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TRIBAL BUSINESS COUNCIL MEETING NO. 11

REGULAR MEETING

DATE: JULY 15 & 16, 1999 TIME: 11:400 AM

01. Call Meeting to Order and Opening Prayer

The Regular meeting of July 15, 1999 was called to order by Chairman Tex Hall, at 11:40 AM 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, Jr., Secretary Daylon Spotted Bear, Councilman Austin Gillette, Councilman Thomas Bird Bear, and Councilman Pete Hale.
Recording Secretary Marlien Gillette.

03. Announcements

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

Upcoming meetings include:

- July 19, 1999: JTAC Update Meeting at 4 Bears A-Frame.
- July 26, 1999: Tax Commission Agreement Meeting at New Town.
- July 28-29, 1999: NIHC Update Meeting at Washington, DC.
National BIA Budget Meeting
- August 2, 1999: FSA Class Action Lawsuit Meeting at UTTC.
- August 3-5, 1999: BIA Budget Workshop at Aberdeen, SD.
- August 5, 1999: Twin Buttes Custom Homes, Inc. Job Fair at T.B., ND.
- August 6, 1999: Gaming Compact Hearing at 4 Bears Community Center.
- August 12, 1999: Tribal Business Council Meeting, New Town, ND.
- September 30, 1999: Physicians' Contracts Expire

Treasurer Marcus Wells, Jr., reported that he and Fred Baker, Programs Manager, are in the process of securing financial information from all Federally funded and Tribally funded Programs which will identify the FY99 allocation, the percentage used to date, and the remaining balance. The FY99 financials will be compared to FY98 financials, and the amount of Tribal dollars used to fund program shortfalls will be identified to justify unmet need.

Treasurer Wells also reported that the JTAC Principal is at \$149,935,000 as of today, and the balance is at \$39,308.958.31.

The Small Loans Program Staff reported that outstanding open loans are at \$900,000.00 and delinquent loans are at \$300,000.00. The Small Loans Program staff informed the Tribal Business Council that they must upgrade the computer system in order to proceed with the collection process. The cost to upgrade the computer system is approximately \$15,000.00.

Motion by Austin Gillette to authorize Treasurer Marcus Wells, Jr., and the Small Loans Program staff to expend up to \$15,000 from the IIM Account to upgrade the Small Loans Program computer system.

Second by Pete Hale.

Discussion: The Council as the Small Loans Program to report all delinquent and outstanding loans at the next Tribal Business Council meeting to including a \$160,000 loan in which 3,000 acres of land was pledged as security.

Vote: 7 in favor.

Motion Carried.

Need Resolution.

4 Bears Lagoon Project Report – Jerry Nagel

Jerry Nagel reported that three lagoon sites are being appraised and priorities are being established. Mr. Nagel recommended that the Tribe that make arrangements to will assume the appraisal costs.

Motion by Marcus Wells, Jr. to secure proposals from two companies to appraise the three lagoon sites.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

Housing Improvement Program Report – Jerry Nagel

Jerry Nagel reported that HIP is scheduled to meet with Fort Berthold Housing Authority regarding FEMA so funding and services will no overlap. Mr. Nagel present a resolution to prioritize HIP applicants in accordance with the ranking system prescribed by the HIP governing regulatory provisions; and that the Tribe incorporates the amended sections of Part 256.1 through Part 256.25 of the Home Improvement Program; and that the Tribe submit this action to request the 1998 remaining funds in the amount of \$30,000.00, the 1999 funds in the amount of \$72,000.00, and the 2000 funds in the amount of \$90,000.00.

Motion by Marcus Wells, Jr. to pass the resolution presented by Jerry Nagel to approve rolling 3 years of funding into one year for the Housing Improvement Program with the understanding that the actual expenditure of FY2000 funds will not begin until the year 2000. (FY98=\$30,000; FY99=\$72,000; FY00=\$90,000)

Second by Mark Fox.

Vote: 7 in favor.

Motion Carried

Resolution No. 99-127-DSB

Motion by Austin Gillette to extend Jerry Nagel's Lagoon Project Consultant Agreement at a rate of \$15.00 per hour to Sept. 9, 1999.

