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THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
REGULAR MEETING #99-23
DECEMBER 16, 1999

01. CALL TO ORDER AND PRAYER:

Chairman Hall called the meeting to order at 4:55 p.m., and asked for a moment of silence to remember all tribal members who are less fortunate and grieving.

02. ROLL CALL: Members present: Chairman Hall, Councilman Fox, Councilman Spotted Bear, Councilman Wells, Councilman Hale and Councilman Gillette.

Absent: Councilman Bird Bear.

03. ANNOUNCEMENTS:

- Tribal Education Meeting - December 08, 1999
- Native American Bank - November 30, 1999
- HUD Meeting in Denver, Colorado - November 17, 1999
- Bureau of Land Management Meeting - December 13, 1999
- Figure Four Ranch Report
- Indian Child Welfare Act appointment
- BIA/IHS Budget submittal
- TAT Toys for Kids
- Baby Moses
- Range Units
- Fort Berthold Team of the Century
- Four Bears Casino Loan Closing
- Senior Citizens Party December 17, 1999 - 520 Senior checks.
- Employee Christmas Party December 22, 1999
- BIA Consultation Rapid City, SD December 09, and 10, 2001.
- Great Plains Tribal meeting with President Clinton Jan/Feb. 2000.
- New Town Head Start facility will move to 4Bears Community Center.
 - CAM will build facilities
 - Scheduling of next meeting - 12-20-00 10:00 a.m.

04. APPROVAL OF THE AGENDA:

Councilman Gillette motioned to approve the agenda as amended. Seconded by Councilman Hale.

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

05. APPROVAL OF MINUTES:

- August 12, 1999: Councilman Fox motioned to approve the minutes as amended. Seconded by Councilman Spotted Bear.

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

- September 23, 1999: Councilman Gillette motioned to approve the minutes of September 23, 1999 as amended. Seconded by Councilman Fox.

- October 01, 1999:
Councilman Fox motioned to approve the minutes as amended. Seconded by Councilman Hale.

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

06. Dr. Biron Baker, M.D. RESOLUTION #99-250DSB:

Councilman Fox motioned to approve a loan/grant to Dr. Biron Baker subject to conditions. Seconded by Councilman Wells.

DISCUSSION: The Amount of \$10,000 provided to Dr. Biron Baker, will be forgiven at the rate of $\frac{1}{12}$ of \$10,000 per month of the time Dr. Baker serves as a primary care physician associated with the Minne Tohe Clinic. In the event Dr. Baker serves one full year with the clinic, the entire amount of the \$10,000 will be forgiven and treated as a grant. Should Dr. Baker leave the employ of the tribe prior to one year from the date of this resolution, he will owe the Tribe the difference between $\frac{1}{12}$ times \$10,000 times the number he served and \$10,000.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Absent. Motion carried.

07. ELDERLY ASSISTANCE PAYMENTS:

Councilman Fox motioned to authorize elderly assistance payments of \$500 to each of the 536 members of the Three Affiliated Tribes for a total amount of \$268,000. Seconded by Councilman Hale.

DISCUSSION: The \$268,000.00 are to be derived in the following respective amounts from the following sources:

\$86,811.00 FY 99 Docket 350-G (Excess Revenue) allocation to Senior Citizens.

\$69,068.64 FY 99 Docket 350-G Allocation to Senior Citizens

\$112,120.36 Four Bears Casino and Lodge revenues allocated to Elderly Program.

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

08. INTEL -FOODS CORPORATION RESOLUTION #99-249DSB:

Councilman Fox motioned to approve the Intel Foods project concept and authorize the Chairman to negotiate over the next 60 days with Intel Food Corporation with the goal of developing a final agreement and other documents as necessary to allow the proposal to enter into an agreement between Intel Foods and the Three Affiliated Tribes, subject to final approval by the Tribal Business Council, and to amend the resolution by omitting JTAC Language and change to "General Obligation of the Tribe." Seconded by Councilman Gillette.

