

**DISCLAIMER:** The following Tribal Business Council minutes are uncertified or un-approved and are only to be used for historical or archival purposes. The content within this document may contain errors and should be used with caution. All Closed Session content has been removed for publication. The Three Affiliated is not responsible for any action or inference made within this document.



# TRIBAL BUSINESS COUNCIL MEETING NO. 12

## SPECIAL MEETING

DATE: AUGUST 6, 1999 TIME: 2:40 PM

### 01. Call Meeting to Order and Opening Prayer

The Special meeting of August 6, 1999 was called to order by Chairman Tex Hall, at 2:40 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, Councilman Austin Gillette, Councilman Thomas Bird Bear, and Councilman Pete Hale.

Member absent for roll call was Secretary Daylon Spotted Bear.

Recording Secretary Marlien Gillette

### 03. Announcements

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

Upcoming meetings include:

- August 6, 1999: Gaming Compact Public Hearings at 4 Bears Community Center
- August 9, 1999: Segment's comments due at Chairman Hall's office regarding the proposed changes to the Indian Health Care Improvement Act under reauthorization legislation.
- August 10, 1999: Aberdeen Area Tribal Chairmen's meeting with Indian Health Service Officials and Tribal Representatives to formulate comments to the National 437 Steering Committee regarding the Indian Health Care Improvement Act.
- August 12-15, 1999: Little Shell Celebration
- August 12, 1999: Water Treatment Plant Grand Opening at Four Bears Community Center at 10:00 AM.
- August 12, 1999: Special Tribal Business Council Meeting at Tribal Chambers
- August 16, 1999: Trust Accounting Management Systems for Trust Funds Mgmt.
- August 18, 1999: Open Health Care Forum at New Town Civic Center
- August 19, 1999: Regular Tribal Business Council Meeting at Tribal Chambers
- August 20, 1999: Open Forum regarding American Indian Farmers & Ranchers
- August 24, 1999: BLM Land Exchange Meeting at Dickinson
- August 31, 1999: Health Care Meeting at Rapid City, SD
- June 17, 1999: CERT Meeting with ITMA, Milwaukee, WI.

June 19, 1999: Native American Bank Meeting  
June 21, 1999: JTAC/TBC Working Session, 4 Bears A-Frame  
June 22, 1999: Twin Buttes Manufacturing Meeting at Twin Buttes  
June 24, 1999: Little Missouri Grasslands Meeting  
June 23, 1999: Testify before Senate Select Committee on BIA Trust Funds.  
June 30, 1999: Testify before Senate Select Committee on Gaming Regulations.

**Tribal Business Council Committee Meeting Schedules:**

**Natural Resources Committee:** Tuesdays at 10:00 AM  
Chairman Austin Gillette  
Member Daylon Spotted Bear  
Member Marcus Wells, Jr.

**Health & Human Resource Committee:** 1<sup>st</sup> Thursday at 10:00 AM  
(Employment)  
Chairman Marcus Wells, Jr.  
Member James Pete Hale  
Member Thomas Bird Bear

**Executive Committee:** Mondays as needed at 10:00 AM  
(Gaming/Credit)  
Chairman Tex Hall  
Vice Chairman Mark Fox  
Treasurer Marcus Wells  
Secretary Daylon Spotted Bear

**Education Committee:** 3<sup>rd</sup> Thursday at 1:00 PM  
Chairman Thomas Bird Bear  
Member Marcus Wells, Jr.  
Member James Pete Hale

**Judicial Committee:** Fridays at 1:00 PM  
Chairman Mark Fox  
Member Daylon Spotted Bear  
Member Austin Gillette

**04. Approval of Agenda**

**Motion** by Tom Bird Bear to approve the agenda after changes in order of business, deletions, and additions.

**Second** by Mark Fox

**Vote:** 6 in favor

**Motion Carried.**

**05. Community First Investment Presentation: Betty Kolling, Greg Salmen, and Ann Locan**

Representatives from Community First Bank of Dickinson presented to the Tribal Business Council various investment options. Based on the Tribe's needs, the banking institution facilitates in the development of an investment plan determining how much will be invested in stocks and/or bonds at a certain percentage rate over a certain period of time, and how much the Tribe will receive on the investment, and how much the Tribe will expended over a period of time in accordance with an expenditure plan, and how much will be reinvested. Community First Bank representatives offered to provide actual portfolios, with names removed, and other investor's records to further assist in future decision-making processes. A sliding fee scheduled will also be provided.

The Tribal Business Council discussed the Trust Fund Reform Act of 1994 that limits the investment of funds in foreign stocks and the Prudent Investors Act that does not necessarily offer a solid guarantee. The Council discussed the need to review other investment proposals from other institutions that offer packages such as community development packages in communities. The Council will continue to research investment options and re-addressed the investment issues at a future meeting.

**06. Consideration and Approval for Amended Gaming Compact.**

Public Hearings were held throughout the State with State groups and North Dakota Tribes regarding renegotiations of the Gaming Compact. The public hearing with the Three Affiliated Tribes was held today, August 6, 1999 at the 4 Bears Community Center at 10:00 AM. The Tribal Business Council will defer the passage of a Gaming Compact Resolution until a final meeting is scheduled with the Governor so he may respond to all comments made at the public hearings.

**07. General Manager Position – 4 Bears Casino & Lodge**

The Tribal Business Council discussed the need to further develop a performance schedule for the position of the General Manager position at the 4 Bears Casino in an effort to assure that profits are efficiently maintained.

**Motion** by Tom Bird Bear to direct Fred Baker, Programs Manager and Florence Brady, Personnel Director, to develop a performance schedule where \$65,000 of the General Manager's salary will be based on performance and the other half will be based on a sliding scale in relation to profits. The salary range for the General Manager of the Casino is from \$100,000 to \$130,000 per year.