Second by Marcus Wells, Jr.

Vote: 7 in favor.

Motion Carried.

04. Approval of Agenda

Motion by Marcus Wells, Jr. to approve the agenda with additions and deferrals to the next regular Tribal Business Council meeting scheduled for August 12, 1999.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

05. Approval of Minutes

a. June 18, 1998 Regular Tribal Business Council Meeting:

Motion by Mark Fox to approve minutes with corrections from the June 18, 1998 Regular Tribal Business Council meeting.

Second by Austin Gillette.

Discussion: The Tribal Legal Department Attorneys clarified that it is the decision of the current Tribal Business Council as to whether $2/3^{\text{rds}}$ vote of the full council (7 members) or $2/3^{\text{rds}}$ vote of a quorum (5 members) constitutes an acceptable vote.

Vote: 5 in favor, 2 abstained.

Motion Carried.

b. May 18, 1999 Regular Tribal Business Council Meeting:

Motion by Mark Fox to approve minutes with corrections from the May 18, 1999 Regular Tribal Business Council meeting.

Second by Daylon Spotted Bear.

Discussion: In reference to page 7 of 13, Fred Baker, Programs Manager, will provide update information to the Legal Department and the Legal Department staff will write appropriate letters to Mr. Estvold which will include the amount of the Tribes' donations to the New Town Ambulance Service over the past 4 years.

Vote: 7 in favor.

Motion Carried.

c. June 3, 1999 (Continuation from May 18, 1999) Regular Tribal Business Council Meeting:

Motion by Tom Bird Bear to approve minutes with corrections from the June 3, 1999 Regular Tribal Business Council meeting.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

d. June 10, 1999 Regular Tribal Business Council Meeting:

Motion by Daylon Spotted Bear to approve minutes with corrections from the June 10, 1999 Regular Tribal Business Council meeting.

Second by Pete Hale.

Vote: 7 in favor.

Motion Carried.

06. Dr. Monica Mayer & Dr. Milton Smith – Family Health Care, Minot, ND

Dr. Monica Mayer, an enrolled member of the Three Affiliated Tribes, informed the Council that her Power Point Health Care presentation is scheduled for July 26, 1999 at 10:00 am in New Town. Dr. Mayer also informed the Council that she will begin working in New Town on August 16, 1999.

07. Assumption Abby of Richardton, ND

Motion by Mark Fox to approve a grant to the Assumption Abby of Richardton, ND in the amount of \$1,500, for 1999 only, subject to the availability of funds.

Second by Pete Hale.

Discussion: Representative from Assumption Abby requested from the Tribe a donation of \$2,000.00 over 5 years for a total of \$10,000.00 to be used for the renovation of the St. Mary's Parish. The Tribal Business Council decided to assist with \$1,500.00 and will commit to consider future support, subject to the availability of funds.

Vote: 4 in favor, 3 opposed.

Motion Carried.

Resolution No. 99-129-DSB.

08. Circle of Life Program Resolution – Cheryl Fox

Motion by Mark Fox to pass a resolution authorizing the Circle of Life Program to apply for funding through the Department of Justice to address problems relating minor consumption.

Second by Marcus Wells, Jr.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-128-DSB

09. Four Bears Bridge Replacement Effort – Status Update by Daniel Israel via Telecommunications (Legal Department)

Mr. Israel presented an update on the Highway Transportation Bill that was passed by Congress and recommended that the State match 20% of the cost of the 4 Bears Bridge or a match of \$8.6 million of a total cost of \$43.2 million to replace the bridge. Mr. Israel further recommended that the balance between \$43.2 million and the match of \$8.6 million or \$34.6 million be earmarked to complete the bridge replacement project. Ted Danks confirmed that he had attended a Commissioners' meeting earlier this month in which the State committed a 20% match based upon an estimated bridge replacement cost of \$43.2 million.

Motion by Austin Gillette to authorize Daniel Israel to draft a letter to North Dakota Senators to request funding for the Four Bears Bridge and the letter will reflect the July 1, 1999 Commissioners 20% State commitment.

