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THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING # 21  
JUNE 28, 2001

01. CALL TO ORDER AND PRAYER

Chairman Hall called the meeting to order at 10:50 a.m. and asked all present to offer a silent prayer for members who are ill, grieving and less fortunate.

02. ROLL CALL:

Members present: Councilman Spotted Bear, Councilman Wells, Jr., Councilman Gillette, Councilman Wolf and Chairman Hall. Councilman Phelan (10:55 a.m.) Councilman Fox. (11:1 a.m.) A quorum was established with five members present at the beginning of the meeting.

03. APPROVAL OF THE AGENDA:

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

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

04. FEDERAL GOVERNMENT BIA RESOLUTION #01-152MWJR:

Councilman Gillette motioned the Tribal Business Council seek the assistance of the North Dakota Congressional Delegation to ensure the Three Affiliated Tribes are reimbursed their funds spent upon fulfilling the United States Government obligation.

DISCUSSION: The Tribal Chairman, Treasurer, Legal Department and Finance Staff were directed to follow through with this request until reimbursement of owed indirect cost funds are fully reimbursed.

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

05. COPS FAST PROGRAM:

Councilman Fox motioned to direct the CEO to prepare a resolution requesting Department of Justice program to amend language in the grant which will allow the Tribe to utilize funding for existing officers on a three year extension. Seconded by Councilman Gillette.

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VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

06. COPS FAST POLICE TRAINING CONTRACT:

Councilman Phelan motioned to approve the contractual agreement proposing a future employment requirement clause. Seconded by Councilman Fox.

DISCUSSION: A pre-employment contract for the Cops Fast Training Program will be drafted by Legal Council, Gary Beaudry specifying a one year employment requirement.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

07. EXECUTIVE COMMITTEE ACTIONS:

08. PERSONNEL MATTERS: CLOSED SESSION

09. FOUR BEARS BRIDGE MOA STATE OF ND:

Councilman Wells, Jr., motioned to approve a memorandum of understanding regarding a \$44 Mil Project in the New Town/Little Shell area. Seconded by Councilman Fox.

VOTE: 5 Ayes, 2 Nays, 0 Abstentions, 0 Absent. Motion carried.

10. NORTH SEGMENT COMMUNITY BUILDING:

Councilman Wolf motioned to approve the project in the New Town/Little Shell Segment for a \$3,200,000 Project - to be advertised for Bid pursuant to the Federal Regulations. Seconded by Councilman Gillette.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

11. TWIN BUTTES CUSTOM HOMES: RESOLUTION #01-153MWJR:

Councilman Gillette motioned that for the benefit of the Twin Buttes Custom Homes, inc., the Tribal Business Council agrees to provide a limited waiver of sovereign immunity for

such contracts as may be awarded to TBCH, under Section 8(a) program of the United States Small Business Administration, it being understood that the waiver of sovereign immunity granted specifically limited to the obligations incurred by TBCH under any Section 8(a) contact that may be awarded. Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

12. MIS EQUIPMENT: RESOLUTION #01-154MWJR.

Councilman Wells, Jr., motioned that the Tribal Business Council approve the purchase of the necessary equipment and material in the amount of \$20, 975.00, for the MIS program to be appropriated from the Tribal General Fund revenue, and reimbursed from grants submitted by the CEDS Department. Seconded by Councilman Phelan.

VOTE: 4 Ayes, 0 Nays, 3 Abstentions, 0 Absent. Motion carried.

13. POLICY OF OFFICIALLY PRACTICING LAW:

Councilman Gillette motioned to direct the legal department to research the Tribal Code and statutes if there is an eligibility status for legal research and for unlicensed legal advocates practicing law on the Fort Berthold Indian Reservation. Seconded by Councilman Phelan.

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

14. L.A. OLSON/DENBY DEEGAN:

Councilman Gillette motioned to pay \$12,000 to LA Olson Architectural Firm and enter into a contract with Mr. Denby Deegan to develop the conceptual drawings for the Interpretive Center, with the budget not to exceed \$14,000. Seconded by Councilman Wells, Jr.

VOTE: 5 Ayes, 0 Nays, 2 Abstentions, 0 Absent. Motion carried.

