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**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
SPECIAL MEETING NO. 27  
SEPTEMBER 19, 2001**

01. **CALL TO ORDER:**  
Chairman Hall called the meeting to order at 11:13 a.m. Councilman Wolf gave the invocation in the Hidatsa language.
02. **ROLL CALL:**  
Members present: Chairman Hall, Councilman Gillette, Councilman Phelan, Councilman Wells, Councilman Wolf, Councilman Spotted Bear, and Councilman Fox.
03. **APPROVAL OF THE AGENDA:**  
Councilman Phelan motioned to approve the agenda with additions and amendments. Seconded by Councilman Wells.
- VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent. Motion carried.**
04. **CHAIRMAN'S REPORT:**
05. **I-KI-PI GRANT APPLICATION RESOLUTION NO. 01-227MWJR:**  
Councilman Wells motioned that the I-KI-PI Program's North Dakota Native American Drug and Alcohol Prevention Grant of \$20,000, be transferred to the Fort Berthold Housing Authority, subject to legal review and the concurrence of the TAT Contracting Officer. Seconded by Councilman Fox.
- DISCUSSION: The Tribal Business Council does direct to the Fort Berthold Housing Authority all of the responsibility for the fiscal and administrative management of the I-KI-PI Program's grant received annually by the Three Affiliated Tribes.**
- VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent. Motion carried.**
06. **NORTHERN LIGHTS APARTMENT COMPLEX**  
Councilman Wolf motioned to authorize the Northern Lights Sub-division to utilize the tribal scraper for the site preparation. Seconded by Councilman Gillette.
- DISCUSSION: The site preparation will take only a few days and the scraper will be returned to the Roads Department.**

The Tribal Business Council approved of a FY02 Work Schedule for the Roads Department, in view of this, Councilman Wolf will coordinate with the Public Works Administrator so it will not interfere with the schedule.

A personnel matter regarding the Roads Department was discussed. The newly hired Assistant Public Works Administrator will evaluate the program and have some recommendation for personnel changes within 60 days.

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

**07. APPROVAL OF MINUTES:**

**AUGUST 09, 2001:**

Councilman Gillette motioned to approve the August 09, 2001 Tribal Business Council Meeting minutes as amended. Seconded by Councilman Phelan.

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

**MOTION TWO:**

Councilman Phelan motioned to approve the August 14, 2001 Tribal Business Council Meeting minutes as amended. Seconded by Councilman Wells.

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

**08. FOUR BEARS COPS FAST OFFICER**

Councilman Gillette motioned to accept the resignation of Jay Standish from the COPS FAST Program. Seconded by Councilman Wells.

**DISCUSSION:** Jay Standish will be working with the BIA Law Enforcement in New Town, North Dakota.

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

**09. FOUR BEARS COPS FAST OFFICER**

Councilman Wells motioned to hire Nelson Heart, Jr. as the Police Officer/Cops Fast Program for the Four Bears area, subject to the background check. Seconded by Councilman Wolf.

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

07. **PERSONNEL POLICY AND PROCEDURES**

Councilman Phelan motioned to table the draft presentation by Florence Brady and Tom Deselhorst until the Meeting on September 20, 2001 at 10:00 a.m. Seconded by Councilman Gillette.

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

08. **NORTH SEGMENT RURAL DEVELOPMENT APPLICATION:**

Councilman Phelan motioned to preliminary approve of the proposed resolution for \$2,500,000 loan package to be brought to the Tribal Business Council on September 20, 2001. Seconded by Councilman Wolf.

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

09. **REQUESTS FOR SMALL LOANS:**

**TWYLA BAKER**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**KEVIN BAKER**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**PAT WILKINSON:**

Councilman Gillette motioned to approve a \$2,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**IVA GILLIS:**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**SHARON FIMBRES:**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**EVELYN WOUNDED FACE:**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**LAURA YOUNG**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**JACKSON RIPLEY:**

Councilman Gillette motioned to approve a \$2,000 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**DAYLON SPOTTED BEAR:**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**TWILA FOX:**

Councilman Gillette motioned to approve a \$2,000 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**TERRANCE RED FOX:**

Councilman Gillette motioned to approve a \$3,000 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**DONAVAN DIXON:**

Councilman Gillette motioned to approve a \$3,500 Small Loan, subject to the requirements of the program. Seconded by Councilman Wolf.

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

**ADAM TONY MANDAN:**

Councilman Gillette motioned to approve a \$1,800 Small Loan, subject to the requirements of the program. Seconded by Councilman Wells.

