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TRIBAL BUSINESS COUNCIL MEETING NO. 2

SPECIAL MEETING

DATE: FEBRUARY 19, 1999 TIME: 2:00 PM

01. Call Meeting to Order and Opening Prayer

The Regular meeting of February 19, 1999 was called to order by Chairman Tex Hall, at 2:00 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, Secretary Daylon Spotted Bear, Councilman Thomas Bird Bear, and Councilman Pete Hale.

Member absent: Austin Gillette (Medical Appointment)

03. Announcements

Chairman Tex Hall will be attending a TPA meeting in Washington, DC on February 23 - 25, 1999. Chairman Hall has been appointed to the TPA committee by the Aberdeen Area Tribal Chairman's Association in his capacity as Chairman of the Association. On Monday, February 22, 1999, Chairman Hall will be meeting with the BIA regarding the FSA loan transfer to the BIA and he will be meeting with the US Army Corp of Engineers regarding the return of excess lands along the lakeshores. Councilman Pete Hale and Chairman Hall attended an Ag Conference on February 18, 1999 at Standing Rock. An important issue was discussed regarding the South Dakota Mitigation Act pertaining to Cheyenne River and Lower Brule. The jurisdiction of excess lands was transferred to the state of South Dakota rather than to the Tribes even though the excess lands are located within the boundaries of the reservation. The Three Affiliated Tribes are involved in the return of excess lands issue because there are over 720 sites within the excess lands that are either Mandan, Hidatsa, or Arikara. A meeting has been scheduled with the Army Corp of Engineers on March 3-5, 1999 in Rapid City, SD regarding the sacred sites and return of the excess lands or lakeshore. Three Affiliated Tribes will have representatives at the meeting.

Councilman Daylon Spotted Bear will be attending a community meeting on February 24, 1999 in Twin Buttes. Two major items to be discussed are the proposed Modular Home Manufacturing Company and the Tribe's proposed purchase of the Figure Four Ranch.

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Councilman Mark Fox attended two important meetings in Washington, DC on February 15-17, 1999. The first meeting was an ITMA meeting regarding the trust fund issue and the second was a Tribal Leadership meeting. Mr. Grover, Assistant Secretary of the Department of the Interior, attended the ITMA meeting with 30 Tribal leaders to discuss what Congress had ordered last year. The Senate Committee had recommended that the BIA and Tribes develop a Joint Task Force to develop a Joint Settlement Bill to address the 2.4 billion dollars in Tribal trust funds that had been mismanaged by the BIA. Follow up meetings are scheduled in order complete the Joint Settlement Bill process. ITMA will conduct three regional meetings: one in the Upper Mid-West, one in the Northwest, and one in the Southwest. The first meeting will be held in Minneapolis, MN in March, 1999. The second issue discussed in Washington, DC was the National Indian Gaming Association's fiscal budget and annual report for 1999. A bill was re-introduced by Senators Campbell and McKane in which we are confident that we can work with their legislation. The bigger issues that have arisen are involved with the federally appointed National Gambling Impact Study Commission (NGISC). The Commission is putting together their report based on information they compiled by issuing surveys directly to casinos and bypassing tribal governments. The NGISC has subpoena authority since it was established by Congress, but Tribes are informing the Commission that Tribal governments must be involved in matters pertaining to the operations of Tribally-owned casinos, thus the NGISC must follow proper channels when dealing with the casinos. NIGC and the study commission are at odds regarding the process used to gather information from Tribally owned casinos. NIGC is concerned that the report will be anti-tribal, not necessarily anti-gaming, since the Tribal governments were not involved in the information gathering process and since the makeup of the commission does not include tribal representation at all. The Three Affiliated Tribes must notify the 4 Bears Casino management, the Gaming Enterprise Board, and the Gaming Commission to be aware of these issues and they must involve the Tribal government when they receive the survey. The NGISC report is scheduled be issued in June 1999.

Councilman Marcus Wells is awaiting the draft of the 1997 audit from Joseph Eve. Mr. Wills met with Tribal Finance staff on Tuesday, February 16, 1999. Budgets were completed in October 1999 and submitted to the auditor for final review. The 1998 closeout entries are needed in order to complete the 1999 budgets, then the 1998 audit should be advertised as soon as possible.