15. KELLER PAVING:

Councilman Gillette motioned to approve parking lots for White Shield Clinic and White Shield trailer park, Parshall clinic, Social Services building and the TAT Tribal Administration Building at \$150,000. Seconded by Councilman Wells.

DISCUSSION: The cost of the paving project will come from the General Fund Account.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

16. KELLER PAVING OR NORTHERN IMPROVEMENTS:

Councilman Gillette motioned to direct Paul Danks to assist Councilman Phelan in getting bids for Mandaree and Four Bears Paving Projects. Seconded by Councilman Well, Jr.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

17. BEEF PROCESSING PLANT IN PARSHALL:

Councilman Phelan motioned to direct the CEDS Office to explore grants and seek funds to conduct a feasibility study for a feedlot to be located in the Parshall/Lucky Mound area. Seconded by Councilman Fox.

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

18. USDA RURAL DEVELOPMENT: RESOLUTION #01-155MWJR:

Councilman Fox motioned the Three Affiliated Tribes authorize the Independence Program to apply for the 1% loan through Rural Development's Rural Business-Cooperative Service Intermediary Relending Program. Seconded by Councilman Wells, Jr.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion

carried.

19. NATIONAL ENDOWMENT FOR THE ARTS: RESOLUTION #01-156MWJR:  
Councilman Gillette motioned that the Tribal Business Council authorize the Tourism and Independence Program to develop cultural heritage preservation and cultural interpretation initiatives for the MHA Nation. Seconded by Councilman Phelan.

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

20. BOND FINANCING HUD 184: RESOLUTION #01-163MWJR:  
Councilman Phelan motioned to endorse and support the professionals in their preliminary effort securing bond financing for new housing within the Reservation. Seconded by Councilman Spotted Bear.

DISCUSSION: The Tribal Business Council wishes to enlist the assistance of bond attorney, Patrick Ray of Kutak Rock LLP, investment banker, Robert Sonnek of US Bancorp Piper Jaffray, and other such finance professionals as are deemed appropriate (the "Professionals") by Tribal Designees and Mr. Ray and Mr. Sonnek. The Tribe recognizes that alternative financing efforts may be the most effective way to address the severe housing shortage on the Reservation that cannot be adequately remedied with the current level of direct federal funding.

VOTE: 4 Ayes, 2 nays, 0 Abstention, 1 Absent. Motion carried.

21. NATURAL RESOURCES - LAND SALES: RESOLUTIONS #01-158MWJR - #01-162MWJR:  
Councilman Gillette motioned to approve the following land sales:

- A. Resolution #01-158mwjr: Meredith Irwin
2. Resolution #01-159MWJR: Christine Mann
3. Resolution #01-160MWJR: Newton Burr
4. Resolution #01-161MWJR: Rachel Burr

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5. Resolution #01-162MWJR: Florence Burr  
6. Resolution #01-163MWJR: Marilyn Ogden  
Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.

22. SMALL LOANS

Councilman Gillette motioned to defer all loan applications until further notice because of cash flow concerns.  
Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried

23. HOWARD FETTIG:

Councilman Wells motioned to approve a farm and pasture lease between Howard Fettig and the Tribe on T666A for a 10 year plan which includes: \$3.50 for 5 years; \$10 for 6<sup>th</sup> and 7<sup>th</sup> year; \$11 for 8<sup>th</sup> year; \$12 for 9<sup>th</sup> and \$13 for 10<sup>th</sup> year. Seconded by Councilman Phelan.

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

24. ROBYN KEYES REQUEST:

Closed Session

25. KATHLEEN SMITH DELORESA - SMALL LOAN:

Councilman Wells motioned to approve a \$500 emergency loan for Kathy Smith Delerosa and to defer the 1<sup>st</sup> payment, and a wage deduction from her employment to begin on August 1, 2001. Seconded by Councilman Wolf.

MOTION: 3 Ayes, 0 Nays, 2 Abstention, 2 Absent. Motion carried.

26. ADJOURNMENT:

Councilman Gillette motioned to adjourn the meeting at 10:17 p.m. Seconded by Councilman Wells.