DISCUSSION: Intel-Foods Corporation's proposal entails the formation of two new corporations. The First, Arikara Mills would be the processor of all products. The mill would acquire grain for processing and would custom process barley for Intel-Foods Corporation and Dakota Cereal on a contract basis plus other custom cleaning and milling jobs.

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VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Absent. Motion carried.

09. ANTELOPE SOCIETY - RESOLUTION #99-251DSB:

Councilman Wells motioned to approve \$7,500 for the Mid-Winter Pow-wow. Seconded by Councilman Hale.

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

10. WATER BUSTER SOCIETY - RESOLUTION #99-252DSB

Councilman Wells motioned to approve \$3,750 for spring ceremonies of the Water Buster Society. Seconded by Councilman Hale.

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

11. DEAD GRASS SOCIETY - RESOLUTION #99-253DSB:

Councilman Wells motioned to approve \$1,750 for fall ceremonies of the Dead Grass Society. Seconded by Councilman Hale.

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

WITHDRAWN MOTION: Councilman Wells and Councilman Hale withdrew their motion and second, Motion failed.

12. TOM KATUS ASSOCIATES INTERNATIONAL (TKAI) RESOLUTION #99-254DSB:

Councilman Hale motioned to execute a consultant agreement between the TAT and Tom Katus Associates International, Seconded by Councilman Wells.

DISCUSSION: The Contractual Consultant Agreement entered into is outlined below:

1. Make recommendations to upgrade customer service.
2. Perform an operational assessment, working with managements, the tribe and the Gaming Enterprises Board.

3. Assist with the implementation of the assessment recommendations, including assisting in the design and integration of the facilities of the 4Bears Casino and Lodge into a multi-purpose destination resort.
4. Update and revise the feasibility study for Beaver Creek Recreation Area (Lake Sakakawea Casino and Resort Project of Dale Little Soldier.)
5. Assist in coordinating vendors for Casino in order to minimize expenses and maximize services rendered.

RETRACT SECOND: Councilman Wells retracted his second and motion dies.

2ND MOTION: Councilman Hale motioned to execute an amended consultant agreement between the TAT and Tom Katus Associates International, on a fixed cost basis in the amount of \$60,000 as described in the Agreement, with services pursuant to said agreement commencing on December 17, 1999. Seconded by Councilman Wells.

DISCUSSION: The Contractual Consultant Agreement entered into is outlined below:

1. Make recommendations to upgrade customer service.
2. Perform an operational assessment, working with managements, the tribe and the Gaming Enterprises Board.
3. Assist with the implementation of the assessment recommendations, including assisting in the design and integration of the facilities of the 4Bears Casino and Lodge into a multi-purpose destination resort.
4. Update and assist in implementation of a coordinated strategy for completion of the major components of the expansion of the 4 Bears Casino and Lodge.

5. Assist in coordinating vendors for Casino in order to minimize expenses and maximize services rendered.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 2 Absent.
Motion carried.

13. KROSUNSKY KRANK ERICKSON ARCHITECTS:

Councilman Fox motioned support the Gaming Executive Boards decision on the selection of Krosunsky, Krank, Erickson Architectural Firm for the expansion of the 4Bears Casino and Lodge. Seconded by Councilman Gillette.

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

14. WHITE SHIELD AMBULANCE CONTRACT:

Councilman Gillette motioned approve a contract with the Garrison Ambulance District in the amount of \$16,000 for Ambulance Service for the White Shield Area. Seconded by Councilman Wells.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Absent. Motion carried.

15. ASSOCIATE JUDGE - RESOLUTION #99-255DSB

Councilman Fox motioned to appoint P. Diane Johnson, B.J. Jones, Dean Winkjer, and Terry Pechota to serve as Associate Judges in the Fort Berthold District Court during calendar year 2000. Seconded by Councilman Spotted Bear.

DISCUSSION: The Tribal Business Council directed the Fort Berthold District Court to prepare appropriate consultant agreements for the respective appointees identified and to specify that the rate of compensation shall be \$500 per day per court session, in addition to reimbursement of documented travel.

VOTE: 4 Ayes, 1 Nay, 1 Abstention, 1 Absent. Motion carried.

