

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. 16

SPECIAL MEETING

DATE: September 23, 1999 TIME: 3:22 PM

01. Call Meeting to order and Opening Prayer

The Special Tribal Business Council Meeting of September 23, 1999 was called to order by Chairman Tex Hall at 3:22 PM in the Tribal Council Chambers. A moment of silent prayer was held.

02. Roll Call

Chairman Tex Hall, Vice Chairman Mark Fox, Treasurer Marcus Wells, Jr., Secretary Daylon Spotted Bear, Councilman Austin Gillette, Councilman, Pete Hale, Councilman Tom Bird Bear, Recording Secretary Marlien Mossett Gillette.

03. Announcements

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

Summary of Meetings:

9-24-99: Judiciary Committee Meeting – individuals who wish to be on the agenda are required to submit a statement of reason(s) in writing to Committee Chairman Mark Fox 5 (five) days prior to the Judiciary Committee meetings. The next meeting is scheduled for October 22, 1999 at 10:00 AM. For more information call (701) 627-3728, Fax No: (701) 627-3216.

9-27-99: National Indian Health Steering Committee Meeting, Wa. D.C. – Chairman Tex Hall

9-28-99: Chairman Tex Hall/Chip Smith, COE – Return of Excess Lands Issues.

9-28-99: Chairman Tex Hall/Dan Israel/Senator Kerrey/NB Senator: – To develop an agreement to preserve and protect numerous cultural and historic sites along the Missouri River as part of Title 6 Mitigation Bill. To secure funding to replace 4 Bears Bridge. IIR allocated only \$1.5 million while the cost of bridge replacement is \$42.3 million.

9-28-99: FSA Farmers & Ranchers Meeting, North Segment, New Town, ND 6:00 PM – Facilitator: Councilman Tom Bird Bear.

**Page 2 of 9: SPECIAL TRIBAL BUSINESS COUNCIL MEETING NO. 16
September 23, 1999**

9-28-99: ND Water Resource Act Testimony, Wa. D.C.- Chairman Tex Hall, Treasurer Marcus Wells, Jr.

9-29-99: ND Game & Fish Meeting – Chairman Tex Hall, Bismarck, ND (Time TBA)

9-29-99: Tax Issues Meeting – Bismarck, ND (Time TBA)

9-29-99: Gaming Compact Meeting With Tribes, Bismarck, ND – 10:00 AM

9-29-99: Gaming Compact Meeting, Bismarck, ND – 1:30 PM

9-30-99: ND Water Resource Act Testimony, Wa. D.C.- Councilman Austin Gillette

9-30-99: Senate Select Committee on Indian Affairs meeting – Trust Funds Issues – Councilman Mark Fox.

10-1-99: Human Resource Committee Meeting at 10:00 AM – Tribal Council Chambers, New Town, ND.

10-1-99: Special Tribal Business Council Meeting at 1:00 PM – Tribal Council Chambers, New Town, ND.

10-4-8-99: Ted Danks, Transportation -Negotiated Rules Committee at Prairie Knights – to testify on behalf Three Affiliated Tribes (Legal Department will review written testimony).

04. Approval of Agenda

Motion by Pete Hale to approve the agenda as amended.

Second by Thomas Bird Bear

Vote: 7 in favor.

Motion Carried.

05. Approval of Minutes

Request to review minutes for approval at the Special Tribal Business Council meeting of October 1, 1999:

- a. June 23, 1999 Special TBC Meeting #10
- b. July 15-16-1999 Regular TBC Meeting #11
- c. August 06, 1999 Special TBC Meeting #12

06. Legal Department

- a. 3:00 PM TELECONFERENCE: Potential Joinder by Three Affiliated Tribes in Amicus Brief in Big Horn Tax Case on Appeal to Ninth Circuit – Discussion and Action.

Motion by Austin Gillette to authorize the Tribal Chairman and the Executive Committee to complete the review of the RTC Tax Case, then the Committee will decide whether or not to proceed with the potential joinder by the Three Affiliated Tribes in the Amicus brief in the Big Horn Tax Case now on appeal to Ninth Circuit Court.

Second by Tom B.B.

Vote: 6 in favor, 1 abstained.

Motion Carried.

07. Health Care Contract

Fred Baker, Programs Manager, presented to the Council two Requests for the Proposal of Physician Services; one submitted by Terry G. Hoff, President of Trinity Health and one submitted by Dr. Sokolic, Physician at Mini Tohe Health Center.