Councilman Pete Hale thanked Mr. Terry Red Fox, Director of Fort Berthold Housing Authority for providing two 2-ton trucks for the homeowners who must haul water to their homes to fill cisterns. The Twin Buttes community is using one truck and the Mandaree and Four Bears communities are using the other truck. The Mandaree community has a $\frac{3}{4}$ - ton truck, but no water tank. The community is working with FBHA to secure a 450-gallon water tank for the truck. Councilman Hale toured the Commodity Facility in Fort Yates on February 18, 1999. The Three Affiliated Tribes are pursuing the Fresh Produce Program. The Tribe must first build a larger warehouse to house coolers used to store the fresh produce.

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Standing Rock is a certified pilot project that is funded directly through USDA, not through the state. The Standing Rock Tribe had to first commit to a larger warehouse to house coolers for the storage of fresh produce. The Three Affiliated Tribes can continue to secure fresh produce through the state until a larger warehouse. Pine Ridge secured federal funding to build a new facility for the Fresh Produce Program that serves 7,200 members. The Tribe is corresponding with Pine Ridge to determine which federal funds are available to build the new facility.

04. Approval of Agenda

Motion by Mark Fox to approve the agenda with additions and changes in order of business.

Second by Marcus Wells.

Vote: 6 in favor.

Motion Carried.

05. Approval of Minutes

Deferred to the next Regular Tribal Business Council Meeting scheduled for March 1999.

06. Parshall Resource Center

Councilman Mark Fox introduced a resolution in which the Three Affiliated Tribes Tribal Business Council recognizes the benefits that the Parshall Resource Center provides to Fort Berthold and the surrounding area in terms of Alcohol and Drug Treatment and Prevention Residential Services, and the Tribe supports the need for the Parshall Resource Center Residential staff to obtain Certified Nursing Assistant Training from Fort Berthold Community College to enable and enhance the services that the Parshall Resource Center provides. The resolution requests the Tribal Business Council to appropriate a grant to the staff members of the Parshall Resource Center to obtain the certification and training describes above.

Motion by Mark Fox to approve the Parshall Resource Center resolution granting the staff members \$2,444.65 to obtain certification and training through the Fort Berthold Community College as described in the resolution.

Second by Pete Hale.

Vote: 6 in favor

Motion Carried.

Resolution No. 99-12-DSB

07. Dale Little Soldier: Lake Sakakawea Casino

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Dale Little Soldier introduced a resolution requesting that the Tribal Business Council authorize the Chairman and the Treasurer of the Tribe to enter into specific financial arrangements, including loans to Dale Little Soldier in the amounts up to \$3 million dollars for Construction Financing; and up to \$2 million for Equipment Financing, and to execute final documents with terms specified; and to enter into a Consultant Agreement with Lake Sakakawea and Associates; and to consent to a limited waiver of sovereign immunity in the Equipment loan; all subject to final legal review by the Tribal Legal Department, and subject to approval of the BIA, and subject to review by the National Indian Gaming Commission (NIGC), and subject to changes to documents as required by NIGC, which may include an agreement between VLC and the Tribe for the purchase of electronic gaming devices.

Motion by Daylon Spotted Bear to approve the resolution presented by Dale Little Soldier to establish the Lake Sakakawea Casino at Beaver Creek, subject to final review by the full Tribal Business Council.

Second by Tom Bird Bear.

Discussion: Dale Little Soldier has obtained financing arrangements with VLC, a gaming device vendor, to finance up to \$3 million dollars for the construction of the gaming facility and up to \$2 million dollars for the equipment. The Construction and equipment loans do not require any guarantees by the Tribe. The construction loan will be between Dale Little Soldier and VLC. The equipment loan will be with Mr. Little Soldier for the purchase of at least 200 electronic gaming machines and the Tribe will have a lease purchase agreement with Mr. Little Soldier. The equipment will be leased for 5 years, then extended as the gaming compact is extended. The Consultant Agreement will be between Lake Sakakawea and Associates and the Three Affiliated Tribes. The purpose of the consultant agreement will be for the consultants to provide technical services to develop a Class III gaming operation known as Lake Sakakawea Casino and Resort Project pursuant to the Tribal-state Gaming Compact currently in effect. Councilman Mark Fox raised issues relating to Tribal ownership of slot machines. Some of the arrangements must be approved by BIA and NIGC prior to leasing equipment. Fourteen percent is the arrangement for repayment on the financing of the adjusted gross revenue depending on what the projections are on the adjusted gross revenue. Fourteen percent of \$4.4 million of projected adjusted gross income is approximately \$550,000 per year. VLC will get \$550,000 to \$600,000 per year from this casino for repayment on the 5-year loans. Little Soldier will get about \$50,000 per year from the 14% for his lease agreement with the Tribe, if the Casino is successful. Mr. Little Soldier explained that the 14% of adjusted gross revenue is used to pay back the loan and the remaining 86% of adjusted gross revenue goes to the Tribe. Councilman Mark Fox noted that if the equipment loan of \$2 million goes into default, the equipment will be repossessed. If the construction loan of \$3 million goes into default, no action is specified at this time. This needs to be clarified. After the legal department, BIA, and NIGC reviews all agreements and specific terms, the full Tribal Business Council wants final review prior to final approval, not just the Chairman's and Treasurer's review as stated in the resolution. The resolution will be amended to reflect this language.