**Second** by Pete Hale.

**Vote:** 6 in favor.

**Motion Carried.**

07. TAT Web Site – Mitch Cook

Mitch Cook and Delvin Rabbithead presented to the Tribal Business Council a proposal to develop a Tribal Web Site that would divert public internet traffic and deal only with internal information relating the Three Affiliated Tribes. The system will also offer the option to sell space to tribal entities. Grant money is available to supplement the cost of the system.

**Motion** by Austin Gillette to approve the proposed Three Affiliated Tribes Web Site for six months at a rate of \$464.72 payable to Matrixcubed.net and NIC-Network Solutions.

**Second** by Pete Hale.

**Vote:** 6 in favor.

**Motion Carried.**

08. Commodity Warehouse New Site Request

Joe Henry, Commodity Program Director, presented a resolution to the Tribal Business Council for a new proposed site for the Food Distribution Warehouse.

**Motion** by Tom Bird Bear to pass the resolution authorizing the new proposed site on Lots 1, 2, & 3, which is a rearrangement of Block 2, and titled Highland Village Subdivision to be the new proposed Food Distribution Warehouse site.

**Second** by Pete Hale.

**Vote:** 6 in favor.

**Motion Carried.**

**Resolution No. 99-150-DSB**

Joe Henry presented to the Council a resolution for funding through USDA Rural Development for a guaranteed facility loan and/or grant in the amount of \$500,000.

**Motion** by Marcus Wells to pass the resolution to approve the application to the USDA Rural Development for a guaranteed community facility loan and/or grant for the Food Distribution Warehouse.

**Second** by Pete Hale.

**Discussion:** The Council discussed the McLean Electric situation in which the company was supposed to have committed \$300,000 in grant funds to the Tribe for the Food Distribution Warehouse. Pat Wilkinson and Al Nygard will be assigned to work with Joe Henry to draft a letter to McLean Electric for Chairman Hall's signature regarding the status of the \$300,000 grant.

**Vote:** 6 in favor.

**Motion Carried.**

**Resolution No. 99-151-DSB (A)**

09. **Legal Department**

a. **Award of Contracts for Luther Grinnell and Elmer Fredericks Roads Construction Projects.**

Kip Quale, Tribal Legal Department, presented to the Tribal Business Council the three bids received in response to the request for bids on the Luther Grinnell road on BIA Route #13 and the Elmer Fredericks road on BIA Route #15.

**Motion** by Pete Hale to accept the low bids submitted by Black Feather Construction for construction of the Luther Grinnell road on BIA Route # 13 in the amount of \$40,500.00 and for the construction of the Elmer Fredericks road on BIA Route #15 in the amount of \$5,500.00.

**Second** by Tom Bird Bear.

**Discussion:** Mr. Luther Grinnell stated that he needs three cattle guards and neighbor wants to build a stock dam near the road. The Council informed Mr. Grinnell that he will have to work this issue out with a contractor and Mr. Grinnell should also discuss the issue with Ted Danks regarding applicability of FEMA funds to meet his and his neighbors needs. The Council will also request a financial report from Ted Danks regarding the balance of FEMA funds. Councilman Austin Gillette suggested that FEMA funds be allocated for the completion of the Matt Mason and Paul Driver roads since these roads had no been adequately funded in the past.

**Vote:** 4 in favor, 1 abstained, 1 absent.

**Motion Carried.**

b. **Amendment to Declaration of Policies and Plan of Operation for Tribal Wake and Burial Fund.**

**Motion** by Mark Fox to pass a resolution to amend the second sentence in Section IV A of the Wake Fund Plan that establishes stillbirth to be declared at the 20th week of gestation to be eligible for Wake Funds provided that he or she would otherwise be eligible for enrollment as a member of the Three Affiliated Tribes.

**Second** by Marcus Wells.

**Discussion:** Councilman Mark Fox stated the Council granted \$500.00 to those stillborn less than 20 weeks for serious medical loss of life or limb.

**Vote:** 6 in favor.

**Motion Carried.**

**Resolution 99-159-DSB**

c. **Request for Approval of Agreement for Engineering Services**

**Motion** by Mark Fox to approve the Agreement for Engineering Services between the Three Affiliated Tribes and Kadrmas, Lee & Jackson, PC, Consulting Engineers and Surveyors.

**Second** by Pete Hale.

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

**Motion Carried.**

d. **Bob Young Bird – Retain as Inspector**

**Motion** by Mark Fox to temporarily retain Bob Young Bird as Inspector for the Fire Station Projects at a rate of \$500.00 per week plus mileage, subject to final review.

**Second** by Pete Hale.

**Vote:** 6 in favor.

**Motion Carried.**

10. **Ed Fox – Financial Request**

**Motion** by Tom Bird Bear to pass a resolution to approve a loan to Ed Fox in the amount of \$2,000 at 8.75% to be repaid through a wage deduction of \$75.00 per pay period and to be secured with the title of his vehicle.

**Second** by Pete Hale.

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

**Motion Failed.**

**Motion** by Pete Hale to pass a resolution to approve a loan to Ed Fox in the amount of \$1,000 at 8.75% to be repaid through a wage deduction of \$75.00 per pay period and to be secured with the title of his vehicle.

**Second** by Mark Fox.

**Vote:** 6 in favor.

**Motion Carried.**

**Resolution No. 99-154-DSB**

11. **Adjournment**

**Motion** by Pete Hale to adjourn the Special Tribal Business Council meeting at 6:30 PM, August 6, 1999.

**Second** by Tom Bird Bear.

**Vote:** 6 in favor.

**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:**

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Tex Hall, Chairman  
Tribal Business Council, Three Affiliated Tribes