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MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

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THREE AFFILIATED TRIBES BUSINESS COUNCIL MEETING NO. 15 REGULAR MEETING SEPTEMBER 17, 1999

01. CALL TO ORDER:

Chairman Tex G. Hall called the meeting to order at 12:14 p.m. with an opening prayer by Gertrude Sillitti.

02. ROLL CALL:

Members present: Chairman Tex G. Hall; Councilman Marcus Wells, Jr.; Councilman Pete Hale; Councilman Tom Bird Bear; Councilman Daylon Spotted Bear. Councilman Austin Gillette was absent and entered the meeting at 1:30 p.m. The quorum was established with six members present and one absent.

Others present: Recording Secretary, Clair Fox.

03. ANNOUNCEMENTS:

Chairman Hall briefed the tribal business council on the following topics:

- Land into Trust
- Indian Health Care Improvement Act
- Figure Four Funding
- Game & Fish (Memorandum of Agreement and Tribal and State Regulation)
- Intertribal Summit (Resolutions)
- Four Bears Bridge
- Bureau of Indian Affairs Funding (Direct and Indirect Costs)
- Gaming Compact
- Casino Refinancing
- Bureau of Indian Affairs 93-638 Contracts (FIR-Headquarters, Eight quarters renovation, and Indian Health Contract)
- Army Corp of Engineers (Return of lake shores and Title Six)
- Head Start Update
- F.S.A. Lawsuit Update
- Dakota Water Resources Act
- Y2K Technology Priority Report
- T.A.T. Department Heads Report
- ISEP - Certificate of Indian Blood (enrollment and count week)
- Office of Trust Fund Management Report
- Educational Requests

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Councilman Marcus Wells, Jr. gave the Treasurer's report as follows:

JTAC Principal	\$149,935,000.32
JTAC Interest	<u>\$ 42,676,801.07</u>
Total Principal & Interst	\$192,611,801.39

The Three Affiliated Tribes account balances with Bank accounts are as follows:

Community First Bank - Dickinson, ND	\$331,010.31
1 st International Bank - Watford City, ND	\$ 40.16
Lakeside State Bank - New Town, ND	<u>\$223,870.05</u>
Total of All Bank Accounts	\$554,920.22

Treasurer Wells informed the Business Council that Directors of the Programs were asked to submit their budgets for fiscal year 2000 but he has not received all of them so he could not present the Council with a draft today. The change from fiscal years 1999 is he was going to include the personnel from the indirect cost budget because when Personnel decisions are made, we say indirect but nothing has been on paper. Chairman Hall asked for an update on the IIM and small loans account. The Radio Communications wants to be audited.

Councilman Tom Bird Bear made an announcement that he was planning on having a community meeting for North Segment on the 28th or 29th regarding FSA class action.

Councilman Daylon Spotted Bear said he only had two items and one is already on the agenda. The other item was the general manager of the Casino. There were eleven applicants and only two met the minimum qualifications who were Spencer Wilkinson, Jr., and Bernie Fox.

Councilman Mark Fox informed the Committee he attended a joint meeting with the Bureau of Indian Affairs, ITMA and other tribal organizations. The intent of the meeting was to devise methods and means of estimating what the Tribe's losses were. He presented a folder to the Chairman with the information gone over at the meeting along with their agenda. He presented dates on other upcoming meetings.

Councilman Marcus Wells, Jr. stated on the COPS FAST grant application the Tribe has less than fifteen days to get their request in. He sent a memorandum to Jeannette Coffey and she said she never received the application. This is an application for equipment and cars. Brent LaRocque stated he gave the application to Bonnie Pedro.

Councilman Pete Hale said he has a resolution to present on behalf of Jody Hale Brieck. The Tribal Business Council had approved her for a loan of \$3,000 and a grant of \$3,000

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but they could not use the land collateral so Ed Hale's wage deductions were added instead. He said he also got two proposals from Capitol Credit on refinancing the Casino and one to refinance the Casino and the buffalo project.

Councilman Pete Hale motioned to approve the amendment of Jody Hale-Briec's resolution as follows: BE IT FINALLY RESOLVED, The Tribal Business Council hereby authorizes the release of Tribal funds in the amount of \$3,000.00 in the form of a grant and \$3,000.00 in the form of a loan with a 8.25% APR, \$50.00 bi-weekly wage deduction, to be put into effect by Ed Hale, and beginning September 23, 1999, until paid in full for the loan as collateral. Seconded by Councilman Tom Bird Bear.