Second by Mark Fox.

Vote: 7 in favor.

Motion Carried.

Motion by Mark Fox to authorize Daniel Israel to negotiate a cooperative agreement between the Three Affiliated Tribes, the US Army Corp of Engineers, and the Cultural Historic Preservation Advisory Council regarding the cultural historic preservation and protection of tribes trust assets.

Second by Pete Hale.

Vote: 7 in favor

Motion by Austin Gillette to authorize Daniel Israel to work with Senator Kerrey on Bill 1279 to protect the interests that the Three Affiliated Tribes holds along the Missouri River.

Second by Mark Fox.

Vote: 7 in favor.

Motion Carried.

Motion by Austin Gillette to pay for Daniel Israel's airfare in the amount of \$1,200.

Second by Pete Hale.

Vote: 7 in favor.

Motion Carried.

10. Little Shell Pow Wow Financial Request

Motion by Marcus Wells, Jr. to grant the Little Shell Pow Wow a base amount of \$30,000 with a \$5,000 match plus \$15,000 from the 4 Bears Casino for a total of \$50,000 as requested the Little Shell Pow Wow Committee in the letter of July 14, 1999.

Second by Tom Bird Bear

Discussion: The Council discussed the fact that they had established a base amount of \$15,000 with a match \$5,000 by the pow wow committees. Each Council member stated the amount in which they thought appropriate: Austin Gillette = \$25,000; Daylon Spotted Bear = \$30,000 base amount with a match of \$5,000; Tom Bird Bear = \$35,000; Pete Hale = \$30,000 with a \$5,000 match; Mark Fox = \$30,000; and Tex Hall = \$30,000 with a \$5,000 match.

Vote: 5 in favor, 2 opposed.

Motion Carried.

11. KDU Personnel Issues (Closed Session)

The summary of motions and other confidential Tribal Business Council action was issued to Florence Brady, Personnel Director, dated July 22, 1999.

12. Legal Consultant Fees Payment – Tom Fredericks and Don Bruce

Motion by Austin Gillette to pay Tom Fredericks \$20,000 and Don Bruce \$15,000 for Legal Consultant fees for services rendered, subject to availability of funds.

Second by Pete Hale.

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

Motion Carried.

Resolution No. 99-147-DSB

13. Sherry King – Drug & Alcohol Testing Proposal

Sherry King, who works with Symbiotic Laboratories, presented a proposed contract to the Tribal Business Council for Drug and Alcohol testing of Tribal employees. The proposed contract included policy development as required by DOT, drug testing implementation and educational training for employees and supervisors.

The drug testing is proposed to be conducted on a basis of random selection of 25% of 330 employees (80 employees) to be tested 4 times per year at \$35.00 per test for a cost of \$11,200 per year.

The alcohol testing is proposed to be conducted on a basis of random selection of 25% of 330 employees (80 employees) to be tested 4 times per year at \$25.00 per test for a cost of \$8,000 per year.

A portion of the costs for both drug and alcohol testing can be paid for with grant money. The amount of the contract is based upon how many tests will be conducted and the number of employees that will be actually tested per year.

Tribes that utilize this drug and alcohol testing method generally conduct the administration of the program by hiring a Drug Free Workplace Liaison placed within the Personnel Department or assign additional duties to the Human Resource Department Director.

Motion by Mark Fox to direct Fred Baker, Programs Manager, to issue a Notice of Intent to Tribal employees that the Tribe is considering passage of Drug & Alcohol testing and employees will have a 30-Day Comment Period of the matter.

Second by Austin Gillette.

Discussion: The Council discussed the option of utilizing the drug and alcohol testing program for only safety sensitive employees rather than all employees depending upon the availability of funds.

Vote: 7 in favor.

Motion Carried.

14. A. **Tom Katus and John Allan – Gaming & Management Consultants
Proposed Assessment of 4 Bears Casino & Lodge**

Motion by Pete Hale to support Gaming & Management Consultants, Tom Katus and John Allan, to conduct an assessment of the 4 Bears Casino for 1 month at \$25,000.