**DISCUSSION:** The loan was approved to help defray the hook-up costs for a cistern.

**VOTE:** 7 Ayes, 0 Nays, 0 Abstention, 0 Absent. Motion carried.

**DARLENE MEYERS:**

Councilman Gillette motioned to authorize refinancing \$450, which is the balance of a prior loan, and approve a \$500 Small Loan to Darlene Meyers for a ending loan balance of \$950. Seconded by Councilman Fox.

**DISCUSSION:** The actual amount Mrs. Meyers will receive is \$500.

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

**BONITA MORIN**

Councilman Fox motioned to approve a \$3500 loan and a \$3500 grant for Bonita Morin, subject to the requirements of the Small Loan Program and the Business Development Plan. Seconded by Councilman Phelan.

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

**GEORGE CLAYTON, JR.**

Councilman Fox motioned to approve a \$3500 loan and a \$3500 grant for George Clayton, Jr, subject to the requirements of the Small Loan Program and the Business Development Plan. Seconded by Councilman Phelan.

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

**LEO LOCKWOOD – DAKOTA DRIVE**

Councilman Fox motioned to approve a \$3500 loan and a \$3500 grant for Leo Lockwood, subject to the requirements of the Small Loan Program and the Business Development Plan. Seconded by Councilman Phelan.

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

**COLBY LITTLE SOLDIER:**

Councilman Fox motioned to approve a \$3500 loan and a \$3500 grant for Colby Little Soldier, subject to the requirements of the Small Loan Program and the Business Development Plan. Seconded by Councilman Phelan.

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

**10. LAW ENFORCMENT CONTRACTING**

**Councilman Phelan motioned to send a letter of intent to the Bureau of Indian Affairs informing them that the TAT is considering contracting the Law Enforcement Department under P.L. 638. Seconded by Councilman Wells.**

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

**11. THERESA CHARGING**

**Councilman Phelan motioned to direct the Natural Resources Department to get an appraisal on her HUD home located in the White Shield area. Seconded by Councilman Wolf.**

**DISCUSSION:** A Tribal Elder is offering first opportunity to the Tribe to purchase her home. The three bedroom newly renovated full basement house is located in White Shield on her land. Whoever purchases the house will have to relocate it to another site. The appraisal cost will be deducted from the cost of the home if purchased. This item will be placed on the October 11, 2001 agenda for discussion.

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

**12. FOUR BEARS CASINO AND LODGE: RESOLUTION NO. 01-228MWJR./**

**RESOLUTION NO. 01-229MWJR Councilman Wells motioned to refinance the debt with Miller Schroeder, and to approve Resolution #01-228MWJR which is a taxable loan in the amount of \$15,000,000 and Resolution #01-229MWJR Tax-exempt in the amount of \$5,500,000. Seconded by Councilman Wolf.**

**DISCUSSION:** The amendment will include the language: "sovereign immunity limited to the amount of the loan." Legal Counsel Beaudry will redraft the resolutions with the amendments and submit to the Executive Secretary for signature.

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

***MOTION TWO:*** Councilman Gillette motioned that the Tribe and its Legal Department research along with the assistance of Patti Fredericks, the tribe's ability to issue tax exempt bonding authority similar to local municipalities and States through bonds and that a resolution be ready for review on October 11, 2001. Seconded by Councilman Spotted Bear.

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

**INTERIM LOAN:** At the request of the borrower, MM&S will arrange for, on a best efforts basis, an Interim Loan in the amount of \$3,000,000, plus the cost of issue to be funded within 2 weeks of engagement.

The Interim loan will be offered with the same security as quoted for the Taxable Loan. The interest rate for the interim loan will fix at 7% with a term of 6 months. Reference: written agreement MM&S, September 14, 2001.

13. **IIM AND TRUST RECORDS RESOLUTION NO. 01-230MWJR:**  
Councilman Gillette motioned to approve Resolution No. 01-230 which states: that the Three Affiliated Tribes does formally prohibit the removal of original Individual Indian Money records of enrolled members of the Tribes and Tribal trust records from the Fort Berthold Indian Agency building in New Town, North Dakota by Tribal or BIA officials or employees. Seconded by Councilman Phelan.

**DISCUSSION:** It has come to the attention of the Tribal Business Council that some of the original IIM records of members of the Tribes and Tribal trust records that were to be maintained at the Fort Berthold Agency building have apparently been lost or destroyed.

Due to the mismanagement of these records through either the loss or destruction thereof by the Fort Berthold Agency, the Tribal Business Council deems it necessary to take formal action in an effort to protect such critical records from further loss or destruction. A copy of the resolution will be sent to Cora Jones, at the Bureau of Indian Affairs in Aberdeen, South Dakota.