Discussion: Councilman Fox asked if this was for a business off the Reservation in which Councilman Hale replied it was. Discussion followed on the loan and the previous resolution itself and why the land was not held as collateral.

VOTE: 3 Ayes, 3 Nays, 1 Abstention, 0 Not Voting
Motion Failed.

04. APPROVAL OF AGENDA:

The Councilmen added their additions to the agenda.

Councilman Tom Bird motioned to approve the agenda as amended. Seconded by Councilman Austin Gillette.

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

05. APPROVAL OF MINUTES:

Councilman Daylon Spotted Bear informed the Committee the minutes of June 23, 1999, July 15 & 16, 1999 and August 12, 1999 would have to be deferred as Marlien Mossett has the minutes in the packets and she is not here.

06. BNC BANK - BRAD SCOTT:

Chairman Hall said Community 1st done a presentation on the JTAC monies and Brad Scott of BNC Bank will do the same. Mr. Scott said they are the seventh largest bank in the State of North Dakota and he and other staff of the BNC Bank went into detail on how they could best serve the Three Affiliated Tribes.

07. CENEX PIPELINE PROPOSAL:

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Chairman Hall asked El Marie Conklin to be present at this meeting along with the Legal Department. Mr. Danny Foss said Mr. Daniel Knepper was advised he did not have to be present at this meeting by Tom Disselhorst. Chairman Hall summarized the proposal for the Council members which was presented by Cenex Pipeline. It is a renewal of the contract, they would like to renew it for another twenty years. It comes across underneath the Bridge and through the parking lot west about five miles. Ms. El Marie Conklin explained her memorandum to the Tribal Business Council that was dated August 17, 1998 on this agreement. Discussion followed on this topic. Mr. Foss said they paid \$65.00 per rod for a permanent right of way on this and the State of North Dakota allows it for ninety-nine years. On fee land they pay \$15.00 per rod. Mr. Tom Disselhorst summarized the memorandum he had wrote on this issue. The Councilmen expressed their opinions on the offer Cenex Pipeline offered. Chairman Hall stated he would like to negotiate a higher price, that the BIA hold a meeting with the allottees, and have another meeting with Cenex. Councilman Austin Gillette said he felt this was a fair offer. It was decided to conduct a public meeting with El Marie Conklin present to discuss this issue. Ms. Conklin informed the Tribal Business Council that she received a request from the Colorado University Law Clinic to have the Tribe join in on the Amius Brief that is going to be filed with Big Horn Electric versus Dennis Adams. This case is going to the ninth circuit. The issue with Big Horn Electric is the same as in RTC.

Councilman Tom Bird Bear motioned to support the Crow Tribe in their taxation dispute as an amicus party to the lawsuit the Tax Director has recommended subject to the concurrence between the Tribal Tax Department and Tribal Legal Department. Seconded by Councilman Pete Hale.

Discussion: Councilman Mark Fox felt a legal review should be completed prior to moving forward with this.

VOTE: 6 Nays, 0 Nays, 1 Abstention, 0 Not Voting
Motion carried.

08. LOAN: (CLOSED)

Councilman Mark Fox motioned to add small loans onto the agenda. Seconded by Councilman Austin Gillette.

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

09. DAYCARE - LAWSUIT:

The incident at the Tribal Day Care was discussed about foreign objects in bed. The attorney agreement was also discussed.

Councilman Mark Fox motioned to approve the attorney agreement for Tom Dickson to represent the Tribal Day Care. Seconded by Councilman Marcus Wells, Jr.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

Councilman Mark Fox motioned to approve the infant and toddler resolution with an assigned number of 99-166-DSB. Seconded by Councilman Pete Hale.

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

10. HEALTH CARE CONTRACT:

Councilman Tom Bird Bear motioned to approve the health care combined proposal which Fred Baker presented. Seconded by Councilman Pete Hale.

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

11. SACRED CHILD PROJECT:

Councilman Mark Fox motioned to approve the resolution presented concerning the Sacred Child Project. Said resolution is numbered 99-167-DSB. Seconded by Councilman Marcus Wells, Jr.

