand and diversify their economic base and provide meaningful employment to their members, and to allow their members to develop business enterprises that will assist Tribal members. The Three Affiliated Tribes believes that at least \$ 10 million should be made available under the direct loans and grants programs for individual Tribal members and Tribes. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

25. **RATIFICATION RES. #99-003-JPH/THE ECONOMIC AND DEVELOPMENT CREDIT OFFICE/LOCATION CHANGE:**
Councilman _____, made a motion to approve Res. # 99-003-JPH, Whereas the Three Affiliated Tribes along with the United Tribes of North Dakota believe that a Bismarck office for the economic development programs of the BIA should be established and staffed, located in United Tribes Technical College to provide less costly assistance to the Three Affiliated Tribes and the other North Dakota Tribes and their members. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

26. **RATIFICATION RES. #99-004-JPH/CASEY FREDERICKS APPOINTEE/FORT BERTHOLD HOUSING AUTHORITY:**
Councilman _____, made a motion to approve Res. #99-004-JPH where Tribal Chairman, Tex G. Hall, hereby appoints Casey Fredericks to serve as his designated appointee on the Board of Commissioners of the Fort Berthold Housing Authority. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

27. **RATIFICATION RES. #99-005-JPH/THOMAS BIRD BEAR APPOINTEE/FORT BERTHOLD HOUSING AUTHORITY:**

Councilman _____, made a motion to approve Res. #99-005-JPH, which hereby authorizes the Tribal Business Council to appoint Thomas Bird Bear to serve as the designated appointee on the Board of Commissioners of the Forth Berthold Housing Authority, for the North Segment Community. Seconded by Councilman _____.

VOTE: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

(Resolution withdrawn by Councilman Thomas Bird Bear)

28. **RATIFICATION RES. #99-006-JPH/SENIOR MEALS PROGRAM:**

Councilman _____, made a motion to approve Res. #99-006-JPH which hereby formally approves and affirms 55 the age of eligibility to the Seniors Meals Program. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

29. **RATIFICATION RES. #99-007-JPH/PETE FREDERICKS PAYMENT:**

Councilman _____, made a motion to approve Res. #99-007-JPH, a payment made to Pete Fredericks in the amount of (\$1,595.50) from the Tribe's blanket coverage insurance policy, which covers the cost of a claim by Mr. Pete Fredericks, for damages done to Mr. Fredericks's personal property. Seconded by Councilman _____.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Not Voting

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30. **RATIFICATION RES. #99-008-JPH/STRATEGIC MASTER PLAN:**
Councilman _____, made a motion to approve Res.#99-008-JPH, a development of a Strategic Master Plan for the purpose of creating employment opportunities for the Three Affiliated Tribes. Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

31. **RATIFICATION RES. #99-009-JPH/FIRST PRINCIPAL ROYALTY CORP.:**
Councilman _____, made a motion to approve Res. # 99-008-JPH, which hereby approves entry into the attached Political Subdivision Consulting Agreement with the First Royalty Corporation, a Wyoming Corporation a financial structure which advises arranges, manages, and oversees projects, and will support economic development of the Three Affiliated Tribes. The Three Affiliated Tribes of the Fort Berthold Reservation will make payment to the First Principal Royalty Corporation in the amount of (\$30,000). Seconded by Councilman _____.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions 0 Not Voting
Motion Carried

32. **RATIFICATION RES. #99-010-JPH/GOVERNMENT CAPITAL CORPORATION:**
Councilman _____, made a motion to approve Res. 99-010-JPH, where the Tribe reasonably expects that within the ensuing year the Tribe will issue taxable and or tax-exempt bonds (the Bonds) in order to finance all or a portion of the Project and The Tribe reasonably expects that prior to the issuance of the Bonds, the Tribe will make certain capital expenditures for or in connection with the Project with the expectations of reimbursing itself from proceeds of the Bonds. That is found, and determined and declared that the financing of the Project and the issuance and sale of taxable and or tax-exempt bonds will promote the health, welfare, safety, convenience, and prosperity of the Tribe. Seconded by Councilman _____.

VOTE: 4 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried.

(Resolution #99-010-JPH, TABLED)

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33. RATIFICATION RES. #99-011-JPH/BUFFALO HIDE PURCHASE:

Councilman _____, made a motion to approve Res. #99-011-JPH, a approval of a purchase from Ronald Brugh, a Tribal Enrolled Member, for a Buffalo hide complete with artwork and deer hide complete with artwork, both to show case in the Tribal Administration Building, in the amount of (\$4000). Seconded by Councilman _____.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Not Voting,
Motion Carried

RECESS: 3:30 p.m.

MEETING CALLED BACK TO ORDER AT 3:42 P.M.

**34. TRIBAL VEHICLE PURCHASE RES. #99-012-JPH:
(Res. #99-012-JPH, TABLED)**

35. RATIFICATION RES. #99-01-DSB/EXECUTIVE OFFICERS:

Councilman _____, made a motion to approve Res. #99-01-DSB, for the appointment of Council Representatives as officers of the Tribal Business Council as follows: Vice Chairman: Mark N. Fox, Secretary: Daylon Spotted Bear, Treasurer: Marcus Wells, Jr. Seconded by Councilman _____.