Second by Tom Bird Bear.

Discussion: The Council discussed three other assessments that have been conducted over the past few years that are similar to the proposed assessment to be conducted by Tom Katus and John Allan.

Vote: 3 in favor, 4 opposed.

Motion Failed.

B. **4 Bears Casino & Lodge Management**

Motion by Mark Fox to include in the advertisement of the 4 Bears Casino General Manager position a negotiable salary range between \$100,000 to \$130,000 per year.

Second by Marcus Wells, Jr.

Discussion: The Council discusses the assessments that have been conducted by three management consultant firms over the past few years. The position of General Manager is being advertised and will close at the end of August 1999. The General Manager will be held responsible for updating and implementing the strategic plans of action that have

been developed by the Consultants, the Gaming Enterprise Board, the current Managers, and employees. In an effort to attract professional managers to apply for the position of General Manager, the salary range should be upgraded to meet industrial averages for the same position in other locations.

Vote: 4 in favor, 3 opposed.

Motion Carried.

15. Connie Fox – Revised Resolution for Loan Request & Business Proposal

Motion by Tom Bird Bear to rescind Resolution Nos. 99-119-120-121-DSB dated 7/23/99 and to amend Connie Fox's and Nina Fox's loan amounts to \$2,500 each.

Second by Austin Gillette.

Vote: 6 in favor, 1 absent.

Motion Carried.

Resolution 99-130-DSB

16. Levi Bruce – Pouch Point Lease

Levi Bruce explained to the Council that on June 22, 1999, the Natural Resources Department requested that he manage Pouch Point Marina on behalf the Tribe. Upon accepting the offer, the Corp of Engineers requested upgrading of the restrooms, decking upgrading, gas pump meter repairs, and plumbing. Mr. Bruce request financial assistance from the Tribe to upgrade Pouch Point as required by the Corp of Engineers.

Motion by Austin Gillette to authorize Tribal Treasurer Marcus Wells, Jr. to work with Levi Bruce to develop a capital improvement schedule up to \$10,000.00 to cover required repairs since Pouch Point is Tribally-owned.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

Motion by Tom Bird Bear to approve the 3-year Third-Party Concessionaire lease on Pouch Point to Levi Bruce.

Second by Pete Hale.

Discussion: The Council requested a revenue report from Mr. Bruce to identify income and expenses.

Vote: 7 in favor.

Motion Carried.

17. Kenny Freeman – Personnel Issue

Kenny Freeman explained to the Council that he has worked for Utilities Commission for nine years, but he does not have health or retirement benefits.

Motion by Austin Gillette to direct Fred Baker, Programs Manager, to develop and implement a proposal to fund Kenny Freeman's employee benefits as Mr. Freeman works with the Fort Berthold Utilities Program that does not offer him benefits.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

18. New Town City Lot – David Williams

David Williams presented appraisals of his property located in the city of New Town. The Council discussed the various options of the Tribe purchasing the property to be in turn purchased by Rozie Baker.

Motion by Mark Fox to purchase David Williams' property in New Town for \$13,000 less \$2,904 which the Tribe paid in taxes for the lot, or \$10,096.

Second by Austin Gillette.

Discussion: Kip Quale of the Tribal Legal Department was assigned by the Council to develop the appropriate resolution for the purchase of David Williams's property.

Vote: 7 in favor.

Motion Carried.

Need Resolution

19. Adele Phelan – Financial Request

Motion by Austin Gillette to commit \$1,450 to Adele Phelan to cover travel costs to promote educational and cultural activities at the Junior National Regional Basketball Championship Tournament as a member of the basketball team, subject to submission of documentation of expenses.

Second by Pete Hale.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-133-DSB

20. Lana Turner – Financial Request

Motion by Pete Hale to approve a loan request for Lana Turner in the amount of \$4,500 at an 8.25% APR, to be paid back at \$150/month over 32 months, subject to land description and verification of ownership, subject to a status sheet from the Small Loans Program, and subject to verification of income, and subject to availability of funds.

Second by Daylon Spotted Bear.

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

Motion Carried.