16. DELINQUENT LOANS STATUTE:

Councilman Wells motioned to renegotiate a promissory note with John Fredericks Jr., in the event of non-cooperation the Tribe will pursue all delinquencies within the statute of limitations. Seconded by Councilman Gillette.

DISCUSSION: Opportunities to settle payments will be offered to all members who owe delinquent compensation to the Tribe.

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

B. ATTORNEY DELINQUENCY

Councilman Gillette motioned to direct the Legal Department to seek private attorneys within two weeks to aggregate the delinquencies. Seconded by Councilman Fox.

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

17. DAN ISRAEL - RESOLUTION #99-256DSB:

Councilman Fox motioned to approve the resolution which executes a two year contract between Dan Israel and the TAT, commencement date of April 16, 1999 for two years, with more extensive duties and responsibilities at \$130 per hour, not to exceed \$45,000 a year for 2 years, to be paid back from the BIA, for a total amount of \$90,000, also for the period of April through November, \$24,500 for fees and expenses. Seconded by Councilman Hale.

DISCUSSION: Dan Israel, P.C., will continue to work on the North Dakota Water Rights Reservation Bill, Corps of Engineers and the Four Bears Bridge Work.

18. REFERENDUM ELECTION ON PROPOSED JTAC PLAN:

Kip Quale, Legal Department presented to the Tribal Business Council the copies of the Referendum Election Ordinance and Resolution 99-234JPH for the purpose of setting a date for the referendum election on the proposed JTAC Plan.

Mr. Quale informed the Council that the election would be done exclusively by mail, which involves mailing out 6,000 notices of election. The 120th day of passage of Resolution No. 99-234JPH falls on March 31, 2000 which is the deadline date to hold the referendum election.

MOTION: Councilman Gillette motioned to approve March 08, 2000 as the date to hold the referendum election on the proposed JTAC Plan pursuant to Resolution No.99-234JPH. Seconded by Councilman Wells.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Absent. Motion carried.

19. TWIN BUTTES CUSTOM HOMES INC:

Councilman Hale motioned to appoint Marcus Wells, Jr., Pete Hale, and Daylon Spotted Bear to serve on the Board of Directors for the Twin Buttes Custom Homes Inc. Seconded by Councilman Spotted Bear.

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

19. SOCIAL SERVICE CONSULTANT: Tom Gunderson

Councilman Hale motioned to extend Tom Gunderson's consultant agreement for 60 days with the Three Affiliated Tribes Child Protection Program. Seconded by Councilman Fox.

VOTE: 4 Ayes, 1 Nay, 1 Abstention, 1 Absent. Motion carried.

20. ALL NATIONS FINANCIAL REQUEST RESOLUTION #00-257DSB:

Councilman Hale motioned to approve a financial assistance request from All Nations Basketball Classic for \$1,000 and \$250 for all Jr. High teams that are attending the All Nations Tournament. Seconded by Councilman Wells.

VOTE: 6 Ayes, 0 Nays, 0 Abstention, 0 Absent. Motion carried.

21. RETIREMENT RESOLUTION #99-258DSB:

Councilman Gillette motioned approve Resolution No. 99-258DSB, which amends Article VII, Section 7.9 Subsection (f) which states" loans shall not be made to a participant if a prior loan is currently outstanding to read as follows: multiple loans may be made to a qualified participant, not to exceed 50% of employee/employer vested balance. Seconded by Councilman Hale.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Absent. Motion carried.

22. RESOLUTION #99-259SB: TYPO CORRECTION

Councilman Gillette motioned to amend Resolution No. 99-259DSB, by correcting the typo which is: \$259.60 to \$269.70. Seconded by Councilman Hale.

VOTE: 3 Ayes, 3 Nays, 1 Abstention 1 Absent. Motion carried.

23. PAULA DANKS TRANSFER STATUS: Personnel Matter

24. RESOLUTION 399-260DSB: GENERAL TRUST PRIME TASK FORCE:

Councilman Hale motioned to support the formation of a National Task Force to consider appropriate responses on a national basis to the Bureau's proposed policy changes to "General Trust Principals" set for the in the Bureau's memorandum of November 15, 1999, and further urges the Great Plains Regional Tribal Chairman's Association to establish a working group to develop responses to the proposed policy changes. Seconded by Councilman Gillette.

