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DRAFT

TRIBAL BUSINESS COUNCIL MEETING NO. 8

REGULAR MEETING

(Continuation from May 18, 1999)

DATE: JUNE 3, 1999 TIME: 10:00 AM

01. Call Meeting to Order and Opening Prayer

The Regular meeting of June 3, 1999 was called to order by Chairman Tex Hall, at 1:45 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 Austin Gillette, Councilman Thomas Bird Bear, and Councilman Pete Hale.

03. Announcements

a. Chairman's Report

Chairman Tex Hall reported that he would be attending a meeting with Joe Westfall, Secretary of the Army Corp of Engineers next Tuesday, June 8, 1999 regarding the return of excess Corp lands. Chairman Hall testified last Thursday, May 28, 1999 regarding the Dakota Water Resource Bill in which the Three Affiliated Tribes retained \$70 million for MR&I. The Tribal Business Council is working with Attorney Daniel Israel to recover costs for the construction of a bridge to replace the Four Bears Bridge.

Westfall

On June 4, 1999, the Tribe will meet with other North Dakota Tribes and ND State Officials regarding Tribal Gaming Compact negotiations. At 5:30 PM on June 4, 1999, the unveiling of the Sakakawea Coin will take place at On-A-Slant Village sponsored by Senator Dorgan's office. The intent of the ceremony is to honor Sakakawea and to provide funding to rebuild the village and to support development of other cultural sites and tourism.

The Tribal Business Council has had a number of working sessions with the Constitution Revision Committee and with the Economic Recovery Fund – JTAC Committee. Proposed amendments to the Tribal Constitution include a referendum provision, a recall provision, and the establishment of a Civil Service Commission. Proposed changes to the JTAC Plan include the development of long-term investment strategies. The next joint working session is scheduled for June 21, 1999 at 10:00 am at the Four Bears A-Frame Conference Room.

b. Treasurer's Report

Treasurer Marcus Wells, Jr. reported that the JTAC Economic Recovery Fund principal amount is \$149,936,250.32 as of June 2, 1999. The interest which can be used by the Tribe in areas of education, social services, economic development, and other programs is in the amount of \$38,391,667.95.

The Tribes Docket funds including all principal accounts and interest accounts total \$10,458,422.74.

04. Approval of Agenda

Motion by Austin Gillette to approve the agenda with changes in order of business, additions, and deferrals.

Second by Marcus Wells.

Vote: 7 in favor.

Motion Carried.

Motion by Tom Bird Bear to add New Town Business Proposal to the agenda.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

05. Pow Wow Committees and Catholic Congress

Motion by Austin Gillette to pass a resolution authorizing a base grant in the amount of \$15,000.00 to each of the five (5) Pow Wow Committees with a provision that the Tribe will match fund raising amounts up to \$5,000 each, and an additional \$3,000.00 will be granted to Twin Buttes and White Shield due to last year's shortfall to those communities, provided the pow wow committees submit appropriate documentation.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-85-DSB

Motion by Austin Gillette to pass a resolution authorizing \$500.00 to Catholic Congress to defray travel expenses for Sister Kateri.

Second by Mark Fox.

Vote: 6 in favor, 1 absent.

Motion Carried.

Resolution No. 99-86-DSB

Motion by Marcus Wells to add the \$3 million line of credit resolution to the agenda.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

06. Legal Department

a. Charging Eagle – Mossett Bay Lease Update

Kip Quale, Tribal Legal Department, presented documentation to the Tribal Business Council in which the Mossett family who are enrolled members, requested a third-party lease under the Tribe for the taken area located within Mossett Bay in August 1998. In May 1998, Marlien Mossett Gillette requested that an Environmental Assessment be conducted by the Army Corp of Engineers because 54 trailers have been illegally parked on Corp land for the past fourteen years without a lease, several of the trailers are parked in the flood pool, septic tanks are out of compliance with State and Tribal Health and Safety Codes, docks are out of compliance, electrical lines are out of compliance, etc.