Resolution No. 99-131-DSB

21. Ambrose Phelan – Homesite Lease Request

Motion by Pete Hale to add Ambrose Phelan to the agenda to address a homesite lease request. No action.

Second by Tom Bird Bear.

Discussion: The Tribe gave Ambrose Phelan a FEMA trailer and Mr. Phelan is requesting a Tribal homesite lease where he can set the trailer.

Vote: 7 in favor.

Motion Carried.

No Action.

Recess: 1:30 PM

Reconvene: 12:00 PM July 16, 1999

22. FEMA Presentation by Local, State, and Federal Representatives

Local, State and Federal FEMA representatives presented to the Council an update on eligibility criteria for grants and loans for private and public facilities losses.

To register for federal/state disaster assistance programs if affected by flooding, severe storms, ground saturation, tornadoes, landslides, mudslides or snow and ice since March 1, 1999, people are asked to call 1-800-462-9029.

Under the Public Assistance Grant Program, 75% of the grant is a federal share, 10% of the grant is a state share, and 15% is a tribal share. Under the Individual Assistance Grant Program for public housing, 100% is federally funded; and for private housing, 75% is a federal share and 25% is a state share.

23. Ambrose Phelan – Homesite Lease Request

Motion by Mark Fox to approve two homesite leases for Randy and Ambrose Phelan for 25 years, for 2.5 acres each, in the Mandaree area, subject to submission of updated maps and other required documentation.

Second by Marcus Wells, Jr.

Discussion: Updated maps and other required documents are not available.

Motion Withdrawn.

24. Selection of Committees and Boards

The Council assigned Kip Quale of the Legal Department to draft a resolution to rescind the existing resolution that establishes the existing committees and boards.

A. Fort Berthold Community College Bylaws:

Motion by Marcus Wells, Jr. to change Section 7, page 3 of the Fort Berthold Community College Bylaws changing the term from 'appointment' of board members to 'election' of board members.

Second by Austin Gillette.

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

Motion Failed.

Motion by Pete Hale to change Section 6, page 3 of the Fort Berthold Community College Bylaws in which the terms of FBCC Board members will change from a 3-year to a 4-year term and will follow Tribal Business Council Elections; and to change the FBCC Board meeting stipend rate to \$125 per meeting, not to exceed \$250/month for all meetings per month.

Second by Austin Gillette

Vote: 7 in favor.

Motion Carried.

Motion by Tom Bird Bear to revise Article 3, Section 10, page 4 of the FBCC Bylaws by deleting Section 5 on page 8, Section 6 on page 9, and revise Section 10 on page 4 by striking the second and third sentences.

Second by Daylon Spotted Bear.

Vote: 6 in favor, 1 abstained.

Motion Carried.

Motion by Mark Fox to approve the Fort Berthold Community Bylaws as amended by the Tribal Business Council on this day, July 16, 1999.

Second by Tom Bird Bear.

Discussion: Liz Demary, FBCC President will revise the Bylaws as amended by the Tribal Business Council and submit immediately as required to meet accreditation criteria.

Vote: 7 in favor.

Motion Carried.

FBCC Board:

Dewey Hosie

Bernadine Young Bird

Fred Baker

Tom Crows Heart

White Shield

North Segment

At Large

Twin Buttes (Until Election is held)

TERO Commission: (6 Member Board)

Jim Mossett
Pete Hale

Twin Buttes (Replaces Whitney Bell)
Mandaree

Hold the remaining appointments of the TERO Commission until legal issues with Blue Star are addressed.

Constitution Revision Committee and JTAC Committee:

Motion by Austin Gillette to retire the Constitution Revision Committee as the committee has submitted the assigned amendments and recommendations and to retire the JTAC Committee as the committee has submitted the assigned JTAC Plan and to further appoint a JTAC Oversight Board upon completion of the plan approval process.
Second by Marcus Wells, Jr.

Vote: 6 in favor, 1 absent.

Motion Carried.

Fort Berthold Housing Authority:

Tom Bird Bear North Segment

Hold the remaining appointments until each Council member submits their respective appointees.