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

12. LAND SALES

1. Gertrude Sillitti:

Councilman Marcus Wells, Jr. motioned to approve the land sale of Gertrude Sillitti of 120 acres further described as allotment No. 2235 W1/2NWSE,SWSE Section 8;

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**WI/2NENE,NWNE, Section 17; Township 147N., Range 92W. Seconded by
Councilman Pete Hale.**

**VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 1 Not Voting
Motion carried.**

2. Laura White Owl:

**Councilman Mark Fox motioned to approve the purchase of 5 acres, more or less,
valued at \$15,000.00 further described as Allotment 551A-A, E1/2NE1/4NW1/4NW1/4
Section 33, Township 152 North, Range 94W. from Laura White Owl. Seconded by
Councilman Marcus Wells, Jr.**

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

13. HEADSTART:

**Councilman Austin Gillette motioned to finance all headstart districts in need.
Seconded by Councilman Mark Fox.**

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

14. ENROLLMENT - JOHN CHARGING:

**Councilman Tom Bird Bear motioned to approve the resolution John Charging
presented further known as resolution No. 99-169-DSB which addresses dual
enrollment. Seconded by Councilman Pete Hale.**

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

15. ELBOWOODS - MIKE CROSS:

**Mr. Mike Cross informed the Tribal Business Council that his grant application was one of
the winners of four hundred applications. Elbowoods Woods Works received about
\$411,750.00.00 which was about one third of the total monies available. Mr. Cross said
they were interested in the commercial property for sale by bid that could house
Elbowood Woods Works. He submitted a resolution to the Tribal Business Council on
this.**

Councilman Mark Fox motioned to approve the resolution presented by Mike Cross concerning the bid on the former Aubols Ford Agency. Seconded by Councilman Pete Hale.

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

16. PERSONNEL - FLORENCE BRADY: (CLOSED SESSION)

- A. Finance Manager
 - 1. Rhonda Lopez
 - 2. Lena Marcellais
 - 3. M. Tony Foote
- B. Other
 - 1. Corrine Sage
 - 2. Loie White Bear
 - 3. Darryl Bearstail
 - 4. Roselynn Mahto
 - 5. Fred Baker/Casey Fredericks
 - 6. Sidrick Baker
 - 7. Cops Fast
 - 8. Sherrie Steele
 - 9. Figure Four Employees
 - 10. Dale Hall
 - 11. Royce Heart
 - 12. Cletus Fox
 - 13. Patrick Malnourie
 - 14. Kaye Bell
 - 15. Monica Lyson
 - 16. Delvin Rabbithead

17. PATTI FREDEICKS - MILLER & SCHROEDER:

Ms. Patti Fredericks, First Vice President of the Miller & Schroeder Investments Corporation presented a loan proposal on a taxable loan and a tax exempt loan to the Three Affiliated Tribes to refinance the outstanding principal balance of the existing loan for the Four Bears Casino & Lodge in the amount of approximately \$4,200,000 and fund the expansion of the casino, legal counsel fees and Miller & Schroeders' placement fees. The tax exempt loan will be to provide funds to the Tribal government and help with the construction of the convention/events center along with fees and expenses.

18. MARILYN YELLOW BIRD - COMMUNITY HEALTH PROGRAM

Ms. Yellow Bird explained her emergency medical services to the Tribal Business Council. Her proposal was to assist with the local shortage of manpower on the New Town Ambulance service. She said their biggest issue was they never received payment from the Tribe for this year and the second concern was lack of manpower. In turn the New Town

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Ambulance Service will provide the use of the ambulance and equipment for the volunteer.

Councilman Mark Fox motioned to approve the emergency medical service proposal with an amendment not to exceed five hundred dollar total cost in mileage presented by Marilyn Yellow Bird. Seconded by Councilman Tom Bird Bear.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

19. TODD HALL - FISH & GAME:

Mr. Todd Hall presented the Tribal Business Council with one resolution and a Deer Gun Proclamation and a North American Elk Gun Season Proclamation for approval. The resolution was for the Game and Fish Recreation Code. Mr. Hall explained the two proclamations to the Tribal Business Council. Chairman Hall asked if the Tribe could receive a gratis license because of being the land owner now. Mr. Todd Hall said he would try.

Councilman Marcus Wells, Jr. motioned to approve the resolution presented on the proclamations of the deer gun season and the North American elk gun season. Seconded by Councilman Tom Bird Bear.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

Mr. Hall presented the Great Plains Intertribal Fish and Wildlife Commission. He explained it is non-profit, grass roots organization. It brings the Tribes within the Aberdeen Area together to work on fish and wildlife issues.