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Vote: 5 in favor, Mark Fox abstained.

Motion Carried.

Resolution No. 99-13-DSB

Motion by Daylon Spotted Bear to extend Dale Little Soldier's existing Consultant Contract with the Tribe, retroactive back to September 18, 1998 to the current date, not to exceed \$10,000, and to proceed with the Consultant Agreement from March 1, 1999, at the old rate of \$2,500.00 per month, not to exceed 6 months, payments subject to Little Soldier's submission of appropriate activity reports and financial documents to Daylon Spotted Bear and Marcus Wells.

Second by Pete Hale.

Discussion: Councilman Marcus Wells noted that he is concerned with retroactive pay if the business is not successful and will the consultant payments be repaid to the Tribe once the business is established. Wells noted that he is also concerned about paying out consultant fees prior to the required review of the business terms and arrangements by BIA and NIGC and final review by the full Council.

Vote: 4 in favor, Marcus Wells opposed, Mark Fox abstained.

Motion Carried.

08. Government Capital Corporation Resolution

Dennis Huber introduced an information packet on the Figure Four Ranch along with a resolution that the Tribal Business Council authorizes and directs the Tribal Chairman to proceed with negotiations with Community First Bank for interim financing of the land purchase on or before March 1, 1999. The information packet also included a buffalo project proforma and a summary appraisal. Mr. Huber stated that the resolution would approve a loan and the Tribe will not be putting money into the project. The performance of the Buffalo Project that will be identified for the Figure Four lands would perform the service dept if the Tribe runs buffalo on that project. The ranch consists of 15,000 acres, plus 3,500 acres of BLM land. These lands generally lease for \$1.35 an acre based on an animal unit times 12 for \$16.20, and that is what Figure Four leases that land for. Mr. Huber stated that our grazing resolution under the Three Affiliated Tribes is about \$60 per animal unit, so those who run on federal lands out west get a break under lease rates per animal unit. This opens a corridor for further negotiations. The land used to belong to the Tribe, but was illegally taken from the Tribe years ago.

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Chairman Hall noted that the Tribe tried to obtain an allocation of units within Table Butte to declare the area a sacred site in order to access that land. The law reads that you have to own land within an area in order to acquire access and bid on a range unit. The surrounding grazing associations have access to this land. This land is adjacent to the reservation and is non-Indian fee land that can be eventually turned into trust if the Tribe approves the purchase.

Dennis Huber presented the negotiation packet that was developed between the Tribal Business Council's Executive Committee and Government Capital Corporation. Phase one is in the amount of \$2.8 million in an effort to tie as much property to the land as possible to get the 20-year loan versus the buffalo for the buffalo project that is only a 10-year loan.

Mr. Huber referred to the appraisal summary letter dated February 15, 1999 by appraiser, Steinley. The summary letter indicates that the BLM land consists of about 3,500 acres and generally remains with the property or with the 15,000-acre unit. The federal lands are appraised at an animal unit price ranging from \$2,000 to \$3,000 per acre per animal unit. If one runs 750 head of cattle at an average of \$2,500, the appraisal will be about \$1.875 million. Mr. Huber stated that this is how the appraiser arrives at the figures. Mr. Huber stated that the appraiser also uses the income-approach based on cattle and improvements to the land. The negotiated agreement signed by Chairman Hall at \$1.8 million for the Figure Four Ranch covers just the land. Other costs to be appraised include about 900 acres of minerals, two cabins for tourism and hunters, equipment. An oil and gas line goes through the land and generates about \$9,000 per year in income. Taxes are \$8,000 per year. The lease on the BLM land is \$2,000 per year. School tax is \$2,000 per year.