Fort Berthold Development Corporation:

Bill Wells North Segment

Hold the remaining appointments until each Council member submits their respective appointees.

KMHA:

Glenda Emery At Large

Hold the remaining appointments until each Council member submits their respective appointees and until the IRS Issue is settled.

Recommendation: Transfer KMHA operations under the Fort Berthold Community College after the IRS Settlement.

Gaming Commission:

Hold the remaining appointments until each Council member submits their respective appointees.

UTECC

Tex Hall, (Automatic Member as Tribal Chairman)
Austin Gillette, Delegate
Mark Fox, Alternate

NCIA:

Tex Hall, (Automatic Member as Tribal Chairman)
Mark Fox, Delegate

Motion by Daylon Spotted Bear to select Chairman Tex Hall as the Three Affiliated Tribes' appointee to NCIA and to appoint Councilman Mark Fox as delegate to NCIA.

Second by Marcus Wells, Jr.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-148-DSB (Assigned to Kip Quale, Legal Dept)

CERT:

Austin Gillette, Treasurer

B. Council Committees

Motion by Mark Fox to pass the resolution establishing Council Committees with the following amendments: strike the second to last whereas and revise the statement to read "3 Council members and the Chairman" and strike the last whereas and revise to read "2 Non-Council members".

Second by Marcus Wells, Jr.

Discussion: The Tribal Chairman will participate and vote on all Council Committees:

Natural Resource Committee:

Austin Gillette, Chairman
Daylon Spotted Bear, Member
Marcus Wells, Jr., Member

Education Committee:

Thomas Bird Bear, Chairman
Marcus Wells, Jr., Member
Pete Hale, Member

**Health & Human Resource Committee:
And Employment:**

Marcus Wells, Jr., Chairman
Pete Hale, Member
Thomas Bird Bear, Member

**Executive Committee and Gaming
& Credit:**

Tex Hall, Chairman
Mark Fox, Vice Chairman
Marcus Wells, Jr., Treasurer
Daylon Spotted Bear, Secretary

Judicial Committee:

Mark Fox, Chairman
Daylon Spotted Bear, Member
Austin Gillette, Member

Other Discussion:

The Full Council will address range Units.
Use 3 council members and 2 non-council appointees for Gaming and Credit issues.

Vote: 6 in favor, 1 absent

Motion Carried.

Resolution No. 99-132-DSB

Motion by Daylon Spotted Bear to pass a resolution to rescind Resolution No. 97-201-DSB and to authorize the Council to appoint Council members to boards/commissions.

Second by Marcus Wells, Jr.

Vote: 4 in favor, 1 opposed, 2 absent

Motion Carried.

Resolution No. 99-134-DSB

Motion by Tom Bird Bear to approve the Tribal Business Council member's appointments to boards and commissions, with the exception of the Comprehensive Health, Lewis & Clark, and Museum Boards, and to approve the TERO Commission appointments of Pete Hale and Jim Mossett and the rest of the existing board members will remain the same, and to hold all other board and commission vacancies until each Council member submits the names of their respective appointees to the Secretary of the Tribal Business Council.

Second by Daylon Spotted Bear.

Vote: 7 in favor.

Resolution No. 99-135-DSB

Motion by Marcus Wells, Jr. to rescind Resolution No. 99-57-DSB that establishes the Gaming Enterprise Board and replace the entire Board with Tribal Business Council members after 60 days.

Second by Pete Hale.

Discussion: The Tribal Legal Department explained that the existing Gaming Enterprise Board is part of the financing structure of the current investment firm which loaned money to the Tribe to buy-out the management contract and that the existing resolution states that the Board members shall be removed only for cause.

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

Motion Failed.

25. Ambrose Phelan – Homesite Lease

Motion by Austin Gillette to approve a homesite lease for Ambrose Phelan in the Mandaree area, pending land exchange after probate proceedings.

Second by Mark Fox.

Vote: 7 in favor.

Motion Carried.

26. Standing Rock Delegation

Motion by Austin Gillette to add the Standing Rock delegation to the agenda.

Second by Tom Bird Bear.

Vote: 6 in favor, 1 absent.