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

14. **MANDAREE STREET PROJECT RESOLUTION #01-231MWJR:**  
Councilman Gillette motioned to authorize and direct the Tribal Chairman to initiate negotiations with the Bureau of Indian Affairs for the purpose of formally modifying P.L. 93-638 Contract No. A002500212 to delete the Mandaree Hill Road (BIA Route 12) project and substitute an alternative project involving the improvement of BIA Route 30, commonly known as the Figure 4 Road. Seconded by Councilman Phelan.

**DISCUSSION:** The Three Affiliated Tribes entered into P.L. 93-638 Contract with the Bureau of Indian Affairs for the project denominated as the Mandaree Housing Street Project, which included construction involving the so-called Mandaree Hill Road (BIA Route 12).



**The Bureau failed to secure all necessary rights-of-way and easements for the Mandaree Hill Road construction prior to entry into the P.L. Contract and the final offer recently made by the Bureau as consideration for the respective rights-of-way and temporary construction easements traversing the remaining four tracts was not accepted by the landowners by the deadline established for acceptance of the offer.**

**If additional monies are remaining, they are to be used for paving the Mandaree Community Center and pow-wow grounds.**

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

- 16. TRIBAL ROADS HIGHWAY ORDINANCE RESOLUTION  
Councilman Gillette motioned to defer the Tribal Roads Highway Ordinance and bring back for action on October 11, 2001. Seconded by Councilman Phelan.**

**DISCUSSION: The Assistant Public Works Administrator will be included in this review.**

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

- 17. INDIAN CHILD WELFARE CONFERENCE:  
Councilman Gillette motioned to authorize payment of \$6,807.20 for the Sacred Child Conference from the contract programs of the Tribe in their line items for training that has not been utilized. Seconded by Councilman Phelan.**

**DISCUSSION: The conference is scheduled for the first week in October 2001. Pat Wilkinson and Finance will contact and negotiate with the contract people.**

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

- 18. DEPARTMENT OF JUSTICE GRANT RESOLUTION 01-232MWJR:  
Councilman Fox motioned to extend a contract with Al Nygaard Consulting for 6 months not to exceed \$6,000, such contract to expire on March 30, 2002, for the purpose of assisting the Law Enforcement Center development as Project Coordinator. Seconded by Councilman Wolf.**

**DISCUSSION:** The Law Enforcement Center Planning Committee Chairman shall remain authorized to sign the consultant agreement and other necessary documents to assist in the planning and development process. The Department of Justice will only reimburse actual expenditures, and the cost will be allocated from the Escrow Account of DOJ.

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

19. **TRIBAL VETERANS PROGRAM RESOLUTION #01-233MWJR:**  
Councilman Phelan motioned to direct the Tribal Veteran's Office to research the costs to establish an outreach office in all of the districts, to include \$5,000 seed monies for each of the segments in the FY02 budget, and that segments be treated equally for additional dollars for Veterans Outreach Offices that will fall under the direct supervision of Thomas Crows Heart, Director of the TAT Veterans Program and to have the CEDS Planning Department apply for grants to establish such a program. Seconded by Councilman Fox.

**DISCUSSION:** During the budgeting process, all segments will be given an opportunity to have an appropriation of \$5,000.

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

20. **TRIBAL VETERANS PROGRAM VEHICLE:**  
Councilman Fox motioned to direct Administration/Property & Supply to acquire a tribal vehicle for the TAT Veterans Service Program to enable the program to provide transportation services for Veterans. Seconded by Councilman Gillette.

**DISCUSSION:** Two of the 180 tribally owned vehicles will be assigned to the Veterans Program to save on mileage costs. In view of this, two vehicles assigned to employees whose positions don't require transportation services will have to be reassigned.

James Bear's request for reimbursement of his individually vehicle repair costs will be addressed on October 11, 2001. The Travel Officer enforces travel policies and should be consulted before over ruling his decision.

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

21. **GLORIA POITRA FINANCIAL REQUEST:**  
Councilman Gillette motioned to approve of the financial request for Gloria Poitra from Social Services Contract Funds. Seconded by Councilman Phelan.

**DISCUSSION:**

Although the request was for \$3,000, the Chairman entertained a motion that didn't specify an amount because the Programs Manager will have to decipher what services are immediate, what can be covered, and what can't be covered under the 638 Social Service budget carry-over funds.