Councilman Tom Bird Bear motioned to approve the resolution presented on the Great Plains Intertribal Fish and Wildlife Commission. Seconded by Councilman Mark Fox.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

20. FORT BERTHOLD COMMUNITY COLLEGE BOARD:

Councilman Marcus Wells, Jr. motioned to appoint Inez Baker to the Fort Berthold Community College Board to fill out the remainder of the term on the late Clyde Baker. Seconded by Councilman Mark Fox.

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VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

21. FOUR BEARS COMMUNITY BY-LAWS AMENDMENT:

Councilman Marcus Wells, Jr. read the amendments to the community by-laws to the Tribal Business Council.

Councilman Marcus Wells, Jr. motioned to approve the Four Bears Community By-Laws amendment. Seconded by Councilman Mark Fox.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

22. MANDAREE TRAILER COURT - MCKENZIE ELECTRIC RESOLUTION:

Councilman Pete Hale presented a resolution to the Tribal Business Council for the installation, provision, and maintenance of electric service to the Mandaree Trailer Court. This was passed in the Executive Committee on the September 3rd meeting and is now before the full Tribal Business Council. The amount is \$7,075.28 and it is understood it will be reimbursed by the West Segment Development Cooperation once such entity begins to receive income from the management of this court.

Councilman Pete Hale motioned to approve the resolution as presented for the Mandaree Trailer Court in the amount of \$7,075.28. Seconded by Councilman Tom Bird Bear.

Discussion: Councilman Mark Fox asked if the Tribe was guaranteeing it or paying for it? The answer was paying for it to be reimbursed by the West Segment Development Cooperation.

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

23. SMALL LOANS:

Chairman Tex Hall deferred Robert White's loan request to the Executive Committee.

Councilman Marcus Wells, Jr. motioned to approve a loan for Caroline Pleets and Willamette Kidder in the amount of \$250.00 provided they meet the small loan requirements. Seconded by Councilman Mark Fox.

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VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 1 Absent
Motion carried.

24. CIRCLE OF LIFE - CONSULTANT AGREEMENT:

Ms. Cheryl Fox of the Circle of Life is requesting approval of a consultant agreement for Jackie Bird for providing prevention activities for one week in the New Town, Twin Buttes, Mandaree, Parshall and White Shield. It is coming from their budget and the amount is \$5,000.00.

Councilman Daylon Spotted Bear motioned to approve the consultant agreement for Jackie Bird in the amount of \$5,000.00 for one week to be taken from the Circle of Life budget. Seconded by Councilman Marcus Wells, Jr.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

25. AMBROSE PHELAN:

Councilman Tom Bird Bear motioned to add Ambrose Phelan onto the agenda. Seconded by Councilman Marcus Wells, Jr.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

Mr. Ambrose Phelan addressed the Tribal Business Council in which he stated that at the time he wrote the resolution he was asking for a loan or a grant but realizes the financial status of the Tribe. Now he is asking if the Tribe would secure a loan for him from BNC. He spoke with BNC and they said if the Tribe secured a loan, he would have no problem in obtaining it. He is asking for \$20,000.00. \$14,000 would go to pay for the installation of an electric line from McKenzie Electric, \$2,500.00 to pay for a water well and pump, \$1,500.00 for skirting materials and \$2,000.00 for miscellaneous expenses. He is willing to have his land as collateral for this loan in which he has 36 acres of top soil and 80 acres of mineral rights. He has been working with Kip Quale on this. Mr. Phelan further explained how he is required to pay \$14,000.00 for a line that is less than one mile and others who had a longer distance paid pay less money. Discussion followed on this topic and possible solutions to it.

Councilman Mark Fox motioned to direct the legal department to assist Ambrose Phelan in this issue and to be an advocate and to help process an application for services with the electric cooperative so they can obtain electricity. The Legal

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Department is directed to investigate all potential possible discrimination and the possible potential to bring on a lawsuit against McKenzie Electric.

Councilman Wells said maybe Four Bears Community and Mandaree Community can get together with their Boards, bring in their bills and do comparisons. Discussion followed on discrimination.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

Councilman Tom Bird Bear motioned to prioritize Ambrose Phelan on the water well applicants, if he gets the electricity worked out. Seconded by Councilman Pete Hale.

Discussion: The Secretary's office is to notify Elizabeth Morsette on this priority.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent
Motion carried.

Councilman Marcus Wells, Jr. motioned to adjourn at 12:40 p.m. Seconded by Councilman Daylon Spotted Bear.

Transcribed by V. Judy Brugh, Recording Secretary on June 28, 2001.

Daylon Spotted Bear, Recording Secretary
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ATTEST:

Tex G. Hall, Chairman
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