Motion Carried.

Motion by Austin Gillette to support the position of the Standing Rock Sioux Tribe to oppose any land transfers of excess lands to the state of South Dakota, and that this support is based upon the Standing Rock Sioux Tribe's and the Three Affiliated Tribe's treaties of 1851 and 1861, and that other affected Tribes enjoin to develop a position paper regarding this issue.

Second by Mark Fox.

Vote: 7 in favor, 1 abstained.

Motion Carried.

27. Bruce Fox – Personnel Issue

Motion by Mark Fox to authorize a pay increase to Bruce Fox up to \$14.48 per hour, subject to the availability of funds and subject to review by Tex Lone Bear and the Personnel Director.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

28. Keith Bear – Business Proposal

Motion by Mark Fox to approve a business development grant for Keith Bear in the amount of \$3,500.00 and a business development loan in the amount of \$1,000.00, subject to availability of funds and proof of financial commitment and acquisition of outside resources of funds.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-136-DSB

29. Kyle Baker – Mineral & Gravel

Discussion: The Tribal Business Council deferred the mineral and gravel issues until a financial report is made available for the Council's review and further action.

30. A. Darrell Hall – Travel Request

Motion by Pete Hale to approve a travel request in the amount of \$420.00 to Darrell Hall to attend job-related training in Peirre, SD on July 27-29, 1999.

Second by Mark Fox.

Vote: 6 in favor, 1 absent.

Motion Carried.

B. Motor Vehicle Code

Motion by Austin Gillette to prioritize enforcement of DUI's and to approve check points. The Tribal Business Council will hold public hearings at the 4 Bears Community within 60-days to secure public comment regarding this matter.

Second by Tom Bird Bear.

Vote: 6 in favor, 1 absent.

Motion Carried.

31. Luther Grinnell – Farming Project

Discussion: The Tribal Business Council deferred Luther Grinnell's Farming Project to the Natural Resources Committee meeting which is scheduled for July 27, 1999 at 1:00 pm.

32. Delvin Driver & James Foote Loans

Motion by Pete Hale to approve business development loans to Delvin Driver and James Foote, Jr., both in the amount of \$5,000.00. Delvin Driver will pay back his loan through a wage assignment of \$75.00 per pay period at 8.7% APR, with an option of a balloon payment after the Fall of 2000 livestock sale, and this loan will be secured with Mr. Driver's personal land holdings as specified by the attached land description. James Foote, Jr. will pay back his loan through a wage assignment of \$75.00 per pay period at 8.7% APR, and this loan will be secured with Mr. Foote's IIM Account and with personal land holdings as specified by the attached land description.

Second by Tom Bird Bear.

Vote: 6 in favor, 1 abstained.

Motion Carried.

Resolution No. 99-137-DSB - Delvin Driver

Resolution No. 88-138-DSB - Jame Foote, Jr.

Motion by Tom Bird Bear to prioritize Delvin Driver's Water Well application.

Second by Pete Hale.

Vote: 6 in favor, 1 abstained.

Motion Carried.

33. Georgia Fox – Business Proposal

Motion by Mark Fox to approve travel at standard tribal rates for Georgia and Nina Fox to attend a business development meeting at Kalispell, MT and to defer Georgia Fox's Business Proposal to the Human Resource Committee.

Second Pete Hale.

Vote: 6 in favor, 1 abstained.

Motion Carried.

34. CJ Packineau – Financial Request

Motion by Mark Fox to approve a business development matching equity grant in the amount of \$3,500.00 to CJ Packineau, subject to submission of business development proposal, proof of financial commitment from resources other than tribal, and loan documentation, and subject to availability of funds.

Second by Tom Bird Bear.

Vote: 5 in favor, 1 opposed, 1 abstained.

Motion Carried.

Resolution No. 99-139-DSB.