An Environment Assessment was conducted and a draft was issued in September 1998. Comments on the draft Environmental Assessment were taken in New Town and Killdeer, ND on November 16, 1998. The final Environmental Assessment was issued in April, 1999 along with a decision by the Army Corp of Engineers to grant a third-party lease to the Mossett Family through a primary lease with the Three Affiliated Tribes as initially requested in August 1998.

Marlien Mossett Gillette is in the process of developing a preliminary 10-year development plan with the assistance of the Tribal Legal Department, the Natural Resources Department, and the Corp of Engineers. The Legal Department will develop a list of individuals who will be assisting with the preliminary development plan. The preliminary plan will be reviewed by the Full-Council prior to submitting to the Army Corp of Engineers. The draft plan is scheduled for review by the beginning of August 1999. The plan allows the 54 trailers to remain on the Corp land within Mossett Bay provided the units are brought into full compliance with all codes and requirements. Upon submission of the 10-year plan, a lease will be initiated.

Ultimately, this whole process will show that the Tribes can work with entities along the lake and will assist in the return of excess lands.

b. New Town Ambulance Service

Motion by Mark Fox to assign Tom Disselhorst, Tribal Legal Department, to draft a letter to Duane Estvold to explain the Tribes' initial decision to donate \$15,000 to the New Town Ambulance Service as passed in Resolution No.96-249-DSB; and to inform

Mr. Estvold that the Tribe is rescheduling the New Town Ambulance Service issue while continuing to research the third-party reimbursements; and Mr. Disselhorst will draft a second letter to Mr. Bad Moccasin at the Aberdeen Area Office to inform him of the proposed discontinuation of ambulance service and to request funding and assistance to continue ambulance service.

Second by Pete Hale.

Vote: 6 in favor, 1 absent.

Motion Carried.

c. Twin Buttes Manufacturing Company

Motion by Austin Gillette to assign the Legal Department to draft a letter for Chairman Hall's signature to CAM, Inc. requesting a full accounting of the \$187,000.00 that was loaned to Twin Buttes Manufacturing Company.

Second by Daylon Spotted Bear.

Vote: 6 in favor, 1 abstained.

Motion Carried.

d. Staff Attorney Position

Motion by Mark Fox to appoint Tyra Wilkinson to the Legal Department at 60% of Diane Johnson's rate of pay until the position is advertised and filled or until September 30, 1999.

Second by Daylon Spotted Bear.

Vote: 7 in favor.

Motion Carried.

e. Resolution – Line of Credit

Motion by Marcus Wells to pass a resolution authorizing the Tribe to establish a \$3 million line of credit subject to three amendments to recover shortfalls in the FY99 Budget.

Second by Mark Fox.

Vote: 5 in favor, 2 opposed.

Motion Carried.

Resolution No. 99-87-DSB

07. Personnel (Closed Session - 25 Motions)

08. Judy Coffey – Parshall Resource Center

Motion by Mark Fox to authorize the Tribe to commit \$23,750.00 to the Parshall Resource Center over a three-month period from July to September 1999, while the Resource Center staff is in the process of requesting funding amendments from the State Central Human Service Center; and the amount of \$23,750.00 will be transferred from the \$36,797.00 Casino Revenue escrow account.

Second by Pete Hale.

Discussion: \$6,250.00 a month times three months will be paid to the Parshall Resource Center to cover operating costs and \$5,000.00 will be paid for Grant Writing.

Vote: 7 in favor.

Motion Carried.

Need Resolution.

09. Karmon Taft – Emergency Medical Services

Motion by Mark Fox to pass a resolution for the development of emergency medical care services provided funds are secured through other sources such as Tribal Program contributions, I.H.S., State and Federal funds.

Second by Marcus Wells.

Vote: 6 in favor, 1 absent.

Motion Carried.