Mr. Huber introduced the proposed Buffalo Project. The Buffalo Project was not included in the resolution. He stated that 100% of the loan repayment at 6.85% for 20 years would come from the Buffalo Project. The Tribe has the advantage of securing buffalo from the national parks. In addition to the buffalo project, elk hunting will generate about \$50,000 per year. The feed lot in Parshall is also included in the total amount of the loan for \$2.8 million.

Mr. Huber introduced the resolution which authorizes the Tribal Chairman to proceed with negotiations with Government Capital to appropriately structure issues of tax-exempt bonds in the principal amount of \$2.8 million, plus any additional principal amount necessary to cover the costs of issuance and other miscellaneous costs including the costs of bond counsel and special council, in order to finance the Project and to provide such information as may be required by Government Capital for preparation of financing documents. The Tribe will serve as the secondary guarantor if the Buffalo Project does not perform.

Motion by Pete Hale to pass the resolution authorizing Chairman Hall to proceed with negotiations with Government Capital to initiate issuance of tax-exempt bonds, not to exceed \$2.8 million, subject of the outcome of the final appraisal and further negotiations, and individual ranchers will be given the opportunity to participate in future programs that are generated from the purchase of the Figure Four Ranch.
Second by Daylon Spotted Bear.

Discussion: Councilman Mark Fox requested that the approval of the resolution is subject to the outcome of the appraisal, and the amount is not to exceed \$2.8 million. Chairman Hall noted that taxable bonds would need to be issued in the amount of \$2.2 million at 7.32% for the Buffalo Project. JTAC money is not obligated. This is a general tribal obligation. Councilman Marcus Wells noted a revision on page 2, -second paragraph, Resolution 98-20-JPH was ratified on February 11, 1999 not February 13, 1999. Council members discussed various rates the Tribe is paying per acre and the option to buy the ranch with JTAC funds versus financing the purchase. The annual debt service is \$431,000. The example discussed included 460 heifer calves at \$3,000 generates \$600,000 and 200 bull-calves at \$1,500 generates \$600,000 for a total of \$900,000 a year in revenue. Councilman Mark Fox noted that the cost is too great for the real estate itself. The appraisal range is \$1.7 to \$2 million. Chairman Hall noted that the 900 mineral acres was not included in the appraisal. Council members discussed that with the purchase of the ranch, a good cattle re-lending program can be realized creating opportunities to individual ranchers. Another whereas will be added to the resolution to reflect that individual ranchers will have the opportunity to participate in future programs and Dennis Huber will develop the language. Councilman Marcus Wells stated that the average cost of this type of property on the reservation is \$80.00 per acre and we are paying another \$107 per acre off the reservation, but adjacent. Council members discussed comparing trust land versus non-trust land, 900 mineral acres, 900 farm acres, access to 700 acres of shoreline, 5,000 acres of access for securing lease rights for state land and BLM land.

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

Motion Carried

Resolution No. 99-14-DSB

09. Jasper Young Bear – Project Hope (Glen Perkins Consultant Agreement)

Motion by Daylon Spotted Bear to approve the Glen Perkins Consultant Agreement in the amount of \$3,500 to provide services to Project Hope.
Second by Mark Fox.

Discussion: Chairman Hall explained that the Consultant Agreement is for the amount of \$3,500. A cultural initiative is funded through an Indian Affairs Commission grant with the Tribal Service to Children Coordinating Committee. Mr. Perkins will establish cultural activities for children.

Vote: 6 in favor

Motion Carried.

10. Terry Red Fox – Fort Berthold Housing Authority

Terry Red Fox, Housing Director, introduced a resolution where FBHA has entered into year two of its Five-Year Plan and FBHA requests that the Tribal Business Council concur with FBHA's Two-Year Plan for submittal to HUD to ensure continued funding.

Mr. Red Fox also requests Chairman Hall's signature on FBHA's Annual Performance Report.

FBHA received a renovation grant application packet to renovate approximately 24 mutual self-help homes.