35. Richard Mayer – Financial Request

Motion by Marcus Wells, Jr. to approve a loan for Richard E. Mayer for moving Expenses in the amount of \$2,500.00 to be paid back through a wage assignment of \$75.00 per pay period or \$150.00 per month for 18 months at an 8.7% APR, secured with the title to Mr. Mayer's mobile home.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-140-DSB

36. Jeremy Young Wolf – Financial Request

Motion by Tom Bird Bear to approve a loan for Jeremy Young Wolf in the amount of \$2,500.00 to be paid back through a wage assignment of \$75.00 per pay period or \$150.00 per month for 18 months at an 8.7% APR, secured with the title to Mr. Young Wolf's mobile home.

Second by Pete Hale.

Vote: 6 in favor, 1 opposed.

Motion Carried.

Resolution No. 99-141-DSB

37. James Bear – Financial Request

Motion by Mark Fox to approve a loan for James Bear in the amount of \$1,000.00 to be paid back through a wage assignment of \$50.00 per pay period at an 8.7% APR.

Second by Pete Hale.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-142-DSB

Motion by Mark Fox to add Iva Gillia to the agenda.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

38. Iva Gillies – Financial Request

Motion by Mark Fox to approve an airline ticket payment for Iva Gillies in the amount of \$1,046.00 to be paid back through a wage assignment of \$50.00 per pay period, effective July 30, 1999.

Second by Tom Bird Bear.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-145-DSB

39. Ted Danks – Department of Transportation Support Request

Motion by Austin Gillette to pass a resolution to support ND State Department of Transportation's request for the Public Lands Highway Program fund.

Second by Pete Hale.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-143-DSB

40. Melissa Poitra – Grant Request

Motion by Austin Gillette to approve a "loss-of-home" grant to Melissa Poitra in the amount of \$1,000.00.

Second by Mark Fox.

Vote: 6 in favor, 1 abstained.

Motion Carried.

Need Resolution

41. Hazel Blake – Financial Request

Discussion: The Tribal Business Council assigned Pete Hale to research criteria for loan approval for Mrs. Blake and return the request back to full council on August 12, 1999.

42. Potential Federal Law Suits

Motion by Tom Bird Bear to authorize the Tribe to enter into a potential federal lawsuit against USDA for possible discrimination of tribal members.

Second by Marcus Wells, Jr.

Vote: 6 in favor, 1 abstained.

Motion Carried.

Resolution No. 99-144-DSB

43. Gaming Commission Resolution

Motion by Marcus Wells, Jr. to pass a resolution to add James Bear to the Gaming Commission and to have six members with one alternate and to make four a quorum.

Second Pete Hale.

Vote: 5 in favor, 1 opposed, 1 absent.

Motion Carried.

Resolution No. 99-146-DSB

44. Government Capital Resolution

Discussion: The Tribal Business Council decided the the government Capital Resolution regarding the financing of equipment for the Tribal Roads Department will be deferred to the August 12, 1999 Council meeting. Language will be amended in noted clauses.

45. Joseph Eve & Co. Audit Payment

Motion by Mark Fox to approve the final payment to Joseph Eve & Company in the amount of \$10,000.00 for the 1997 audit.

Second by Daylon Spotted Bear.

Vote: 6 in favor, 1 absent.

Motion Carried.

46. Alfred Seaboy – Financial Request

Motion by Pete Hale to approve a grant in the amount of \$1,120.00 for Alfred Seaboy to participate in the Australia Cross Country Events on August 7-17, 1999, subject to resolution and availability of funds.

Second by Mark Fox.

Vote: 6 in favor, 1 absent.

Motion Carried.

Need Resolution

47. Amy Mossett – Travel Request

Motion by Daylon Spotted Bear to approve travel for Amy Mossett in the amount of \$500.00 to represent the Tribe by attending the 1999 National Lewis & Clark Trail Heritage Foundation Annual meeting in Bismarck, ND.

Second by Mark Fox.

Vote: 6 in favor, 1 absent.

Motion Carried.

48. Adjournment

Motion by Mark Fox to adjourn the Regular Tribal Business Council meeting of July 15 and 16, 1999, at 8:30 PM.

Second by Tom Bird Bear.

Vote: 6 in favor, 1 absent.

Motion Carried.

Next Regular Tribal Business Council Meeting is scheduled for August 12, 1999.

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