Resolution No. 99-88-DSB (Needs Amended Language)

10. Leo Cummings – Tribal Social Services Resolution

Motion by Marcus Wells to pass a resolution authorizing Tribal Social Services to enable single individuals who pursue an education and training to receive GA via Social Services while the 477 Programs pays educational expenses.

Second by Tom Bird Bear.

Vote: 6 in favor, 1 absent.

Motion Carried.

Resolution No. 99-89-DSB

11. Casey Fredericks, Programs Analyst

a. Wilbur Hunts Along – Loan Request

Motion by Tom Bird Bear to approve a loan to Wilbur Hunts Along in the amount of \$14,046.09 to be paid back over a 5 year period at \$3,500 per year at the current rate of interest, and the loan is to be secured with 130 acres of Mr. Hunts Along's land and mineral rights, both valued at \$13,000.00.

Second by Pete Hale.

Vote: 6 in favor, 1 (Mark Fox) abstained.

Motion Carried.

Resolution No. 99-90-DSB (Needs Amended Language)

b. FSA/American Indian Livestock Feed Program

Motion by Mark Fox to pass a resolution authorizing payment in the amount of \$15,258.22 to Feed Program Applicants who raise horses, subject to the appeal of the USDA decision. The initial payment will be made from the General Fund and will be reimbursed with Federal USDA funds.

Second by Tom Bird Bear.

Discussion: A lawsuit has been filed against 33 foreclosures and a moratorium has been placed on the foreclosure proceedings. The Tribe is scheduled to meet with other Tribes to determine if a joint class action lawsuit will be filed in the near future.

Vote: 5 in favor, 2 opposed.

Motion Carried.

Resolution No. 99-91-DSB (Needs Amended Language)

12. Roz Baker – Proposed Purchase of New Town Lot and Trailer

Motion by Austin Gillette to request separate appraisals from Roz Baker on the lot and on the trailer, then a joint appraisal on the lot and trailer.

Second by Mark Fox.

Discussion: David Williams, an enrolled member, owns the lot and trailer. In December 1998, the Tribe paid \$2,904.00 in taxes for Mr. Williams. Since the Tribe has paid for the lot, the Tribe can issue a users permit to Roz Baker if she chooses to purchase the trailer and leave it on the lot. The current proposed purchase price for the trailer is set at \$7,000.00, the price of the lot is set at \$8,00.00 (less the \$2,904 that was paid by the tribe), and accessories are set at \$2,000.00, for a total cost of \$14,096.00.

Vote: 7 in favor.

Motion Carried.

13. Resolution – Fort Berthold Indian School Board Association

Motion by Austin Gillette to pass a resolution authorizing the Mandaree, Twin Buttes, and White Shield schools to apply for school replacement construction under the criteria set forth in the application procedures for school construction of the Bureau of Indian Affairs.

Second by Mark Fox.

Vote: 4 in favor, 3 abstained.

Motion Carried.

Resolution No. 99-92-DSB

14. Kyle Baker – Minerals and Gravel

Kyle Baker presented a request to the Tribal Business Council for the Roads Department to purchase 100,000 yards of gravel and 20,000 yards of scoria, some of which will be have to be crushed.

The Tribal Business Council requested that Mr. Baker itemize all costs from all pits involved, on tribal lands and on allotted lands, and compare the costs to the county and other rates, then bring back before the Council for further review.

15. Clarence O'Berry – Mandaree Enterprises Corporation

Review of Resolution No. 98-002-DSB: The Tribe contributed \$29,000.00 to MEC to defray marketing expenses. MEC secured over \$9 million over the next five years with the assistance of marketing strategies by DECO, but DECO has not been paid the \$29,000.00 to date.

The Tribe will pay half of the \$29,000 or \$14,500 to DECO and MEC will pay the balance of \$14,500 to DECO for marketing expenses.

Review of Resolution No. 98-50-DSB: the Tribe obligated \$16,356 to cover costs to repair the roof on the MEC building.

MEC will process a damage claim through FEMA. Casey Fredericks and Martin McKinney will assist with the procedure.