Mr. Red Fox informed that they got additional units from Grand Forks that was not included in the budget of the first-year plan. The three units are costing FBHA about \$40,000 each while they can build new units for \$46,000. Chairman Hall asked Mr. Red Fox what the collection rate is at the present time. Mr. Red Fox stated that he would share a report with the Tribe at the next Council meeting. The report indicates that whenever a Tribal Judge is on staff, the collection rates increase and the rates decrease dramatically when a judge is not in place.

Chairman Hall discussed leveraging money with financing entities in order to build 300 homes. Mr. Red Fox inquired on the moving and renovation of Fortuna Units. He stated that he needed clarification as to who will pay the moving and renovation expenses.

Motion by Mark Fox to approve the resolution in which the Tribal Business Council concurs with FBHA's Two-Year Plan for submittal to HUD.

Second by Pete Hale

Vote: 5 in favor, 1 absent.

Resolution No. 99-15-DSB

11. Fredericks, Pelcyger & Hester, LLC

Chairman Hall introduced a billing statement for services provided to the Tribe by Fredericks, Pelcyger & Hester law firm in the amount of \$48,668.65 for the November, 1998 and \$19,388.28 for the month of December, 1998 for a total payment in the amount of \$68,056.93.

The second item introduced by Chairman Hall was a request to retain Tom Fredericks or the Fredericks, Pelcyger & Hester law firm as attorneys for the Three Affiliated Tribes.

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Motion Tom Bird Bear to approve payment to Fredericks, Pelcyger & Hester, LLC for legal services rendered in the amount of \$68,056.93
Second by Pete Hale.

Discussion: Councilman Marcus Wells asked if the law firm has received any payment from the Tribe and Chairman Hall informed that they have received nothing to date.

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

Motion Carried.

(Note Next Item - Motion Failed)

Request for Amendment of Motion to Pay to Fredericks, Pelcyger & Hester:

Chairman Tex Hall introduced a resolution to the payment of legal services rendered to the Tribe by Fredericks, Pelcyger & Hester in the amount of \$68,056.93 and the Tribal Business Council authorize and approve the General Legal Counsel Contract with Fredericks, Pelcyger & Hester and authorize the appropriation of sufficient Tribal funds in an amount equal to the total amount of fees and expenses, and the Tribal Business Council authorize the Chairman to execute the General Legal Counsel Contract and present to the BIA for approval, and the Chairman will be authorized to execute what is constitutionally necessary to attain the approval of the BIA.

Motion by Tom Bird Bear to approve only the financial portion of the resolution in which the Tribe authorizes payment of \$68,056.93 to Fredericks, Pelcyger & Hester for legal services provided to the Tribe in November and December, 1998.
Second by Pete Hale.

Discussion: The Council discussed that the billing is for legal services rendered for November and December 1998. The resolution includes the payment and the approval of a general legal counsel contract with the Tribe. Mark Fox stated that the Tribe currently has a law firm under contract that the Tribe pays. The hourly rate that will be charged under the new contract is \$150.00 per hour. The billing to the Tribe from Fredericks, Pelcyger & Hester included 371.65 hours in November, 427,80 hours in December 1998 and the Tribe was billed at a rate of \$115.10 per hour. The Council discussed the option of adding more attorneys versus retaining the current attorneys given the current financial status of the Tribe. The Council members also discussed the importance of legal counsel given the Tribe's position with JTAC and pending legal issues. The current motion on the floor is to approve the payment only, not to approve the general legal contract.

Vote: 3 in favor, 3 opposed.

Motion Failed.

12. Dennis Burr - COPSFAST

Dennis Burr informed the Tribal Business Council that the COPSFAST Program currently has seven Tribal police officers, five more applicants are going through background checks and will be hires. The program is authorized to hire a total of 21 individuals, then by the year 2000, the Tribe will have to fund the program.

Motion by Tom Bird Bear to hire COPS under the COPSFAST Program per letter of recommendation submitted by Elmer Four Dance and add one more position the New Town District per discussion with Mr. Four Dance.

Discussion: The Tribal Business Council members assigned individual applicants as follows:

Mandaree:	Kenneth Smith and Wendell White
Parshall:	Marty Two Bears, subject to background investigation.
Four Bears:	Sandra Black Hawk and Trevor Brugh, subject to background investigation.
White Shield:	Mark Nolan
New Town:	Sidric Baker and add one more vacancy

Mr. Burr indicated that some of the new applicants are still undergoing background investigations and upon completion, the names will be presented to the Tribal Business Council for final approval.

Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

Dennis Burr informed the Tribal Business Council that the Tribal Legal Department is in the process of preparing contracts, one in the amount of \$16,000 for the Garrison Ambulance, and the other for the Fire Departments. The contracts and respective resolutions will be presented at the next regular Council meeting.

13 a. Roberta Crows - Domestic Violence Program

Councilman Mark Fox introduced to the Council a resolution in which the Tribal Business Council authorizes and directs the Fort Berthold Coalition Against Domestic Violence to execute and file the application for funding in the amount of \$66,000 to provide services for child victims of domestic violence.

Motion by Mark Fox to approve the resolution authorizing the Fort Berthold Coalition Against Domestic Violence to apply for \$66,000 to provide services to children of domestic violence.

Second by Daylon Spotted Bear.

Vote: 6 in favor

Motion Carried.

Resolution No. 99-16-DSB

Motion by Mark Fox to approve a resolution in which the Tribal Business Council authorizes and directs the Social Services Program/Human Resource Department to execute and file application for Family Violence Prevention and Services funding in the amount of \$77,054.

Second by Daylon Spotted Bear.

Vote: 4 in favor, 2 absent.

Motion Carried.

Resolution No. 99-17-DSB

Motion by Mark Fox to approve a resolution in which the Tribal Business Council authorizes and directs the payment of \$20,461.50 to the Fort Berthold Coalition Against Domestic Violence for assistance in meeting program needs in the following areas:

Direct Services and General Operating Funds -----	\$13,842.00
Membership Dues -----	600.00
Food, Housing, and Shelter Funds-----	4,200.00
Audit Fees-----	1,819.50

Approval is subject to the Domestic Violence Program Board's review and investigation of allegations of misappropriation of funds in the amount of \$4,000.00.

Discussion: Board members include Bill Woods, Ken Halverson, Susan Hulk, Bernadine Yellow Wolf and one vacancy which will possibly be filled by Berdie Chase. The Council discussed the possibility of appointing someone from Law Enforcement on the Board.

Second by Marcus Wells.

Vote: 5 in favor, 1 abstained.

Motion Carried.

Resolution No. 99-18-DSB

Motion by Marcus Wells to move agenda item 19 a. Financial Requests to 12 b.

Second by Daylon Spotted Bear.

Vote: 6 in favor

Motion Carried.

13 b. Financial Request – Marie Enny and Kathy Pelton

Marie Enny and Kathy Pelton presented to the Tribal Business Council a resolution requesting financial assistance in the amount of \$3,000.00 to pay for damages caused by a fire in their place of business known as the Hideout which is a lounge and steakhouse located in Killdeer.

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Motion by Mark Fox to approve the resolution authorizing half the amount (\$1,500.00) in the form of a grant to be paid out of the Docket G Funds and half the amount (\$1,500.00) in the form of a loan from the Small Loan Program to be paid back on a monthly basis over a 12 month period.

Second by Marcus Wells.

Vote: 6 in favor.

Motion Carried.

Resolution No. 99-19-DSB

14. Tribal Finance Department

Chairman Tex Hall presented a status assessment of Tribal Finance and recommendations prepared by Dennis Maddox, CPA, to address the backlog of work in Tribal Finance. A resolution was also presented in which the Tribal Business Council authorizes the appointment of one Senior Accountant at a rate of \$65/hr and four Junior Accountants at a rate of \$45/hr. for a minimum of eight weeks or a maximum not to exceed 13 weeks. The minimum cost would be \$78,400 and the maximum cost would be \$127,400 if approved.

Dennis Maddox explained to the Tribal Business Council that the temporary accounting positions are necessary to cleanup the backlog, to come current on bank reconciliation and other reconciliation including receivables, to update journal entries, to complete the 1997 closing and adjusting journal entries, to update accounts payable, to audit JTAC expenditures and obligations, to closeout 1998 and to assist in the preparation of the FY99 budget. Mr. Maddox discussed other financial duties that need to be performed by qualified professionals in order to upgrade a financial system for Tribal Finance and to train the current accounting staff.

Motion by Pete Hale to approve the resolution authorizing the appointment of one Senior Accountant at \$65/hr and four Junior Accountants at rates of \$45/hr. not to exceed 13 weeks or a total cost of \$127,400.