Pat Wilkinson will assist the Social Service Director in researching the 638 Contract dollars for realigning or reassigning funds more attainable for tribal members needs. She will also assist the family with sending in an appeal to Indian Health Services regarding the denial for payment of services. Gloria Poitra will have until October 16, 2001 to appeal Indian Health Services decision.

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

22. **EMERGENCY MEDICAL GRANT:**

Councilman motioned to approve an emergency medical grant of \$750 for Marsha Azure to accompany her daughter Rose Ogden to Rochester, Minnesota for a transplant operation. Seconded by Councilman Wolf.

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

23. **EDUCATIONAL INTERNSHIP GRANT: Candy Mossett**

Councilman Fox motioned to approve a \$500 educational grant for Candy Mossett to travel to Big Bend, Texas for an internship. Seconded by Councilman Phelan.

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

24. **NORTHERN PLAINS INTERTRIBAL COURT OF APPEALS**

Councilman Fox motioned to approve Resolution No. 01-233MWJR, which reads to renew the membership of the Three Affiliated Tribes for two years, and to direct payments of \$1,000 be made at appropriate times. Seconded by Councilman Wolf.

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

25. **SOCIAL SERVICES /CHILD WELFARE /CHILD PROTECTION PROGRAM:**

Councilman Spotted Bear motioned for renewal of the consultant agreement for Tom Gunderson, Esq., to act as legal counsel for the Child Protection Program. Seconded by Councilman Fox.

**DISCUSSION:** The consultant agreement will expire as of September 30, 2001.

**VOTE:** 1 Aye, 2 Nay, 3 Abstentions, 1 Absent. Motion failed.

- 26. LEGAL COUNSEL FOR SOCIAL SERVICE/CHILD WELFARE:**  
Councilman Gillette motioned that Mr. Kip Quale, Esq. as supervising Legal Counsel, assign Tyra Wilkinson to represent the Child Welfare Program on an as needed basis. Seconded by Councilman Fox.

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

- 27. EDUCATION LINE ITEM:**  
Councilman Gillette motioned to authorize additional \$100,000 to the Higher Education line item until the tribe receives the FY02 funding. Seconded by Councilman Fox.

**DISCUSSION:** The accelerated program students requesting funding for the tuition, books and fees will be deferred until the budget is approved on September 27, 2001 Tribal Business Council Meeting. Pat Wilkinson will prepare a letter to Martha Hunter, Higher Education requesting a response of these requests.

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

- 28. BNC BANK/EASI PROPOSAL:**  
Councilman Phelan motioned to approve of an additional cost to Brad Scott in the amount of \$2,500 for the work performed on the EASI Financial Review. Seconded by Councilman Gillette.

**DISCUSSION:** Previously by resolution an amount of \$5,000 was authorized but because of the additional work included, he is asking for an additional \$4,000.

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

- 29. LEWIS AND CLARK COMMITTEE:**  
Councilman Wells motioned to approve travel in the amount of \$777 for Gail Baker to travel to Material Culture of the Great Plains /Customs Conference in Great Falls, Montana, September 20-24, 2001. Seconded by Councilman Phelan.

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

30: REQUEST TRAVEL PAYMENT TO HAWAII:

Jason Two Crow will submit a budget for travel to attend AWISTA Conference that will be held in Hawaii with the Chairman and the Treasurer to review. AWISTA is a business housing conference, so they're paying a percentage of it and he is asking the tribe to pay the difference.

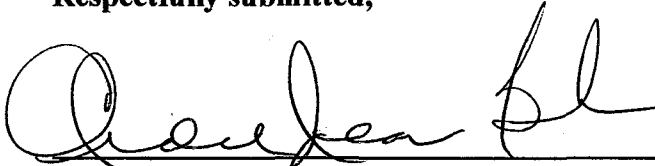
VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent. Motion carried.

31. ADJOURNMENT:

Councilman Gillette motioned to adjourn the meeting at 10: 20 p.m.  
Seconded by Councilman Phelan.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 1 Absent. Motion carried.

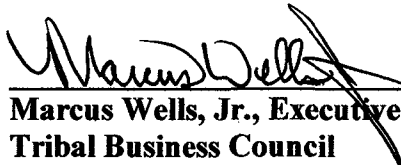
Respectfully submitted,



Ardel Jean Baker, Recording Secretary  
Executive Secretary Office  
Three Affiliated Tribes

11-08-01

Date



Marcus Wells, Jr., Executive Secretary  
Tribal Business Council  
Three Affiliated Tribes

11-8-01

Date

ATTEST:

\_\_\_\_\_  
Tex G. Hall, Chairman, Tribal Business Council  
Three Affiliated Tribes

\_\_\_\_\_  
Date