Option Number 1: (Trinity Health)

- 1 Supervisory Physician (Chief of Medical Staff Trinity) – 1 day per week
- 1 Physician (Medical Officer) ½ time (Dr. Monica Mayer)
- 1 Physician Extender (Physician Assistant or Nurse Prac.) (Therman)
- Call Requirement (10 Primary and 10 Secondary per month or 24 hour)

TOTAL AMOUNT OF CONTRACT COST= \$350,000

Plus Coverage for other Medical Officer (Dr. Sokolic) = \$201,000

GRAND TOTAL-----\$551,000

Option Number 2: (Trinity Health)

- 1 Supervisory Physician (Chief Medical Staff) – 1 day per week
- 2 Physicians (Medical Officers) full-time
- 1 Physician Extender (Physician Assistant or Nurse Prac.)
- 24 hour call (365 days per year X 24 hours per day)

TOTAL AMOUNT OF CONTRACT COST = -----\$450,000

**Page 4 of 9: SPECIAL TRIBAL BUSINESS COUNCIL MEETING NO. 16
September 23, 1999**

Option Number 3: (Dr. Sokolic, Mini Tohe)

Tribe hires all Staff:

1 Supervisory Physician - Dr. Sokolic	(\$201,000)
1 Physician - Dr. Arcolay	(\$182,000)
1 Physician Extender – Lynn Nelson, NP	(\$97,500)

TOTAL AMOUNT OF CONTRACT COST-----\$480,500

Motion by Marcus Wells, Jr. to accept Dr. Sokolic's proposal, subject to further negotiations on the final amounts and to set a cap of \$450,000.00 on the total proposal.

Second by Daylon Spotted Bear

Discussion: The Council discussed a proposal in which the Tribe would hire a physician and contract Dr. Monica Mayer from Trinity. Trinity would not allow Dr. Mayer to be contracted by the Tribe, thus the option could not be considered.

Vote: 4 in favor, 3 opposed, 1 absent

Motion Carried.

Break at 5:20 PM

Reconvene at 6:10 PM

07. Personnel – Florence Brady (Closed Session)

Confidential Inter-Office Memorandum issues to Florence Brady, Personnel Director dated September 27, 1999 reflecting five motions made by Tribal Business Council.

08. Casino Refinancing

Council members reviewed Casino Refinancing Proposals from Miller & Schroeder Investments Corporation and from Government Capital Corporation.

Motion by Marcus Wells, Jr. to approve a loan in the amount of \$7.2 million from Miller Schroeder to refinance the existing Casino loan that has a balance of \$4.2 million and to issue an operating loan to the Tribe in the amount of \$3 million.

Second by Pete Hale.

Discussion: The Council discussed the option of requesting more proposals since the Gaming Compact will not be published in the federal register until November. The finance companies will include two options in each proposal – one with the pledge of JTAC and one without the pledge of JTAC.

Motion Withdrawn

**Page 5 of 9: SPECIAL TRIBAL BUSINESS COUNCIL MEETING NO. 16
September 23, 1999**

Motion by Austin Gillette to move forward and review proposed loan packages from both Miller Schroeder and Government Capital in the amounts of \$12.48 million which include the expansion of the Casino - one proposed loan package to include the pledge of JTAC interest, and the other proposed loan package without the pledge of JTAC interest.

Second by Marcus Wells, Jr.

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

Motion Carried.

09. 4 Bears Walkway & Bike Path Project

Motion by Marcus Wells, Jr. to pass a resolution authorizing the North Dakota Department of Transportation to build a walkway and a bike path along Highway 23 from Drags Wolf Village to Bakersfield with Department of Transportation funding; thereafter, the Tribe will be responsible for the maintenance of lighting along the path.

Second by Pete Hale.

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

Motion Carried.

Resolution No. 99-177-DSB

10. Sponsorship Request – FSA Booth at National Indian Finals

Motion by Pete Hale to pass a resolution authorizing the approval of a grant in the amount of \$1,350.00 to sponsor a FSA Informational Booth at the National Indian National Finals from October 7 through October 10, 1999 in Albuquerque, NM.

Second by Thomas Bird Bear.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-178-DSB (Needs Amended Language)

11. Travel Request – Jack Rabbithead

Motion by Pete Hale to approve travel for Jack Rabbithead to accompany Councilman Pete Hale to LaCrosse, Wisconsin on September 26, 1999 to screen Riverboats for the proposed use in the development of the 4 Bears Marina.

Second by Thomas Bird Bear.

Vote: 6 in favor, 1 absent.

12. Legal Department

**B. Twin Buttes Custom Homes, Inc. – Status Update and Bond Documents
(Review – No Action)**

Kip Quale, Legal Department, informed the Council that the final documents for Twin Buttes Custom Homes, Inc. should be ready for approval by the October 1, 1999 Special Tribal Business Council meeting. The Board of Directors election process has begun and the election for the three Board of Directors to be elected by the Twin Buttes community members is scheduled for early November 1999.