VOTE: 4 Ayes, 3 Nays, 0 Abstained, 0 Not Voting
Motion Carried.

36. JTAC COMMITTEE REQUEST/JTAC PLAN BOOKLET COPIES:

Councilman Gillette made a motion to approve a request from the JTAC Committee which consists of a request for (50) more copies of printed reports of the JTAC Five year plan, at the price of \$ 1,094. Seconded by Councilman Hale.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

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37. **GIRL SCOUTS, NELREEN YELLOW BIRD RES. # 99-02-DSB:**

Councilman Gillette made a motion to approve Res. # 99-02-DSB a financial grant request in the amount of \$5000 for the Northwest North Dakota Girl Scout Council Inc. for the purpose of sponsorship for VISTA members and Northwest ND Girl Scout Council members to increase community service. Seconded by Councilman Fox.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

Meeting recessed at 9:08 p.m.

Meeting reconvened at 1:45 p.m., 12-12-99

38. **TRIBAL ENROLLMENT, JOHN CHARGING RES. # 99-03-DSB:**

Councilman Fox made a motion to approve Res.# 99-03-DSB, where the Tribal Business Council officially approved the enrollment of (126) applicants. Seconded by Councilman Spotted Bear.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

39. **FBHA/RDA LOAN APPLICATION, RES. 99-04-DSB:**

Councilman Wells made a motion to approve Res. # 99-04-DSB a application for a \$1 million Rural Rental Housing Loan that will be used to construct a 48-unit rental project. The Tribal Business Council agrees to commit financially the amount of \$484,391 to this project and to cover any project overruns. Seconded by Councilman Gillette.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

40. **FBCC LANGUAGE GRANT APPLICATION, 99-05-DSB:**

Councilman Wells made a motion to approve Res. # 99-05-DSB, which authorizes the Fort Berthold Community College to submit a Language Grant application to the Administration for Native Americans on our behalf. Seconded by Councilman Hale.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
Motion Carried

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41. FORT BERTHOLD DISTRICT COURT, MAGISTRATE POSITION RES. # 99-06-DSB:

Councilman Fox made a motion to approve Res. # 99-06-DSB, which sets the appointment of Mildred J. Berryhill as Magistrate of the Fort Berthold District Court to the term extending January 1st, 1997 through December 31, 1998. Seconded by Councilman Gillette.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 0 Not Voting, Motion Carried.

42. FORT BERTHOLD DISTRICT COURT, ASSOCIATE JUDGE'S, RES. # 99-07-DSB:

Councilman Fox made a motion to approve Res. # 99-07-DSB, which re-appoints Diane Zephier, B.J. Jones, Dean Winkjer, Terry Pechota to serve as Associate Judge for the Three Affiliated Tribes for calender year, 1999. Seconded by Councilman Wells.

VOTE: 5 Ayes 0 Nays, 1 Abstention, 0 Not Voting
Motion Carried

43. FORT BERTHOLD DEVELOPMENT CORPORATION, RES. #99-08-DSB:

Councilman _____ made a motion to approve Res. #99-08-DSB, where the Tribal Business Council hereby agrees to provide a limited waiver of sovereign immunity for such contracts as may be awarded t FBDC under the Section 8 (a) program of the United States Small Business Administration, it being understood that the waiver of sovereign immunity being granted is specifically limited to the obligations incurred by FBDC under any Section 8 (a) contract that may be awarded.

Seconded by Councilman _____.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting, Motion Carried

44. FORT BERTHOLD GAMING COMMISSION APPOINTEE, RES. #99-09- DSB:

Councilman Fox made a motion to approve Res. # 99-09-DSB, which appoints Cindy Packineau to the Fort Berthold Gaming Commission to serve with the same duties, responsibilities, and authorities as other members of the Commission. Seconded by Councilman Hale

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting, Motion Carried

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45. **WHITE SHIELD SCHOOL BOARD, RES. # 99-10-DSB:**

Councilman Gillette made a motion to approve Res. # 99-10-DSB, which authorizes the White Shield School Board to waive the requirement to submit Indian policies and procedures for their Impact Aid Application because it believes that the Tribe is satisfied with the provision of educational services by the White Shield School District to children residing on Indian lands. Seconded by Councilman Fox.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
 Motion Carried

46. **NORTH AMERICAN CONTRACTING COMPANY, EUGENE BRUGH, JR.
RES. #99-11-DSB:**

Councilman Fox made a motion to approve Res. #99-11-DSB, which authorizes payment to the North American Contracting Company in the amount of (\$ 1,632) for 12 loads of hay at \$2.00 per miles for a total of 816 miles. Seconded by Councilman Gillette.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
 Motion Carried.

47. **ADJOURNMENT:**

Councilman Fox made a motion to adjourn the meeting at 4:45 p.m. Seconded by Councilman Gillette.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting
 Motion Carried.

Dated this _____ day of _____, 1999
Transcribed this _____ day of _____, 2001

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

ATTEST:

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