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

25. GAS TANK:

Councilman Hale motioned to approve the purchase of a gas tank for a 1000 gallon gas tank for the Mandaree area. Seconded by Councilman Gillette.

DISCUSSION: The labor & material to set up a temporary 1000 gallon fuel tank and pump at Mandaree, for a total price of \$2,000. The price does not include electrical.

VOTE: 5 Ayes, 0 Nays, 1 Abstention, 1 Absent. Motion carried.

26. LETTER TO POMEROY FOR CHAIRMAN SIGNATURE:

Councilman Gillette motioned to direct the Chairman to send a letter to Congressman Pomeroy in response to Ambrose Phelan's concerns, and to FEMA for consideration. Seconded by Councilman Hale.

DISCUSSION: The minutes and necessary documentation should be attached to the letter.

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

27. AMBROSE PHELAN REQUEST:

Councilman Hale motioned to approve the payment of \$530 to Clarence and Polly Messer to move Ambrose Phelan's trailer.

DISCUSSION: The trailer will be moved past the St. Anthony's Catholic Church 7 miles and 2 miles south.

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

28. ENOLA POND SMALL LOAN:

Councilman Fox motioned to approve an educational loan in the amount of \$1000 to Enola Pond on behalf of her son, Matthew who is an undergraduate student. Seconded by Councilman Hale.

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

29. MURIEL FOX/CLARYCE BIG BACK MEDICAL GRANT:

Councilman Wells motioned to approve a \$250 medical grant to Mariel Fox and a \$250 medical grant to Clarice Big Back to

accompany her sister for travel to Rochester, Mn., for oncology treatment. Seconded by Councilman Spotted Bear.

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

30. CHARLES BLAKE SMALL LOAN:

Councilman Wells motioned to approve a \$500 Small Loan to Charles Blake for transport and set-up a mobile home. Seconded by Councilman Hale.

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

31. MAURICE MARVIN DANKS BUSINESS LOAN RESOLUTION #99-261DSB:

Councilman Spotted Bear motioned to approve a Business Development loan of \$7,500, with an APR of 8.50% to be paid in full within 30 days. Seconded by Councilman Fox.

DISCUSSION: The loan will be secured by available monies from his 401K plan in the amount of \$21,300, by having the payee as the Three Affiliated Tribes and Maurice Marvin Danks.

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

32. REZ CHURCHES:

Councilman Spotted Bear motioned to authorize a \$250 grant to churches in each community on Fort Berthold Reservation if they submit a request with an attached budget. Seconded by Councilman Hale.

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

33. MELVA WARREN RESOLUTION #99-262DSB:

Councilman Hale motioned to appoint Melva Warren as a Director on the Fort Berthold Communications Enterprise Board of Directors. Seconded by Councilman Spotted Bear.

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VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Absent. Motion carried.

34. GLEND A EMBRY RESOLUTION #99-263DSB:

Councilman Hale motioned to appoint Glenda Embry as a Director on the Fort Berthold Communications Enterprise Board of Directors. Seconded by Councilman Spotted Bear.

VOTE: 4 Ayes, 0 Nays, 2 Abstentions, 1 Absent. Motion carried.

35. WHITE SHIELD STOVE:

Councilman Gillette motioned to purchase stoves for the White Shield and Parshall Senior Citizen Centers. Seconded by Councilman Hale.

DISCUSSION: A resolution will be submitted on December 21, 1999 to include the Mandaree and New Town Senior Citizens Centers.

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

36. ADJOURNMENT:

Councilman Gillette motioned to adjourn the meeting at 3:00 a.m. Seconded by Councilman Hale.

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

Respectfully submitted,

Ardel Jean Baker, Transcriber
Recording Secretary

Date

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Marcus, Wells, Jr., Executive Secretary
Tribal Business Council
THREE AFFILIATED TRIBES

Date

ATTEST:

Tex G. Hall, Tribal Chairman
Tribal Business Council
THREE AFFILIATED TRIBES

Date