C. Proposed Agreement with Stegner Phelps Architects, P.S., for Design of Twin Buttes Custom Homes Manufacturing Facility and Related Services – Review and Action.

Motion by Daylon Spotted Bear to approve the AIA with Stegner Phelps Architects in the amount of \$45,000.000 or 1% of total construction cost of the Twin Buttes Custom Homes Manufacturing facility and related services.

Second by Pete Hale.

Vote: 4 in favor, 3 opposed.

Motion Carried.

**J. In House Counsel Contract with Staff Attorney – Proposed Renewal
(Personnel Issue).**

Motion by Mark Fox to approve the proposed renewal the In House Counsel Contract with Staff Attorney Tom Disselhorst with the Three Affiliated Tribes for a 2-year term from 10-9-99 to 10-9-01 at the current rate of pay.

Second by Pete Hale.

Vote: 6 in favor, 1 opposed.

Motion Carried.

Resolution No. 99-179-DSB

L. Other Matters

1. Approval of Amended Gaming Compact

Motion by Mark Fox to pass a resolution that the Three Affiliated Tribes approve the amended Gaming Compact between the Tribe and the State of North Dakota.

Second by Marcus Wells, Jr.

Vote: 7 in favor.

Resolution No. 99-180-DSB

Press Release: The Legal Department will issue a press release regarding the dismissal of the Federal Lawsuit against the Tribe and another press release regarding the Tribal representatives', Mark Fox and Tom Disselhorst, involvement in the Gaming Compact negotiations with the State.

K. Temporary Appointment of Law Clerk – Tyra Wilkinson

Motion by Pete Hale to extend the appointment of Tyra Wilkinson as Law Clerk within the Legal Department until April 30, 2000.

Second by Thomas Bird Bear.

Vote: 5 in favor, 2 abstained.

Motion Carried.

E. Proposed Agreement with IN Control, Inc. for Installation and Operational Setup of Automation System for Four (4) Water Treatment Plants – Review and Action.

Motion by Marcus Wells, Jr. to approve the proposed agreement with IN Control, Inc. for the installation and operational setup of the automation system for four MR&I water treatment plants in the amount of \$217,000.00.

Second by Pete Hale.

Vote: 6 in favor, 1 opposed.

Motion Carried.

Resolution No. 99-181-DSB

G. Three Affiliated Tribes Membership in Northern Plains Intertribal Court of Appeals – Proposed Renewal.

Motion by Mark Fox to pass a resolution to renew the membership of the Three Affiliated Tribes in the Northern Plains Intertribal Court of Appeals for FY 2000 (October 1, 1999 to September 30, 2000) and to authorize payment of membership dues in the amount of \$1,000.00.

Second by Austin Gillette.

Vote: 7 in favor.

Resolution No. 99-182-DSB

H. Resolution Recognizing TAT's Support of and Participation in Stop Violence Against Indian Women Project Administered by ND Intertribal Court of Appeals – Action.

Motion by Mark Fox to pass a resolution to support the Northern Plains Intertribal Court of Appeal's discretionary grant award for Stop Violence Against Indian Women and to actively participate in the implementation of the program.

Second by Marcus Wells, Jr.

Vote: 7 in favor.

Resolution No. 99-183-DSB

I. Consultant Agreement for Provision of Legal Services to Child Protection Program – Proposed Renewal

Motion by Austin Gillette to extend Tom Gunderson's Consultant Agreement for the provision of legal services to the Child Protection Program up to December 31, 1999 at \$1,800 per month.

Second by Thomas Bird Bear.

Vote: 4 in favor, 3 abstained.

Motion Carried.

13. Maggie Yellow Bird - Roof Repairs

Motion by Mark Fox to approve roof repairs for Maggie Yellow Bird's home by prioritizing her under the FY99 Home Improvement Program.

Second by Pete Hale.

Vote: 7 in Favor.

14. BIA Contracting Resolution

Motion by Austin Gillette to pass the BIA Contracting resolution authorizing the repairs of BIA quarters.

Second by Thomas Bird Bear.

Vote: 7 in favor.

Motion Carried.

Resolution No. 99-184-DSB

15. National Council of American Indians (NCAI) Resolution

Motion by Mark Fox to pass a resolution in which the Tribal Business Council of the Three Affiliated Tribes endorses Chairman Tex Hall as candidate for President of NCAI scheduled for October 3, 1999.

Second by Pete Hale.

Vote: 6 in favor, 1 abstained.

Motion Carried.

Resolution No. 99-185-DSB

16. Adjournment

Motion by Pete Hale to adjourn the Special Tribal Business Council Meeting at 9:35 PM on September 23, 1999.

Second by Austin Gillette.

Vote: 7 in favor.

Motion Carried.

Next Special Tribal Business Council Meeting: October 1, 1999 at 1:00 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