16. Carol Howling Wolf - Loan Request

Motion by Austin Gillette to approve a loan request from Carol Howling Wolf in the amount of \$2,000.00 to be paid back over a period of 36 months at an interest rate of 4% with monthly payments of \$59.05; the loan is to be secured with Mr. Howling Wolf's land.

Second by Marcus Wells.

Vote: 5 in favor, 2 abstained.

Motion Carried.

Resolution No. 99-93-DSB (Needs Amended Language)

17. RFP for FY 1998, 1999, and 2000 Audits

Motion by Marcus Wells to approve the bid in the amount of \$40,000.00 by Eide Bailey to provide technical assistance to the Tribe to conduct audit preparations for the audit of JTAC funds, Docket funds, general funds, casino funds, and entity funds.

Second by Tom Bird Bear.

Vote: 5 in favor, 2 opposed.

Motion Carried.

18. Resolution – Constitutional Amendments

Motion by Mark Fox to pass a resolution to establish a 90-day review period of constitutional amendments as submitted to the BIA in Resolutions No. 98-80-DSB, 98-81-DSB, and 98-82-DSB; and withdraw the submission the said resolutions to the BIA as the resolution had not gone through a 90-day review process prior to submission to the BIA.

Second by Pete Hale.

Vote: 4 in favor, 3 opposed.

Motion Carried.

Resolution No. 99-94-DSB

19. Four Bears Lagoon

Motion by Marcus Wells to rescind Resolution No. 98-39-DSB regarding the current site for the Four Bears Lagoon as the current site has been classified as unsuitable according to I.H.S. Sanitation Engineers and the Environmental Protection Assessment reviews.

Second by Tom Bird Bear.

Vote: 4 in favor, 1 opposed, 2 abstained (Mark Fox abstained).

Motion Carried.

20. Faith Duncan (Fay Bowman) Loan Request

Motion by Pete Hale to approve a loan request by Faith Duncan in the amount of \$1,500.00 to be paid back at a rate of \$50.00 per month for a period of 6 months with a balloon payment to pay the balance after the 6-month period; and the loan shall be secured with the title to Faith Duncan's vehicle.

Second by Marcus Wells.

Vote: 4 in favor, 3 abstained.

Motion Carried.

Resolution No. 99-95-DSB (Needs Amended Language)

21. Clorine Driver Loan Request

Motion by Pete Hale to approve a loan request from Clorine Driver in the amount of \$2,500.00 to be amortized on a 48 month, 8.25 APR, \$75.00 bi-weekly wage assignment payback plan and proper collateral documentation is to be provided.

Second by Marcus Wells.

Vote: 5 in favor, 2 abstained.

Motion Carried.

Resolution No. 99-96-DSB

22. Steve Wells Memorial Tournament

Motion by Tom Bird Bear to approve a financial request in the amount of \$500.00 for the Steve Wells Memorial Tournament.

Second by Pete Hale.

Vote: 6 in favor, 1 abstained.

Motion Carried.

23. Excess Vehicle Acquisition

Motion by Marcus Wells to approve two requests for acquisition of excess vehicles, one for Dorian Aho and one for Jack Rabbithead, subject to securing appraisals first.

Second by Pete Hale.

Vote: 7 in favor.

Motion Carried.

24. Furniture Business Proposal

Motion by Tom Bird Bear to support the development of a proposal to establish a furniture business on Fort Berthold.

Second by Pete Hale.

Vote: 6 in favor, 1 absent.

Motion Carried.

25. Doris Packineau

Motion by Marcus Wells to authorize payment to Doris Packineau in the amount of \$345.34 for mileage.

Second by Pete Hale.

Vote: 4 in favor, 2 opposed, 1 abstained.

Motion Carried.

26. Adjournment

Motion by Tom Bird Bear to adjourn the Regular Tribal Business Council meeting at 1:35 am June 4, 1999.

Second by Pete Hale.

Vote: 6 in favor, 1 absent.

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