Discussion: Council members discussed the importance of upgrading the financial system and training the finance staff in a timely manner. The Council also discussed the importance of hiring enrolled members who have expertise in the area of accounting and finance. Council members also discussed the option of first upgrading the financial system, then hiring qualified enrolled members to work within that system once it has been professionally established.

Roll Call Vote: 3 in Favor, 3 opposed.
Tex Hall, Pete Hale, and Tom Bird Bear in Favor.
Daylon Spotted Bear, Marcus Wells, and Mark Fox Opposed.

Motion Failed.

15. Education Requests

Councilman Marcus Wells informed the Tribal Business Council that he has received more than 34 education requests for enrolled members.

The Council assigned Marcus Wells, as Treasurer of the Tribal Business Council, to secure the printouts of education payments that have been processed thus far, determine the balance in the account, and bring the information back to the Council for further review. The previous Administration had obligated \$1.7 million of JTAC funds for scholarships. Approximately \$450,000 of the \$1.7 million had been requested via resolution and placed in an account for scholarships. The balance was to be available after approval of the JTAC plan and the current processing of education grants is subject to the availability of funds. A screening system is to be developed to assure that scholarship recipients are actually enrolled students who are maintaining satisfactory progress.

16. Amendment to Emergency Feed Resolution

Chairman Tex Hall noted that the Council had declared the Fort Berthold Reservation a disaster area and had been awarded a contract to participate in the American Indian Livestock Program. He stated that the Tribal Business Council is responsible for determining the eligibility of livestock owners to receive assistance under the American Indian Livestock Program. Chairman Hall introduced a resolution in which the Tribal Business Council makes a determination that eligible equine includes all animals in operations that are engaged solely in the production of equine animals and 2 horses per 25 cows in operations that raise beef cattle or buffalo.

Motion by Mark Fox that horses will be included as eligibility criteria under the American Indian Livestock Program and the existing Emergency Feed Program Resolution will be amended to reflect the inclusion of horses and subject to compliance with federal law under to American Indian Livestock Program.

Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

17. Personnel

Appointment of Interim Tribal Social Services Director:

Councilman Marcus Wells introduced a resolution in which the Tribal Business Council authorizes the appointment of Hugh Baker as Interim Director of Tribal Social Services until the position is advertised and the Council hires a Director.

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Motion by Mark Fox to approve the resolution appointing Hugh Baker as interim Director of Social Services until the Tribe advertises and hires a Director, subject to the Personnel Director's review of any existing applicants for the position.

Second by Pete Hale.

Vote: 6 in favor.

Motion Carried.

Appointment of Gaming Commission Board Member:

Motion by Mark Fox to amend the resolution for the addition of a member to the Gaming Commission Board and to provide for the inclusion of Mervin Packineau as a board member, subject to his acceptance.

Discussion: Councilman Mark Fox informed the Council that Cindy Packineau had been appointed to the Gaming Commission Board, but she indicated that she may not be able to accept the appointment at this time.

Second by Pete Hale.

Vote: 5 in favor, 1 abstained.

Motion Carried.

Appointment of Financial Advisor:

Motion by Mark Fox for approval of a resolution to hire Marcus Wells, Sr. as the Acting Financial Advisor for Tribal Finance until the position is advertised and filled.

Second by Daylon Spotted Bear.

Discussion: The Council discussed that Dennis Maddox is currently the Acting Financial Advisor for Tribal Finance, although he has not been officially hired by the Tribal Business Council in the absence of the approval of the FY99 budget. Chairman Hall suggested that the final decision on the appointment be deferred until a financial summary is first conducted.

Vote: 3 in favor, 3 opposed.

Motion Failed.

Request for Approval of Attorney Contract with Fredericks, Pelcyger & Hester:

Motion by Tom Bird Bear to approve the resolution to approve the General Legal Contract between the Three Affiliated Tribes and Fredericks, Pelcyger & Hester.

Second by Pete Hale.

Vote: 3 in favor, 3 opposed.

Motion Failed.

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18. Adjournment

Motion by Mark Fox to adjourn the Special Tribal Business Council meeting at 6:38 pm.

Second by Marcus Wells.

Vote: 6 in favor

Motion Carried.

Meeting adjourned at 6:38 pm.

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